

Report of the 8th Session of the Sub-Regional Advisory Committee Meeting (SURAC)

Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion (GMS TRIANGLE Project)

10-11 June 2013
Bangkok, Thailand

The SURAC (Subregional Advisory Committee) meeting has served as an ILO platform for tripartite constituents to share information and experiences, and provide guidance on labour migration management and anti-trafficking efforts for over ten years. The SURAC was first established in 2001 as an informal meeting between senior advisors, to provide inputs on labour trafficking interventions and to stimulate thinking on sub-regional initiatives. At the 3rd SURAC meeting in September 2005, the meeting was restructured as a tripartite labour mechanism to coordinate country-specific action on human trafficking. The primary objective of the 6th SURAC meeting in November 2009 was to provide feedback on the design of Tripartite Action to Protect and Promote the Rights of Migrant Workers within and from the Greater Mekong Subregion (GMS TRIANGLE project).

The GMS TRIANGLE project is a five-year program that 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.

The objective for the 8th session of SURAC was to share information, report on progress and explore future cooperation among tripartite constituents and other key partners in the GMS and ASEAN regions. More specifically, the meeting provided an opportunity to:

1. Share information about national developments and project progress with constituents and project partners;
2. Strengthen in-country, bilateral and regional cooperation between tripartite constituents and project partners (NGOs, research institutions and other stakeholders), and identify shared priorities for the coming 18 months; and
3. Discuss key findings and strategize to develop responses to the recommendations of the GMS TRIANGLE mid-term evaluation.

A total of 58 representatives from governments, employers' and workers' organizations, civil society organizations and research institutions participated in the meeting, including, for the first time, representatives from Myanmar.

The SURAC meeting contributes to the GMS TRIANGLE output: *Regional tripartite cooperation and influence increased to support implementation of bilateral and multilateral commitments*. At the meeting, several examples of bilateral and multilateral cooperation, particularly at the ASEAN regional level, were showcased. A session was dedicated to fostering cooperation between and

among countries, and many of the ideas that emerged were triggered from the presentations and information shared at the meeting. This report provides a summary of the main topics covered in each session and presentation. The main discussion topics were summarized in the closing session.

For more information on any of the presentations and discussions at SURAC 8, please contact Max Tunon, Senior Programme Officer/Project Coordinator at tunon@ilo.org



Session 1: Opening Session

The session was chaired by **Ms Thetis Mangahas**, ILO Deputy Regional Director for Asia and the Pacific. She gave a brief history of SURAC and outlined the objectives for the meeting (as indicated above).

Ms Eleanor Cupit, the First Secretary for Development Cooperation, AusAID Bangkok, declared that the Australian Government Aid Programme (AusAID) is committed to the promotion of decent work and spoke about the need to promote sustainable employment and decent work in ASEAN, as well as bilateral and regional cooperation. AusAID aims to alleviate poverty and provide access to justice, employment, school and health care. AusAID is committed to finding development solutions that equitably include women for the betterment of their communities.

M.L. Puntarik Samiti, Inspector General of the Ministry of Labour (MOL), stated that the Ministry of Labour of the Royal Thai Government realises the importance of migrant workers' protection and makes efforts to protect migrant workers through policies, laws and regulations. She highlighted some of the recent key achievements of the cooperation between MOL and ILO, including the Ministerial Regulation on the protection of domestic workers. The GMS TRIANGLE project provides a good opportunity for tripartite exchange of experiences that leads to good practice in labour protection.

Session 2: Overview of the key developments in the region and in the GMS TRIANGLE project

Mr Nilim Baruah, Regional Migration Specialist for Asia and the Pacific, *The ILO regional and global framework on labour migration*.

Mr Baruah presented an overview of labour migration in the region, the implications and the different ways ASEAN countries have responded to labour shortages. To provide some context on the ILO support in this area, Mr Baruah presented the strategic framework of the ILO Migration Programme in 2012-13, and highlighted the ILO Multilateral Framework on Labour Migration and principles on effective management of labour migration.

Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE, *Overview of key GMS TRIANGLE project developments.*

Mr Tunon gave an overview of the key achievements and developments of the project in the past 18 months, highlighting the extent to which gender has been taken in account in design, monitoring and delivery of each of the project objectives¹. He also noted some of the examples of bilateral cooperation that had been supported by the project, and that could be considered for replication. One of the main developments has been the project expansion to Myanmar – a major country of origin in the GMS – from 2013.

Ms Anna Olsen, Technical Officer, GMS TRIANGLE project, *Sharing of key findings and recommendations from the GMS TRIANGLE mid-term evaluation.*

Ms Olsen presented the findings and recommendations of the GMS TRIANGLE project's Mid-Term Evaluation, including key achievements and positive impacts (long term effect of better policies, availability of adequate tools, and gendered responses to labour migration management). She also listed factors working against positive impact and the recommendations put forward to maximise the impact: consolidating results, defining priorities and improving areas where deficiencies have been observed. It was noted that consolidation should include cross-border cooperation, coaching and support to the MRCs, and the need to focus on areas ripe for policy and legislative change.

Session 3: Overview of ASEAN TRIANGLE project developments

Mr Manuel Imson, Senior Programme Officer/Project Coordinator, ASEAN TRIANGLE. *Update on ASEAN TRIANGLE Project strategies and key activities.*

Mr Imson presented the background of the ASEAN TRIANGLE project, as well as its aims, approaches, and objectives². He then presented the key achievements related to these objectives in the first year of operation.

Summary of the Q&A session: A question was raised regarding the projects' focus on social security for migrants, and Mr Baruah explained that, in the region, migrants' access to social security is often limited to compensation for accidents at work, which is being looked at by the project, the ultimate goal being equal treatment of migrant workers to nationals, in line with ILO Convention 19, which has been signed by Thailand and Malaysia. A number of questions were raised about the extent to which the project addresses gender, and Mr Tunon cited examples of approaches and activities related to gender³, and areas which require further attention. Mr Imson mentioned that a toolkit related to engendering migration policy will be developed, to which Mr Baruah added that more sex

¹ The GMS TRIANGLE project objectives are: (1) Migrants recruitment, labour protection policies and practices strengthened, reflecting the interests of tripartite constituents and gender-specific concerns; (2) Capacity of tripartite constituents enhanced to improve implementation of national policy, bilateral agreements and regional commitments related to the recruitment and protection of women and men migrant workers; and (3) The rights of women and men migrants and potential migrants are protected through increased access to support services)

² The ASEAN TRIANGLE project objectives are: (1) To strengthen regional legal and policy framework to more effectively govern labour migration and protect the rights of women and men migrant workers, in a gender responsive manner; (2) To enhance the capacity of governments to oversee enforcement of labour and migration laws and regulations, in a gender responsive manner; and (3) To enhance capacity of social partners to influence migration policy and protect the rights of women and men migrant workers.

³ The project's approach to, and examples of, gender mainstreaming, are summarized in 'Features of TRIANGLE: Gender', available for download at www.ilo.org/asia/triangle

disaggregated data and a review of specific labour migration policies (e.g. the delivery of pre-departure orientation training) were necessary.

Break out preparation session (By constituent group)

Facilitated group meetings split by constituent group were arranged to discuss in broad terms the scope for cooperation within each of the constituent groups and how the GMS and ASEAN TRIANGLE projects can support them at the national and regional levels.

Governments

Mr Tunon and Mr Imson facilitated the session. Government representatives were provided with more background information on the ASEAN Forum on Migrant Labour (AFML). The 6th AFML will be chaired by Brunei Darussalam on 26-27 November, and preparatory meetings will start in August 2013. Side meetings will also be organized for ILO constituents. The civil society group has already met in preparation for the 6th AFML.

The ASEAN TRIANGLE project is supporting the Initiative on ASEAN Integration, and the Philippines commitment to sharing their experience in overseas employment administration with Cambodia, Lao PDR, Myanmar and Vietnam (CLMV countries). This is relevant not only to CLMV countries but also to Malaysia and Thailand, as these countries receive many migrants from the CLMV countries. Topics proposed for capacity building included technical assistance to strengthen the emigration and immigration procedures and documentation in CLMV. Negotiations and study visits have been organized (the first is a visit from the Minister of Labour of Myanmar and senior officials to the Philippines).

Groups were requested to identify the gaps and priorities in their countries and link that to the Filipino experience. Vietnam noted that it is developing its data collection system. Thailand proposed an 'ASEAN labour bank' or labour market database that identifies which countries can supply or demand workers in professional and non-professional occupations. The Malaysian official was interested in learning about ILO standards on recruitment agencies, and information was provided on Convention 181 on Private Employment Agencies, and good practices in recruitment. Malaysia, Vietnam and Thailand raised concerns regarding the influence of middlemen. More information was requested on Government-to-Government arrangements, and the sharing of good practices in recruitment.

Employers' organizations

Mr Gary Rynhart, ILO Senior Specialist on Employers' Activities, facilitated the session. The focus of the employers' meeting was to inform the group of identified priorities with regard to employers' engagement in the projects, specifically at the regional level through ASEAN TRIANGLE. The four objectives are:

1. To strengthen the capacity of the ASEAN Confederation of Employers (ACE) and its members to engage in effective policy dialogue to promote sound governance frameworks for mobility and migration in the ASEAN region;
2. To develop an employers' policy position on relevant issues related to labour migration (research and policy position papers);
3. To strengthen the capacity of ACE to convene members around labour migration related issues in order to raise awareness and share good practices; and

4. To develop regional guidelines and research on a number of topics related to migration and mobility.

Mr Rynhart presented the different themes of the employer regional meetings and of the ASEAN level meetings, and activities planned for employers in 2013-4. Participants noted the lack of small and medium sized companies and those in the informal and agricultural sector present – who constitute a significant proportion of the employers of migrant workers. It was suggested that the ASEAN TRIANGLE project provide training and capacity building to employers, in line with ILO standards, facilitate dialogues in the region, and promote development of Codes of Conduct. Employers insisted on the necessity for more education on industry needs. The representative from the Philippines expressed some concerns about brain drain and the segmentation of low-skilled and skilled professionals. All agreed that the needs of vulnerable migrant workers in low-skilled jobs (3D jobs, domestic workers and youth) should be emphasised.

Workers' organizations

The session was facilitated by **Mr Pong Sul Ahn**, ILO Specialist on Workers' Activities. He discussed the question of how trade unions can better protect migrant workers within the country of origin and destination, and in working together. A representative from Cambodia asked if the GMS or ASEAN TRIANGLE projects could offer assistance in monitoring and implementing the Memoranda of Understanding (MOUs) between trade unions and strengthen the capacity of the ASEAN Trade Union Council (ATUC). It was suggested that the ILO assists in strengthening cooperative relationships between trade unions.

It was also noted that migrant workers need more training on trade unions rights. The importance of communication between trade unions of countries entering MoU negotiations and between trade unions of sending and receiving countries (perhaps through a database of incoming migrants) was highlighted. It was further suggested that trade unions advocate for the creation of an ASEAN Human Rights Court similar to the European example.

Civil Society organizations

The civil society group was facilitated by GMS TRIANGLE Technical Officer, Anna Olsen, and the key task for the civil societies present was to consider what regional initiatives they would like to see ASEAN and GMS TRIANGLE support. It was noted that there were no representatives from Vietnam and Lao PDR civil society organisations. CSOs are concerned that due to the mandate of the ILO, GMS TRIANGLE supports only labour cases while not addressing other abuses and crimes suffered by migrant workers. Language barriers remain an obstacle for cooperation between countries; suggestions for overcoming this obstacle were to have staff of migrant workers from different countries working in civil society organizations, and facilitate staff exchanges between civil society organizations. These suggestions would also ensure a better understanding of mandates and working methodologies, to facilitate better cooperation in future.

Session 4: Regulating recruitment practices

The session was chaired by **Ms Keo Chanthavixay**, Deputy Director, Ministry of Labour and Social Welfare, Lao PDR.



Mr Chuop Narath, Deputy Director, Department of Employment and Manpower, Ministry of Labour and Vocational Training, Cambodia. *Adoption of the Ministerial Orders: content and process.*

Mr Chuop presented an update on labour migration from Cambodia, including Sub Decree 190, the banning of sending domestic workers to Malaysia and the identification of the six priority areas in which to deliver *prakas* (ministerial orders). He then presented the consultative and tripartite process of developing the *prakas* and the key content of the *prakas* that have been adopted in 2013, including the *prakas* on private recruitment agencies, and on the recruitment process and pre-departure training. Mr Chuop also presented his Department's agenda for 2013.

Mr Nguyen Luong Trao, Chairman, Vietnam Association of Manpower Supply (VAMAS), *Monitoring the implementation of the VAMAS Code of Conduct.*

Mr Nguyen presented an overview of the steps taken in the monitoring and evaluation of the Code of Conduct implementation among 20 pilot agencies in Vietnam. The presentation was divided in four parts: (1) activities carried out to monitor and evaluate COC-VN implementation in the first year of 2012; (2) remarks on the results; (3) initial experiences gained; and (4) orientation and tasks for expanding the number of agencies to 50 in 2013.

Dr Wicharn Sirichai-Ekawat, Honorary advisor, National Fisheries Association of Thailand (NFAT). *The proposed fishing coordination centres for the recruitment and protection of fishers.*

Dr Sirichai-Ekawat presented an outline of the Labour Coordination Centres (LCC), approved for establishment in October 2012, which are aimed at addressing labour shortages, eliminating the use of illegal brokers, combating trafficking, and improving the image of the fishing industry. LCCs will be 'one stop service centres' recruiting and placing Thai and migrant fishers and registering workers to employers/vessel owners, to ensure protection of both parties. Dr Sirichai-Ekawat presented the project of developing Occupational Health and Safety (OSH) modules and a Code of Conduct. It was recommended that a regional forum be held to share ideas on how to move ILO Convention 188 on Work in Fishing into practice.

Summary of the Q&A session: An update was requested on the proposed MOU between Cambodia and Malaysia, and the plans to list the temporary suspension of sending domestic workers. Mr Chuop underlined the good cooperation between Malaysia and the Cambodian Embassy, but also explained the upcoming elections were slowing down the process of agreeing to the MoU on domestic workers between the countries. A clarification was sought on the practice of confiscating identity documents, and Mr Trao responded that it is unlawful and a specific abuse identified in the VAMAS Code of Conduct.

Session 5: Strengthening protection in employment

The session was chaired by **Ta Thi Thanh Thuy**, Deputy Head of the Personal Division Department of Overseas Labour, MOLISA, Vietnam.

Mr Rhymie Bin Mohd Ramli, Senior Assistant Director, Enforcement Division, Labour Department of Malaysia. *Strengthening labour inspection and cooperation with labour attaches and NGOs.*

Mr Rhymie spoke of the importance of labour inspection in labour law enforcement, as it requires employers to rectify violations of labour laws and promotes good practices in human resources management. Currently, inspections can be periodic or surprise, with NGOs and labour attachés not directly involved. Mr Rhymie highlighted the Ministry's new approach involving labour attachés and NGOs, and proposed that a set of guidelines be developed to ensure that labour attachés and NGOs can support labour officers in carrying out their duties.

Mr Pathom Petchmanee, Director of the Labour Protection Bureau, Department of Labour Protection and Welfare (DLPW), Thailand. *Protection for migrant workers, especially fishers.*

Mr Petchmanee outlined the DLPW mandate as (1) developing labour standards; (2) ensuring workers' rights protection; (3) promoting, developing and supervising the establishment of standards on occupational safety, health and environment; and (4) promoting and developing labour relations and a labour welfare system. He noted that the Thai Labour Protection Act B.E. 2541 (1998) should be applied regardless of nationality and legal status of workers. Though some rights for domestic workers are guaranteed under this Act, the Ministerial Regulation extended additional protections to domestic workers, some in line with ILO Convention 189 on decent work for domestic workers. He noted that fishers are covered by Ministerial Regulation No. 10 (1998), but that this is under revision, and will guarantee protection regardless of the length of time a vessel is at sea outside Thai waters, and regardless of the numbers of fishers employed; and will set the minimum age to 18. Mr Petchmanee explained the channels to file a complaint and shared some details of an information dissemination campaign on the registration of migrant workers.

Ms Poonsap Tulupan. Director, Foundation for Labour and Employment Promotion (HomeNet), Thailand. *Improving protection for domestic workers.*

Ms Tulupan presented the situation of domestic workers in Thailand and the problems they face including low wages, long working hours, lack of rest days and opportunities and abuse. She then presented activities carried out from 2010-13, including (1) establishment of 'DO IT' (network of domestic workers in Thailand) with training for groups of leaders; (2) Ministerial Regulation No. 14 on domestic workers; and (3) raising of public awareness through media. She highlighted that discussions showed that neither migrant domestic workers nor employers had much knowledge of the new Ministerial Regulation and that further protection for domestic workers around minimum wage protection, OSH regulation, and access to the social security scheme was still required.

Summary of the Q&A session: It was recommended that destination countries work more closely with major sending countries, including Myanmar and incentivise good behaviour and practices by employers of migrant workforces. The representative from the Ministry of Labour, Thailand responded that certification for employers was already being considered. The issue of fishers' limited access to information about laws and regulations protecting them was raised; and the experience was shared from the last round of regularisation for migrant workers, during which information was distributed through a network of NGOs. Finally, the issue of the prosecution of forced labour cases in Malaysia was discussed, and the Malaysian Government representative noted

that trafficking and forced labour are considered serious crimes and carry heavy sentences. As of 2013, there were 400 cases in which the accused were charged as traffickers. However, strong evidence is needed in court in order to secure prosecutions.



Session 6: Providing support services for potential migrants and migrant workers

The session was chaired by Mr Chum Momthol, Cambodian Confederation of Trade Unions (CCTU).

Mr Soung Sanvavuthy, Chief of Planning and Cooperation Unit, National Employment Agency (Cambodia). *Counselling potential migrants through an integrated job centre and MRC approach.*

Mr Sanvavuthy presented an overview of the National Employment Agency (NEA), which was created by sub-decree as a specialty operating agency and headed by the Deputy Prime Minister. The NEA was established to provide better services and information on labour market and operates five job centres, one of which is supported by the GMS TRIANGLE Project to run a Migrant Worker Resource Centre (MRC) providing information to migrant workers. The MRC also receives complaints from migrant workers and members of their families and consults with Provincial Department of Labour and Vocational Training to resolve disputes. Its objectives are: (1) to build a communication network between MRC-Battambang and six districts in order to increase decent work opportunities; (2) to provide support services to migrants and potential migrant workers; and (3) to conduct training workshops to the official of communes so that they can disseminate information. Mr Sanvavuthy presented the results of the project to date, and the challenges it faces.

Mr Bruno Periera, Executive Council Member, Malaysia Trades Union Congress (MTUC). *Legal assistance, training, organizing and advocacy.*

Mr Periera started by presenting the MTUC structure. The MTUC was established in 1949 to provide technical support to affiliated member unions, as well as legal assistance. He then presented the most common complaints of migrant workers received at MTUC. Challenges to the right to redress include migrants' fear of repercussion from employers, language barriers, legal costs, difficulty to find lawyers working pro bono and lack of information. Mr Periera pointed out that migrant workers often are afraid to join unions or claim their contract prohibits joining one. He concluded by stating that sending countries need to ensure minimum standards and protection in MoUs is in accordance

with international standards, and that trade union cooperation is needed to protect migrant workers.

Ms Preeda Tongchumnum, Assistant to the Secretary-General Human Rights and Development Foundation (HRDF, Thailand). *Legal assistance and cooperation with community and the authorities.*

Ms Preeda presented an overview of the HRDF, a private non-profit organisation providing support services to migrant communities. These include a labour law clinic, a migrant justice programme, and an anti-trafficking programme. She emphasized that while the activities conducted in Mae Sot now benefit from GMS TRIANGLE support, HRDF has offered legal services since 2002, as well as building capacity of community-based organisations from Thailand and Myanmar and a network of trained paralegal advocates. She outlined the contents of the handbook used in dissemination of information on labour rights and related policies, and noted that it is translated into Myanmar and Karen languages and disseminated to migrant leaders. Ms Preeda also shared information on the manual for paralegal advocates used in training-of-trainers activities.

Summary of the Q&A session: A clarification was sought regarding the linkage between MRCs and job centres, and a suggestion was made to have more mobile activities to reach out to workers in a more flexible and effective way. Mr Baruah pointed out that the challenges faced by Cambodian MRCs were symptomatic of gaps in the legal migration framework between Thailand and Cambodia and that the international migration framework and Convention 143 urges members states to help prevent irregular labour migration. The fact that people prefer to use illegal migration channels means that a review of the MoU and emigration procedures is necessary. The Philippines shared that the protection of migrant workers does not depend only on the receiving country, noting their system of prevention acts more effectively than a cure.

Session 7: Enhancing bilateral and multilateral cooperation

The session was chaired by **Mohd Zakri Baharudin**, Senior Manager, Employer Affairs, Malaysian Employers' Federation.

The session objective was to consider how the GMS and ASEAN TRIANGLE projects could support bilateral and multilateral cooperation, based on the developments presented and discussed. Participants were divided into their constituent groups to explore areas in which bilateral and multilateral cooperation can be strengthened to better protect migrant workers.

Governments

The government group firstly suggested that standard MoUs between countries be updated, and existing mechanisms reviewed. They considered it more important to upgrade MoUs to bilateral agreements than formulate more MoUs, and suggested that MoUs should be more explicit on the responsibility of each party and on the conditions in employment contracts. Standard contracts were noted as needing enhanced enforceability, and should include social security provisions. Mr Baruah mentioned that the United Arab Emirates and India attempted to agree on an electronic system of verification for employment contracts

Sharing labour migration data was regarded as an area of importance, including through labour force surveys and the census. Though ILO and Scalabrini Migration Centre are jointly managing a data sharing mechanism, there are still gaps and not all countries have effective data collection systems. The challenge of collecting data on irregular migrant workers remains. Labour market information sharing seems to be crucial to regional collaboration.

Other areas for regional cooperation included the sharing of good practices in recruitment, in pre-departure training, and training for labour attaches. It was also suggested that more sectoral collaboration (for example, on fishers and domestic workers) would be helpful in creating links with international standards, with the participation of civil society.

The government group concluded that their priorities were (1) MoUs, (2) labour market information, and (3) data sharing.

Summary of the Q&A session: A trade union representative indicated that MOU should be made public to ensure that trade unions can provide better services. Another comment was that the process of negotiating MoUs should involve recruitment agencies. Information and data sharing should not be limited to just figures, but also include best practices between sending and receiving countries as input to policy formulation with the active participation of civil society.

Workers' organizations

Regarding the adoption and effective implementation of MoUs between trade unions, it was suggested that once MoUs were agreed, technical meetings should establish a joint timetable for implementation. It was also suggested the MRCs have mobile capacity to reach out to potential migrant workers and receive complaints. The idea of a model MoU for trade unions was raised. Information should be shared between trade unions on both countries' legislation, migrant workers' rights, culture, registered recruitment agencies, grievance handling and settlements, labour supplier and employment contracts.

Thailand was given as an example to demonstrate that while migrant workers are not permitted to form their own unions, migrants have joined join local unions and become sub-committee members. It was suggested that standard contracts specifically note workers' right to join trade unions and organise.

Trade unions in receiving countries should be proactive in persuading migrant workers to join, but apprehension of migrants was still seen as a challenge. It was advised to have tripartite dialogue on implementing MoUs. One participant suggested inviting migrant workers to important trade unions events, using radio-programmes and social events to show the positive aspects of labour migration. The top three activities the trade unions listed as the ones requiring the most urgent attention from the TRIANGLE projects were (1) improving laws to protect migrant workers; (2) bilateral and multilateral meetings among trade unions to share information; and (3) having trade union membership (and a membership card) before workers' departure.

Summary of the Q&A session: Participants noted that governments in destination country should allow migrant workers to organise their own unions and become committee members of existing trade unions. It was suggested that trade unions and NGOS have similar responsibilities and roles. Trade unions, NGOs and governments have an important role to play in monitoring employers and recruitment agencies. A labour management council was proposed as a way to better address this need.

Employers' organizations

On the matter of recruitment agencies, employers' organisations declared that placement agencies in destination countries must be assessed by governments of destination countries and such

information shared with sending country. In addition, employers should share information on responsible recruitment agencies. It was also suggested that placement agencies in destination countries keep recruitment agencies in countries of origin informed about the migrant workers' situation. The employers listed skills development as a top priority of employers in destination countries.

Regarding irregular migration, it was suggested to assess agencies with respect to the rate of non-returning workers, as they are responsible until the migrant worker returns to origin country. Most importantly, it was mentioned that recruitment agencies should be jointly and severally liable for migrant workers as if they were the employer, and allow returned migrant workers to sue the agency after they return where there are unpaid wages, for example.

The top three priorities identified by employers' organizations were: (1) assessment of placement agencies in destination; (2) publicising top performing agencies in countries of origin and destination; and (3) ensuring input from employers into pre-departure and skills training in the country of origin.

Summary of the Q&A session: Various opinions regarding costs were expressed during this session, including that recruitment agencies should be responsible for costs of return of workers from overseas and that sending country governments should share information with destination country to assess the employees needs in cases where disputes arise. A representative from the Philippines employers' group argued that recruitment agency licenses should be withdrawn, transactions prohibited, and recruitment agencies blacklisted if they violate the law, which would result in more careful selection of migrant workers.

Civil society organizations

Civil society organizations suggested that brokers and recruitment agencies should be monitored more closely and this information shared broadly. Public attitudes toward migrant workers could be influenced through media. A workshop or forum of CSOs to share experiences of case management and capacity building was suggested to highlight lessons learned and regional best practices. ILO was requested to translate all migration policies into GMS languages. Innovative methods to reach all sectors such as domestic workers should be explored.

Summary of the Q&A session: Civil society and government should work on gender discrimination as a first priority and ensure wage equality for migrant workers regardless of gender. It was noted that two kinds of discriminatory policies involving migrant worker employment are apparent, in the pre-admission and post-admission stages of the migration experience, relating to state sovereignty and labour protections respectively.

Session 8: Enhancing in-country cooperation, and future planning

Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE project

Mr Tunon set out the objectives for the session, and that recommendations that emerge from the discussions will be integrated in countries' future work plans. He also noted that the GMS TRIANGLE project wants to follow up and provide a management response to the mid-term evaluation, and most concretely, to strengthen monitoring and evaluation and develop a sustainability plan for the project. Mr Tunon highlighted the importance of measuring and assessing the impact of the project, partly through baseline surveys, to show how the project influences behaviour and knowledge.



Participants from Vietnam at the 8th Session of SURAC

Country break-out group session

Groups were formed by country, each facilitated by National Project Coordinators, to discuss future strategies and activities, and identify priorities for the remainder of the project, keeping in mind the recommendations of the mid-term evaluation.

Based on the discussions and information shared at SURAC, participants reviewed progress against the GMS TRIANGLE country workplans for 2013, and considered plans for 2014. In particular, strategies for closer cooperation between tripartite constituents and civil society organizations were explored.

Cambodia

The Cambodian participants decided to try to accelerate the process of the *prakas*, and to arrange a meeting of the MoLVT combined with the Ministry of Interior and the Ministry of Foreign Affairs. They agreed to continue to focus on capacity building and training in 2013, and the development of a new labour migration policy and action plan, that was planned for December, could start in early 2014. It was suggested that the legal definition of Cambodian worker be extended to include Cambodian migrant workers (territoriality would be limited to social security, recruitment agencies and return and reintegration) and make recruitment agencies joint and severally liable for abuses in destination following the example of the Philippines. Additional issues raised included the lack of funds for legal assistance for migrant workers, and need for further training of MRC staff.

Lao PDR

The participants from Lao PDR noted the need to accelerate the process of developing a pre-departure training manual. The Government representative prioritised the roll-out of the Operations Manual on Migration Procedures for three ministries: MOLSW, MOFA and MOPS. The manual will be a national tool for three ministries officers at all levels to use and deal with inbound and outbound migration in the country. They raised the issue of deportation and voluntary returnees, and proposed to have a consultation among key stakeholders at all levels to discuss the issue. The LFTU representative requested that the ILO support and coordinate further discussions, internal consultations and signing of the MOU between LFTU and the Thai trade unions on the protection of the rights and interests of migrant workers. Participants also recognized the necessity of involving all concerned parties including tripartite constituents, mass organisations and CSOs in awareness raising on safe migration.

Malaysia

The participants reviewed the draft work plan and proposed a consultation on the recruitment process and employment of migrant workers with emphasis on key indicators of forced labour. The participants of the consultation will include recruitment agents. The consultation findings will be used to organize a workshop on good practices with a wider range of stakeholders. The participants emphasised the need for regular meetings among tripartite constituents to be informed of developments, address issues effectively and strengthen corporation. A follow up coordination meeting was scheduled to discuss the Malaysia work plan for the remaining period of 2013.

Myanmar

The participants from Myanmar raised the issue that workers had no knowledge of where to complain and that Myanmar workers lacked awareness of legal migration channels and their rights. The ILO was requested to coordinate better with other organisations working in the area of labour migration and consider supporting programs providing incentives for legal migration and receiving complaints from workers. It was suggested to draft a standard contract for Karen workers in their language, improve regulations for recruitment agencies, establish MRCs, to simplify the process to issue temporary passports, to educate on the benefits of joining trade unions, and enhance the skills of migrant workers. The priorities the group listed were (1) pre-departure training, (2) MRCs, (3) review of labour law, and (4) MoU discussions.

Thailand

Thai participants prioritised a consultation meeting on the Ministerial Regulation on Sea Fisheries Work to discuss the draft and invite the law reform committee and others for comment. They planned to develop guidelines for working safely in the fishing sector and suggested to include more migrant workers groups in the implementing bodies. They agreed on the work plan and saw a need for a TRIANGLE Network Meeting before the Project Advisory Committee meeting. Participants also pointed out a need for mechanisms to share and update information and lessons learned.

Vietnam

Three areas that the Vietnamese delegation prioritised were: (1) review the existing MOUs and agreements between sending and receiving countries for further improvement with involvement from the tripartite constituents; (2) strengthening the collaboration between the tripartite constituents in the process of revision and implementation of the law and policies; and (3) awareness raising for migrant workers on their rights. Specifically, the following activities should be undertaken as priorities for 2013 and 2014: (1) Training and coaching for MRC staff to improve quality in service delivery; (2) Develop and pilot model to reduce the costs for migrant workers by preventing dependence on brokers and strengthen the role of local trade union staffs; (3) Review of the law and policies; (4) Review the existing MOUs and agreements; (5) Expand the monitoring and evaluation of the CoC for recruitment agencies; and (6) Training for stakeholders on human trafficking, forced labour and debt bondage relating to migrant workers.

Closing Session

Mr Nilim Baruah, ILO Senior Migration Specialist for Asia and the Pacific.

Mr Baruah summarized some of the key outcomes of the meeting and highlights of national and regional project activities and approaches that are underway, and some that will be prioritized in the next year. Mr Baruah outlined a need for sharing good practices in providing support services and experiences from different service providers. He pointed two key developments at the 8th Session of SURAC: that it was the first time the government of Myanmar participated in SURAC and noted that the ASEAN TRIANGLE project is a new dimension for collaborative work at the regional level between government, CSOs and trade unions. Mr Baruah invited all participants to work with their governments and give inputs by participating in the preparatory meetings for the AFML.

Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE project

Mr Tunon thanked all participants for their active engagement over the past two days, and more broadly for their support in the implementation of the project and their efforts to protect migrant workers. He thanked AusAID and CIDA for their support to the GMS and ASEAN TRIANGLE projects;

ILO colleagues who made presentations, facilitated sessions, and handled the administration and logistics of the meetings; and the interpreters.

The discussions held at the SURAC will shape future workplans and activities at national and regional levels. A report of the 8th Session of the SURAC meeting will be circulated, and the 9th Session will be convened in 18 months, at the beginning of 2015.