

GMS TRIANGLE Project Update: January 2014

The **Tripartite Action to Protect the Rights of Migrants Workers within and from the Greater Mekong Sub-region** (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 People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam. 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 **3.5** years of the **GMS TRIANGLE** project:

17,155 women and men in Cambodia, Lao PDR, Myanmar and Viet Nam have received counselling, information, education or training on safe migration and rights at work.

4,003 migrants in Malaysia and Thailand have received counselling, information, education or training on safe migration and rights at work.

6,344 migrants in Cambodia, Malaysia, Thailand and Viet Nam have received legal assistance.

3,369 migrants in Malaysia and Thailand have joined trade unions, migrant networks or associations.

41% of project beneficiaries (for whom sex-disaggregated data has been collected) are women.

The **GMS TRIANGLE** project is on track to reach its targets under the three objectives, including the expanded scope that resulted from incorporating Myanmar into the project. The project has continued to cement its reputation as a responsive and capable 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 more than **30,871** migrants, potential migrants and family members. This new figure reflects revision and reclassification of services provided into the **CLIENT** model, outlined below. The figure also indicates the project's success in excess of the target of 25,000 beneficiaries; in fact, people who have been reached through outreach activities, communications activities and consultations (as distinct from capacity building) are in addition to this total.

Key achievements under Objective 1:

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

Strengthening labour protection policies for men and women migrant workers

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, with comments and support provided for tripartite consultation

resulting in a demonstrable difference in the content of the laws and policies passed.

In Cambodia and Viet Nam the project supported 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. In total, eight ministerial orders were passed in 2013 in Cambodia to assist in the effective implementation of Sub-Decree 190, and two circulars passed in Viet Nam, with a Prime Ministerial order also ready for signature. In Thailand support was provided to the Ministerial Regulation on Domestic Work, and assistance is ongoing in the drafting of a Regulation on Sea Fisheries Work. The project has also provided comments on the draft National Plan of Action on Labour Migration in Myanmar, on draft legislation in Lao People's Democratic Republic and on Memoranda of Understanding in Malaysia

The project has paid special attention to garnering positive coverage of migrant workers in Thailand and Malaysia, where the *Saphan Siang* (Bridge of Voices) and *Migration Works* campaigns are run, predominately attracting an online youth audience. These campaigns comprise part of the project efforts to enable legislative and policy change. A recent arts initiative to launch a public service announcement produced in partnership with MTV EXIT was attended by the Malaysian Human Rights Commission, parliamentarians and the United Nations Resident Coordinator. A new programme under the *Saphan Siang* banner will connect young Thai university students with organisations assisting migrant workers and aims to increase interactions between migrant and host communities in Thailand.

The project facilitates a process of consultation to identify areas ripe for legislative change, advocate for change and support governments to enact legislation and policies that reflects the views of different government departments, employers' and workers' organizations and civil society actors. These initiatives contribute to creating labour migration governance systems that are more rights-based and respond to the needs of employers and women and men migrants. The potential impact of these changes is boundless, with the project operating under the assumption that safer and more profitable migration will affect individuals, communities and the broader development of nations.

For 2014, the project will focus efforts on developments in Thailand and Viet Nam, supporting the regulation of placement agencies for inbound migrant workers for the former, and the assessment and review of the law for outbound migrant workers for the latter.

During the first **3.5** years of the
GMS TRIANGLE project:

1,001 government officers have
received training at central level.

40% of those trained at central
level are women.

5,202 public officials from the
provincial and local levels have received
training.

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

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

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 policy and legislative implementation

Legislation and policy is as effective as the duty-bearers and rights-holders make it, through responsible implementation and demanding rights afforded; the project recognises this dynamic and spends considerable time building capacity of government, trade union and employers' representatives, and migrant workers and members of their families.

In 2014, the project will concentrate on capitalizing on legislative and policy changes that have been effected in previous years. This includes dedicated effort to improving access to complaints mechanisms for migrant workers, and tracking the cases and resolutions made possible by the legal framework. Galvanising complaints mechanisms brings accountability to brokers and employers, strengthening the regulations through this feedback loop and demonstrating the 'business-case' for ethical recruitment and placement of migrant workers.

These efforts are showing results, with trade unions becoming especially more conversant on migrant worker issues in a variety of fora, including legislative consultations. The extent of the capacity built is evidenced through the recent signing of a Memorandum of Understanding between Thai trade unions and the Cambodian Trade Union Committee on Migration (CTUC-M), which unites several union coalitions around the issue of migration. This Memorandum shows a meaningful shift in the knowledge and attitude of trade unions towards migrant worker issues since the beginning of the project. The Lao Federation of Trade Unions is also looking to finalise and sign a draft agreement with the Thai trade unions in 2014, and the Viet Nam General Confederation of Labour (VGCL) is exploring further cooperation with the Malaysia Trades Union Congress.

Government officials are also demonstrating a broader understanding of the demands of labour migration governance and better understanding of the related issues of forced labour and human trafficking. Local officials are also a particular target for capacity building efforts, and results are clear from the numbers of complaints that are being lodged with and responded to by local officials, particularly through Provincial Departments of Labour in Cambodia.

In Thailand, the project has worked with the Ministry of Labour to develop training modules and tools to strengthen labour inspections for workers in vulnerable situations, including migrant workers, young workers, and those in hard to reach sectors, including fishing. These tools will be piloted in selected provinces and the resultant inspections will be monitored. In

Thailand and Malaysia, training has been delivered to labour inspectors on forced labour and the labour dimensions of trafficking, including an advisory mission from Brazilian labour inspectors.



A migrant bricklayer. ©ILO 2013

In Malaysia, guidelines are being prepared for employers on the recruitment, employment and repatriation of migrant workers. These guidelines draw from research and consultation carried out by the Malaysian Employers Federation, and will build on existing, home-grown, good practices and well as international good practice.

Following from the ongoing success of the labour attaché consultations in Malaysia, a series of consultations will begin bringing labour attachés together with recruitment agency representatives and consular officials in Thailand, to provide a better understanding of laws and procedures and improve cooperation among themselves and with government and social partners.

In Cambodia, Lao Peoples' Democratic Republic, and Viet Nam, the development of standardized pre-departure training curricula have concluded the consultation process and are moving into design, pilot and training-of-trainers. In Lao Peoples' Democratic Republic, the rollout of training on an Emigration Procedures operations manual has begun and the success of this manual in streamlining the roles of labour, foreign affairs, and immigration authorities could serve as a model for other sending countries. The baseline survey in Myanmar aims to assess the knowledge of the interning migrant population, to better target contextualising these tools for roll out in Myanmar.

Promoting self-regulation tools

To strengthen recruitment industry standards, the project continues work to assess compliance with the Code of Conduct of the Viet Nam Association of Manpower Supply (VAMAS). After successfully completing a pilot phase of 20 agencies (sending 28 per cent of the workers), the monitoring and evaluation of the Code has expanded to cover 50 agencies, with plans to reach 100 in 2014. Myanmar recruitment agencies have showed interest in adapting this model.

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. In 2014, training will be carried out on these guidelines, and NFAT will also establish a committee to respond to complaints made against their members, and facilitate just responses.

Key achievements under Objective 3:

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

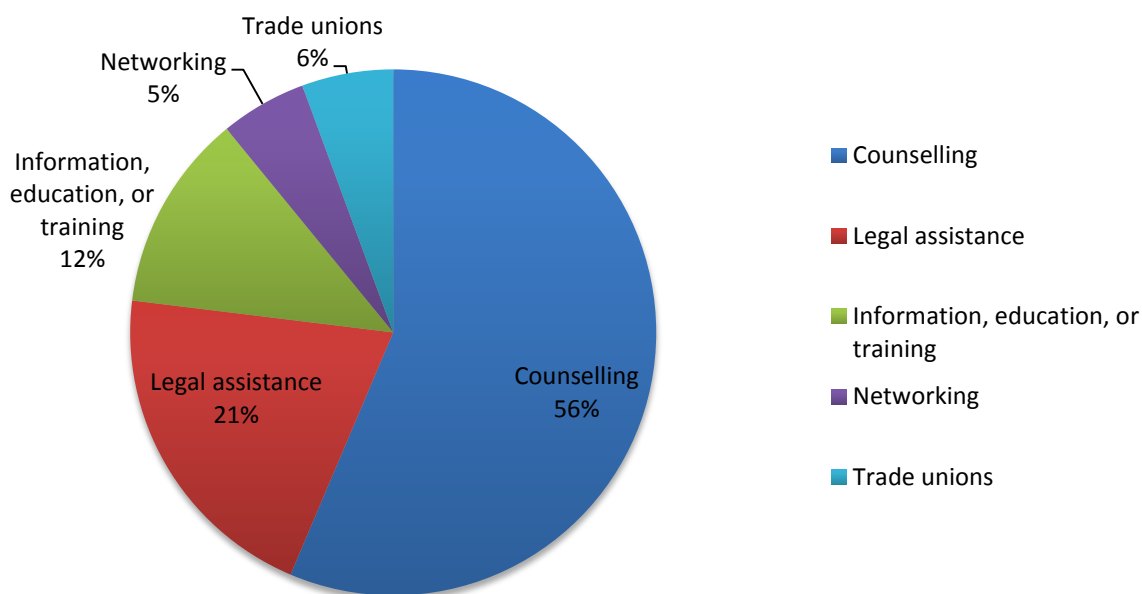
Support services for migrant workers and their families

The project is working with 26 implementing partners (including two new union partners) across six countries to provide support services to men and women 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. Three centres will be established in Myanmar during 2014.

Access to support services for women and men migrants in 23 target sites has increased dramatically since the inception of the project. Dedicated services are now available to assist with the decision to migrate and preparations to migrate legally and safely. Complaints can be received and handled by the MRCs and other supported service providers or – where necessary – officially communicated to government channels. Since the project began, communications materials have been distributed in migrant communities to increase knowledge and dialogue about rights. The project is seeing the

demand for, and replicability of, the MRC services, with organizations and government departments expanding the reach of the MRC beyond communes and target areas financially supported by the project, most notably in Viet Nam and Lao Peoples' Democratic Republic. The MRC Operations Manual has helped to guide the delivery of rights-based support services in these centres. In Viet Nam, Cambodia and Lao Peoples' Democratic Republic, the MRC Operations Manual has completed the pilot period and is used in service delivery with the support of relevant government partners. The 'CLIENT' system of tracking and categorising beneficiaries is a key part of the project's delivery of these services and further training will be provided to MRC staff on this reporting system in 2014.

Breakdown of 'CLIENT' support services provided to beneficiaries



GMS TRIANGLE research showed that migrants are overwhelmingly dependent on each other for information on safe migration and labour rights. In response to this evidence, peer-to-peer assistance is a key part of the project strategy. Migrant paralegals are trained to provide assistance within the migrant community in destination countries and workplaces, migrant leaders and trade union officials have been identified and trained on organizing, and 'labour exchanges' have been established to share experiences and identify solutions.



MRC staff practice counselling in Battambang, Cambodia. ©ILO 2013

In Thailand, Cambodia and Malaysia, the project continues to provide legal assistance to migrant workers and is exploring options on how to deliver dedicated legal services in Viet Nam, Lao Peoples' Democratic Republic and Myanmar. Most often, claims are for non-payment of wages or a failure of recruitment agencies to send migrant workers, despite fees being paid. These cases are regularly negotiated with recruitment agencies using legal aid support, given that most migrants do not wish to pursue their claims through the justice system. In Malaysia, however, the MTUC has enabled payment of about US\$55,000 through industrial

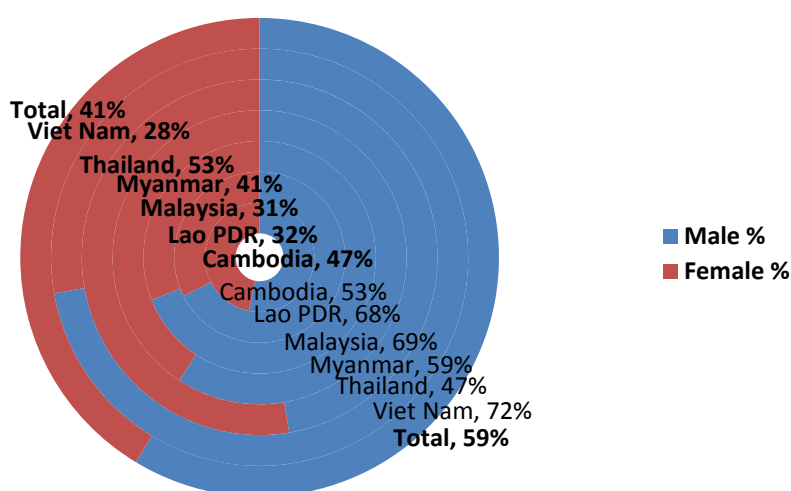
dispute mechanisms and Tenaganita has negotiated over US\$45,000 to be paid to migrant workers. Beneficiaries provided with legal assistance by the Migrant Assistance Programme in Chiang Mai and Mae Sot, Thailand have received US\$58,000, and through assistance provided by the Human Rights

and Development Foundation, over US\$60,000 in compensation has been paid. For the first time, MRCs in Viet Nam reported providing legal assistance in cases of complaints from migrant workers, an important step in service provision.

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

Based on the reports submitted, the project has assisted 30,871 beneficiaries to date, using the definition that a beneficiary must have received individualised, responsive services – this number does not reflect beneficiaries who may have received communications materials or benefitted from watching a television special, for example. The project is currently determining a way of assessing the impact of project interventions to this broader audience, as well as the outcomes of the counselling and legal assistance services provided for individual migrants. Of the 27,312 beneficiaries for whom their sex has been documented, 41 per cent are women.

Gender of Project Beneficiaries by Country



To raise awareness about safe migration and rights at work, the project supports the development and dissemination of a broad range of information, education and communication materials, with many of these efforts culminating in International Migrants' Day.

The project has developed a Regional Communications Plan that has been streamlined within the MRC Operations Manual 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 for Malaysia and Thailand, MRC-specific products, including flyers, information sheets and banners)
- Radio shows (MAP Radio in Chiang Mai)
- Television shows and film (panel discussions in Viet Nam, Cambodia and Lao Peoples' Democratic Republic, 'My Name is Saray' in Cambodia)
- Websites (Viet Nam General Confederation of Labour website in Viet Nam, Saphan Siang in Thailand and Migration Works in Malaysia)
- Public service announcement (PSA) in Malaysia



A woman and her child consider a boat staffed by migrant workers in the fishing industry, Thailand ©ILO 2013