

# BALI DECLARATION POLICY BRIEF NO. 6 | 2018 UPDATE

## PROMOTING FAIR MIGRATION

### BALI DECLARATION PRIORITY:

Enhancing labour migration policies based on relevant international labour standards that:

- (a) recognize the labour market needs of all;
- (b) are based on the General principles and operational guidelines on fair recruitment (2016), including no charging of recruitment fees or related costs to workers; and the entitlement of workers to keep in their possession travel and identity documents;
- (c) provide adequate protection to all migrant workers, including through better portability of skills and social security benefits;
- (d) take into account the ILO Multilateral Framework on Labour Migration (2005); and
- (e) redress employer–worker relationships that impede workers’ freedom of movement, their right to terminate employment or change employers, taking into account any contractual obligations that may apply, and their right to return freely to their countries of origin.

**Nearly two-thirds – 65 per cent – of the world’s migrants have moved for employment purposes. In total, migrant workers number 150 million of which 44 per cent are women.**

Labour migration has the potential to deliver a triple win. For countries of destination, it contributes to economic growth through the provision of labour, skills and ideas. For countries of origin, the movement of women and men across borders reduces unemployment pressures and increases remittances. Migrant workers have the opportunity to earn higher incomes and develop new skills, and thus greater independence and agency. However, the envisioned triple win is currently not equitably distributed. Maximizing the benefits of labour migration and minimizing the risks and social costs requires sound, gender responsive and effective labour migration governance. The 2030 Agenda for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration demonstrate the global significance of this issue, and offer an important opportunity for the ILO to promote its Decent Work Agenda, including the fundamental principles and rights at work.

The Bali Declaration was adopted at the 16th Asia and Pacific Regional Meeting of the ILO on 9 December 2016. The Declaration serves as a call to action for governments, workers’ and employers’ organizations in the region to do more to promote inclusive growth, social justice and decent work. This series of Policy Briefs aims to focus attention on the priorities for policies and actions at national level and by the ILO as defined in the Declaration.



**Above all the future of work must include the advancement of decent work for migrant workers at all skill levels and sectors, leaving no one behind. The Global Compact on Migration gives us an opportunity to make this goal a reality together.**

– Guy Ryder, ILO Director-General

## DEFINING THE CHALLENGE

The Asia-Pacific region was host to 15.2 per cent of the world's economically active migrants in 2017. This is the equivalent of 25 million migrants in total, 16 million males and 9 million females (ILO, 2018). Migration to higher-income economies within the region provides millions of jobs and generates billions of dollars in remittances for migrant workers and their families. Seven of the top ten remittance-receiving countries in 2016 were in the region (Bangladesh, China, India, Indonesia, Pakistan, the Philippines and Viet Nam) with inflows totaling approximately US\$210 billion (World Bank, 2017).

The key migration corridors in the region include flows to and within the ASEAN member States, from South Asia, to East Asian economies, and to New Zealand and Australia, with the latter countries primarily receiving seasonal migrants from Pacific Island countries. Labour migration in the region is primarily temporary in nature involving low- and semi-skilled work. In 2015, a third of new immigrants to OECD countries came from Asia (OECD, 2017). Between 2000 and 2017, the total number of international migrants originating in Asia increased by 40.7 million, the largest increase among all regions (UNDESA, 2017).

Both men and women migrate, although they tend to work in different sectors. Male migrants dominate sectors such as construction and female migrants are predominant in domestic work. ILO estimates that around 8.5 million (73.4 per cent) of all migrant domestic workers are women with South-East Asia and the Pacific hosting the largest number of women migrant domestic workers (24 per cent) (Tayah, 2016).

The issue of distress migration features in certain countries in the region, notably from Afghanistan, Bangladesh and Myanmar; and the climate change induced migration in the Pacific and small island states. Irregular migration occurs in parallel with regular migration, though the figures vary by countries and sub-regions.

Migrant workers are highly vulnerable to abuses during recruitment as well as abuses on the job in part because the supply of potential migrants in lower wage countries outstrips the demand in higher income destination countries. In many countries with governance gaps, both in origin and destination, the recruitment fees charged are excessive in relation to actual costs incurred. Abuses on the job – for example, withholding of passports, violence or faulty occupational safety and health – are often exacerbated by the way in which work permits are tied to specific employers creates a dependency that can easily be exploited. In the event that migrants' rights are violated, they often have little recourse to justice.

## AREAS OF ACTION AND LESSONS LEARNED

The ILO Regional Office for Asia and the Pacific has 20 current projects related to labour migration, with some of the most recent listed below. Between the project teams and technical specialists in Decent Work Teams, ILO action to support constituents in taking forward the Bali Declaration over the next few years remains strong. The primary areas of action include:

### *Implementation of Fair Recruitment Principles and Guidelines:*

Numerous countries in the region have taken positive steps to promote fair recruitment processes. The ILO assists countries to assess the costs of migration to better monitor fair recruitment. This includes conducting surveys using standardized Global Knowledge Partnership on Migration and Development (KNOMAD) methodology on migration cost, and supporting the measurement of progress against SDG 10, target 10.7 on safe and orderly migration. The ILO

## OUTFLOW OF WORKERS FROM SELECTED ASIAN COUNTRIES, 2010-2016 ('000s)

Country	2010	2011	2012	2013	2014	2015	2016
Philippines	1 124	1 319	1 435	1 469	1 431	1 438	1 328
Pakistan	358	453	635	620	752	947	839
India	641	627	747	817	805	781	521
Bangladesh	391	568	608	409	426	556	788
China	411	452	512	527	562	530	494
Nepal	294	355	385	451	520	500	419
Indonesia	567	594	460	469	430	276	235
Sri Lanka	268	263	282	293	301	263	243
Viet Nam	86	88	80	88	107	116	126

was instrumental in developing the methodology to measure recruitment costs borne by an employee as a proportion of yearly income earned in country of destination (SDG indicator 10.7.1; methodology adopted in November 2018).

#### *Protection to all migrant workers:*

Many countries now take a sectoral approach on labour migration governance, with many working with the ILO to develop context-specific approaches to improving conditions in domestic work, construction, manufacturing, agriculture and fishing. A key element of the sectoral approach will be engagement with supply chain actors and the leveraging of their influence on the protection of workers. To protect migrants from abuses in employment practices, the ILO promotes the establishment and effective functioning of Migrant Worker Resource Centres (MRCs) run by government job centres, trade unions and civil society organizations (CSOs). Specific attention is needed to promote and enforce safe and fair migration for women.

#### *Supporting ASEAN employers to adopt and implement fair recruitment practices:*

The ASEAN Confederation of Employers (ACE) has developed and adopted a policy position and framework for sustainable labour migration in the area of recruitment, skills matching, OSH, forced labour and human trafficking and non-discrimination.

#### *Portability of skills and social security:*

There is much potential for skills training and recognition systems to positively impact on the matching of labour migrant supply and demand. The ILO supports joint minimum standards and mutual recognition approaches to skills by building systems and linking the various actors involved. Bilateral agreements on portable social security benefits are also currently being explored for various ASEAN member States.

#### *Regional cooperation on migration governance and statistics:*

Bilateral Labour Arrangements (BLAs) and Memorandum of Understanding (MOUs) among governments and countries of origin and destination should engage the social partners, making text available to the public (as in the Philippines), and adopting a system of periodic assessment. The ILO continues to support strengthening bilateral and regional frameworks and processes in the South-East Asia and South Asia, while also facilitating the collection and sharing of labour migration data.

## WHERE DO WE GO FROM HERE?

#### *Some current ILO projects and areas of action:*

TRIANGLE in ASEAN (2016–2025). The project is a partnership between the Australian Department of Foreign Affairs and Trade (DFAT), the Global Affairs Canada (GAC) and the ILO. It delivers technical assistance and support with the overall goal of maximizing the contribution of labour migration to equitable, inclusive and stable growth in ASEAN. TRIANGLE in ASEAN engages with ASEAN bodies working on labour migration, primarily the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). It supports comprehensive programmes in six priority countries (Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam). Most recently, the TRIANGLE programme helped to launch SaverAsia, a new free digital tool that helps migrant workers compare money transfer costs to find the best rates.

Safe & Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region (2018–2022). This project is aimed at reducing violence and trafficking by improving frameworks which govern labour migration, improving access to information and services, providing opportunities for

## RATIFICATION OF MIGRATION-SPECIFIC AND RELATED CONVENTIONS IN ASIA AND THE PACIFIC

Country	ICRMW	C.97	C.143	C.181	C.189
Bangladesh	24 Aug 2011				
Fiji				21 Jan 2013	
Hong Kong, SAR		22 Jan 1951 (UK)			
Indonesia	31 May 2012				
Japan				28 Jul 1999	
Mongolia				17 Apr 2015	
New Zealand		10 Nov 1950			
Philippines	5 Jul 1995	21 Apr 2009	14 Sep 2006		5 Sep 2012
Sabah State of Malaysia		3 Mar 1964			
Sri Lanka	11 Mar 1996				
Timor Leste	30 Jan 2004				

Note: ICRMW = International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; C.97 = Migration for Employment Convention; C.143 = Migrant Workers Convention; C.181 = Private Employment Agencies Convention; C.189 = Domestic Workers Convention.

Source: NORMLEX (2018) and OHCHR (2018).

these workers to network, record data and experiences of these migrant workers and campaigning to promote a better understanding of the contribution of women migrant workers. The project is part of the Spotlight Initiative to eliminate violence against women and girls, a global, multi-year initiative between the European Union and United Nations. Safe & Fair is implemented through a partnership between the ILO and UN Women with the overriding objective of ensuring that labour migration is safe and fair for all women in the ASEAN region.

Application of Migration Policy for Decent Work for Migrant Workers (2016–2018). The project, funded by the Swiss Agency for Development and Cooperation (SDC), is supporting the Government of Bangladesh to move into full implementation of its migration policies. It provides research and technical advisory support, facilitates social dialogue and stakeholder engagement, and support the implementation of pilots to test a range of strategies for migrant worker's education, support and re-entry into the Bangladesh labour market. It focuses on strengthening the overall policy and governance framework for migration, improving the institutions responsible for managing migration, and supporting the development of expanded services to migrant workers.

EU-India Cooperation and Dialogue on Migration and Mobility (CDMM) (2017–2020). The objective of the project is to support the EU-India High Level Dialogue on Migration and Mobility (HLDMM) and the implementation of the Common Agenda on Migration and Mobility (CMM) which was endorsed by the Government of India and the European Union in 2016. In collaboration with implementing partner ICMPD, the project aims to contribute to the better governance of mobility and migration between the EU and India, as well as to prevent and combat irregular migratory flow.

On 10 December 2018, leaders from 164 countries adopted the Global Compact for Safe, Orderly and Regular Migration (GCM), pledging to better manage migration at local, national, regional and global levels, including reducing the risks and vulnerabilities the migrants or refugees face at different stages of their journey. The ILO Director-General attended the event and pledged to continue the work of the ILO to assist in practices of fair labour migration.

#### Useful references:

ADB; OECD; ILO. 2018. *Labour migration in Asia: Increasing the development impact of migration through finance and technology* (Manila).

ILO. 2006. *ILO's Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach* (Geneva).

–. 2016. *General principles and operational guidelines for fair recruitment* (Geneva).

–. 2018. *ILO Global Estimates on International Migrant Workers – Results and Methodology* (Geneva).

OECD. 2017. *Migration Outlook 2017* (Paris).

Tayah, M-J. 2016. *Decent work for migrant domestic workers: Moving the agenda forward* (Geneva, ILO).

UNDESA. 2017. *International Migration Report 2017* (New York).

World Bank. 2017. *Migration and Remittances: Recent Developments and Outlook; Special Topic: Global Compact on Migration, Migration and Development Brief 27* (Washington, DC).