



International
Labour
Organization

GMS TRIANGLE Project Update: June 2014

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.

The GMS TRIANGLE project has successfully completed four years of implementation and is beginning to move into a period where efforts will be focussed on monitoring and evaluation, and ensuring sustainability of tools and approaches. The project continues to see results arising from flexible modification of activities and approaches. The project will continue to provide technical comments to partner governments on draft legislation, but will concentrate in the final year on monitoring the impact of legislative changes previously influenced by GMS TRIANGLE. The project is sharing experiences on the design, delivery and institutionalisation of capacity building tools for tripartite constituents, to ensure sustainability of project interventions. The provision of support services to more than **38,422** migrants, potential migrants and family members, indicates the project's success, reaching well above the target of 25,000 beneficiaries. In fact, those who have been reached through outreach, communication, mass media, consultations, and workshops (as distinct from capacity building or individual counselling) are in addition to this figure.

Key Achievement 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

Through a variety of means, including consultation, local knowledge and direct requests, the project continues to identify areas ripe for legislative change, and support governments to enact frameworks that reflect, insofar as possible, the international normative standards set by the ILO and other UN agencies. These initiatives contribute to creating labour migration governance systems that are increasingly rights-based and respond to the needs of employers and women and men migrants, in turn contributing to the economic development of families, communities and countries in the region, through creation of safer and more efficient migration channels and workplaces.

Recently, the GMS TRIANGLE project has provided technical assistance on two key pieces of legislation relating to migrant workers in Malaysia - drafts of the Private Employment Agencies Bill and a regulation on domestic work. The project has been specifically requested to provide assistance in the drafting of two further *prakas* in Cambodia and on the new Labour Migration Policy, an indicator of the success of the partnership developed during the formulation of the previous eight *prakas* and the previous policy. One of the new *prakas* will outline how to release the private recruitment agencies guarantee deposit in cases where compensation is required.



Australian Government
Department of Foreign Affairs and Trade



Project staff have also provided input into numerous other drafts, including on the Ministerial Regulation No. 10 on Sea Fishing, to combat trafficking and exploitation in the fishing sector in Thailand. Inputs into Lao People's Democratic Republic's anticipated new Labour Law are ongoing. Several sub-decrees and legal assessments in Viet Nam were completed, and further direct assistance was requested on the effect of ratifying the Migrant Workers (Supplementary Provisions) Convention (No. 143) in Viet Nam. These achievements in building fairer legal frameworks are underscored by the project's approach of consultation by tripartite committees in the drafting of legislative and policy documents, to ensure ownership and effective implementation by all stakeholders in the labour migration process.

Publicizing a positive image of migrant workers

The project has continued to increase efforts on garnering positive coverage of migrant workers in Thailand and Malaysia, where the *Saphan Siang* (Bridge of Voices) and *Migration Works* campaigns are run. This year, extra attention has been paid to increasing the online communities through a more visible Facebook and Twitter presence, in addition to public events and activities. The *Saphan Siang* Youth Ambassadors programme has placed young Thai students in volunteer placements assisting migrant worker civil society organisations since March 2014, and has been successful in diversifying support for the campaign. The Public Service Announcement for the Migration Works campaign has been completed and several activities hosted at universities in Malaysia, with positive reactions from students.



Saphan Siang Youth Ambassadors at a May Day event with migrant workers in Chiang Mai
©ILO 2013

For Domestic Workers Day on 16 June, the campaigns joined together to create a series of materials to advocate for domestic workers' rights and the ratification of the Domestic Workers Convention (No. 189), including the development of an infographic. The campaigns also coordinated with the ILO's Regional Director for Asia Pacific in drafting an opinion piece that was published in nine newspapers and online channels throughout the region. Thousands of postcards emphasising the contribution of domestic workers in Thailand were also distributed, encouraging employers to pledge to uphold standards in the Convention. These campaigns continue to be a vital part of efforts to enable legislative and policy change.

Key Achievement under Objective 2

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

Promoting normative standards

The project will support efforts to share information on the newest Protocol and Recommendation supplementing the Forced Labour Convention (No. 29) that was passed by overwhelming majority at the International Labour Conference in June 2014. The new Protocol and Recommendation are the first to specifically make the links between labour migration, forced labour and human trafficking and use a labour-integrated approach.

During the first **4** years of the GMS TRIANGLE project:

1,563 government officers have received training at national level.

39% of those trained at national level are women.

7,332 public officials from the local level have received training.

32% of those trained at local levels are women.

In 2014, **20** civil society organizations have been supported in providing services to migrant workers and building capacity.

Strengthening protection for migrant workers by improving policy and legislative implementation

Effective monitoring of the implementation of policy and legislation has been the central goal of the last six months of the GMS TRIANGLE project. The project has developed a new monitoring and evaluation and results assessment framework. The assessment of impact is especially relevant in Objective 2, capacity building. New indicators consider qualitative and quantitative analysis of the capacity building activities, including pre- and post-testing results. Some quantitative indicators will be vital in evaluating the success of the project overall; for example, the number of complaints received by the Ministry of Labour and Vocational Training in Cambodia will directly reflect the training that has been delivered by the project on the *prakas* enabling this mechanism. Training on how to lodge and receive complaints according to the standards in the *prakas* has been provided to national and regional Ministry officials, employees of private recruitment agencies, and civil society organizations.

Expanding self-regulation

The project supports a business-case for self-regulation of private recruitment agencies and employers of migrant workers, predominately through guides to employment practices (for example, the National Fisheries Association of Thailand's Code of Conduct, and the Guidelines for Employers of Migrant Workers currently in development in Malaysia) and Codes of Conduct for recruitment agency associations.

The project has supported the development of a monitoring mechanism for the Vietnamese Association of Manpower Supply (VAMAS) Code of Conduct. This monitoring mechanism has been extended to 50 recruitment agencies, further institutionalising this method. This extension means that now

around 50 per cent of Vietnamese migrant workers being deployed abroad are going with private recruitment agencies that are monitored as to their compliance with the VAMAS Code of Conduct. Complementary to this effort, the GMS TRIANGLE project and United Nations Action for Cooperation against Trafficking in Persons (UNACT) collaborated with the Ministry of Labour, Invalids and Social Affairs (MOLISA) to develop a guideline for inspecting recruitment agencies to provide a common framework for all labour inspectors at both central and provincial levels. Further closing the gap between legislation, policy and implementation, two consultations were held with labour attachés and consular officials from twelve countries sending workers to Malaysia, to provide a better understanding of laws and procedures and improve cooperation with government and social partners. A similar series of consultations began in Thailand in June 2014 with support from the ASEAN TRIANGLE project.

Pre-departure training curricula, designed to equip migrant workers with vital knowledge on how to keep safe and assert their rights in destination countries, have been finalized in Cambodia and Viet Nam following extensive consultation. A training of trainers was held in

Key Achievement under Objective 3

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

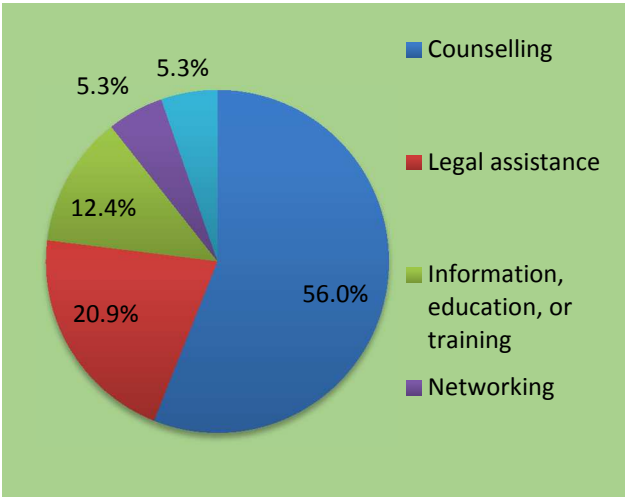
Cambodia. Discussions on how to ensure sustainability of the curricula and mechanisms are on-going in 2014.

Migrant Worker Resource Centres (MRCs), including the newly established MRC in Myanmar, have been focused in this period on improving outreach delivery and information dissemination and training. This emphasis responds to the need for community-based training on safe migration and the need to reach women potential migrant workers. This approach also builds on lessons included in the MRC Operations Manual, which has been finalized in Cambodia, Lao People's Democratic Republic and Viet Nam and is at consultation stages in Myanmar. In each country the manual has undergone a significant period of consultation and testing to ensure maximum relevance and ownership.

Monitoring support services

More regular and systematic monitoring visits at MRCs have occurred to reinforce the quality and sustainability of services and integrate feedback from beneficiaries. These efforts are paying dividends, with partners and technical staff better able to present a vibrant, precise picture of how project activities have protected migrant workers, as well as apply a more results-based approach to their work. This potentially helps project partners obtain ongoing funding or replicate MRC services in other government offices.

Breakdown of 'CLIENT' services provided in MRCs



Promoting awareness of safe migration

Over 50,000 information, education and communication materials have been distributed, including the Safe Migration Tips and Travel Smart, Work Smart booklets for Thailand and Malaysia. A second edition of Travel Smart, Work Smart for Thailand was produced to reflect changes in the legislative and policy framework. This document has been requested by the labour attaché in Malaysia for distribution.

During the first **4** years of the GMS TRIANGLE project:

21,779 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.

16,643 migrants in Malaysia and Thailand have received counselling, information or training on safe migration and rights at work.

US\$1 million has been ordered as compensation for underpayment or accidents suffered in the workplace for **2,444** migrant worker complainants.

40% of project beneficiaries for whom gender was recorded, are women.