



GMS TRIANGLE Project Update: October 2015

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 conclusion of its initial phase, the GMS TRIANGLE project solidified its role as a leading authority on labour migration governance within the Mekong Subregion. The project's labour approach to combatting exploitation, forced labour and human trafficking has gained traction within the region and beyond, with increasing acknowledgement that gaps in regulating labour migration are a key contributing factor. At ILO headquarters, the Special Action Programme to Combat Forced Labour is piloting an integrated methodology to research on forced labour and human trafficking that echoes the project approach in its study of *Employment Practices and Working Conditions in Thailand's Fishing Sector*. GMS TRIANGLE activities have also been presented in numerous international forums, including the Global Forum on Migration and Development, the Technology and Trafficking in Persons conference, Out of the Shadows: Combatting Forced Labour and Other Forms of Worker Exploitation and the Global Dialogue on Unacceptable Forms of Work.

In January 2015, the Australian Government's Department of Foreign Affairs and Trade (DFAT) endorsed a design phase for the TRIANGLE II project. A team of international experts on labour migration spent four weeks consulting over 300 stakeholders in the project countries and at a subregional meeting to develop the approach. After extensive collaboration with DFAT staff in Bangkok and Canberra to refine the project design, an agreement has been reached to implement the TRIANGLE II project from 2015-2025, expanding the activities from protection of migrant workers to migration and development and labour mobility.

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

Through support for tripartite consultations, provision of technical assistance to governments and conducting research to increase the evidence base, the GMS TRIANGLE consolidated its contribution to improved labour migration policy frameworks in countries of origin and destination. A variety of recent external pressures, such as the U.S. Government's Trafficking in Persons Report, the European Union's 'yellow card' and media attention, have been useful entry points for GMS TRIANGLE policy and legislative advocacy to be better heard and acted upon. The project also utilized support from ASEAN structures to provide further impetus for change.

In all six project countries, the ILO has supplied technical comments on draft policy and legislation, drawing upon international labour standards and good practices. This included mainstreaming gender equality concerns, drawing on the principles of the ILO's Equal Remuneration Convention (No. 100), the

Discrimination in Employment and Occupation Convention (No. 111) and other relevant ILO and United Nations (UN) treaties. With respect to future ratifications, Cambodia has developed a 'Roadmap for Ratification' of the Domestic Workers Convention (No.189) with the assistance of GMS TRIANGLE and UN Women, and advocacy for the adoption of the freedom of association conventions and other fundamental labour standards are ongoing in all countries.

Most recently, the project has submitted comments on the draft memoranda of understanding between Thailand and Myanmar on labour cooperation and between Malaysia and Myanmar on employment of domestic workers. Where feasible, these comments have also included inputs from consultations with stakeholders in order to increase the level of social dialogue on policy development. For the MOUs with Thailand, the project collaborated with the International Organization for Migration (IOM) to organize national and bilateral consultations with employers, trade unions and civil society organizations (CSOs).

The project published several research studies in 2015, including the *Review of the effectiveness of the MOUs in managing labour migration between Thailand and neighbouring countries* and *Safe migration knowledge, attitudes and practices in Myanmar (KAP study)*, which is being used to driving policy interventions and influencing stakeholders. A policy brief on the situation of migrant domestic workers from Viet Nam was also released. Upcoming studies include an analysis of the complaints mechanism operation in Cambodia and the government-to-government management of labour migration between Malaysia and Bangladesh. The project also contributed two chapters (on social protection for migrants, and migrants' access to complaint mechanisms) for the *Thailand Migration Report 2014*, prepared by the UN Thematic Working Group on Migration.



ILO Technical Officer Jacqueline Pollock speaking to the media at the launch of the Safe Migration KAP study in Yangon, Myanmar. ©ILO/2015

The GMS TRIANGLE input suggestions into

18 policy instruments, including:

Cambodia

- Labour Migration Policy and Action Plan for Cambodia (2010-15 and 2015-18)
- Eight Ministerial Orders on the Sending of Cambodian Workers Abroad (2013)

Thailand

- Ministerial Regulation on Domestic Work (2012)
- Ministerial Regulation on the Protection of Fishers (2014)

Viet Nam

- Ministerial Circular on Standard Service and Labour Contracts (2013)
- Ministerial Circular on Ceiling of Deposits (2013)
- Government Decree on Complaint Mechanisms (2014)

Promoting a positive image of migrant workers

The public campaigns to generate a more positive image of migrant workers continued in Thailand and Malaysia, drawing increasing international attention and support. With a diversified group of donors that now includes the ILO, IOM, UN Economic and Social Commission for Asia and the Pacific, UN Women and World Vision International, the second round of the Saphan Siang Youth Ambassadors program placed 20 Thai university students in professional volunteer positions with organizations working to assist migrant workers. In Malaysia, the Migration Works campaign organized the 'Journey of Hope' art exhibition at several locations in Kuala Lumpur, reaching over 3,000 people. Youth events organized by the campaign in cooperation with local universities and schools also enabled in-depth dialogue on the issues faced by migrant workers in Malaysia.

Key Achievements 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

Improving the implementation of labour migration policies

Expanded capacity building activities delivered 95 different types of training on labour migration to key stakeholders during the last year. Cumulatively, over 20,000 government and social partner representatives were trained at national and local levels during the GMS TRIANGLE project.

Continuing the series of dialogues with diplomatic missions in Malaysia, a consultation was held with labour attachés and consular officials from countries of origin to provide a better understanding of detention and deportation policies and improve cooperation on providing legal assistance. To document the results of the six discussions held over the course of the last three years, a summary report was launched entitled *Consultations with Labour Attachés and Consular Officials in Malaysia on the Protection of Migrant Workers*.

GMS TRIANGLE assisted the Thai Government to develop operational guidelines and tools for labour inspection of fishing vessels. During offshore inspections, labour inspectors will collaborate with inter-ministerial teams to conduct inspections targeting vulnerable workers. Project staff are now assisting with the delivery and monitoring of these inspections, with an agreement reached with senior officials from the Department of Labour Protection and Welfare to establish SMART (specific, measurable, achievable, relevant and time-bound) performance indicators.

The project has supported increased cooperation and coordination among civil society and international organizations in all six countries. In Lao PDR, the project supported the establishment of the Labour Migration Network Meeting, the first forum to bring together government and civil society to discuss labour migration governance. GMS TRIANGLE also continued its long-term support of the 'Forum to Address Labour Migration and Trafficking' in Cambodia and national and sub-national civil society networks have been established with ILO assistance in Myanmar.



Meeting of the Civil Society Network for Migrants in Kyaing Tung, Myanmar. ©ILO/2015

20,083 stakeholders
have been trained by the
GMS TRIANGLE project:

6,221 stakeholders
were trained at national
level.

43% of those trained at
national level are women.

13,862 stakeholders
were trained at local level

38% of those trained at
local levels are women.

*Stakeholder participation at
national workshops
organized by the GMS
TRIANGLE project:*

51% government
officials

22% employer
representatives

14% worker
representatives

13% representatives of
CSOs, UN agencies,
academia and others

Developing the capacity of trade unions and supporting the formation of migrant associations

In March 2015, an MOU was signed between the Viet Nam General Confederation of Labour (VGCL) and the Malaysian Trades Union Congress (MTUC), the second such agreement that has been supported by the project. The MOU is an important result of long-term capacity building efforts with trade unions and government officials, allowing VGCL to obtain official support for the arrangement.

Recognizing the major challenges to freedom of association for migrants employed in informal and isolated sectors of work has led to creative efforts to support organizing. Capacity building of networks and associations that are at a 'pre-union' stage has been applied in contexts where organizing workers is politically challenging. Among fishers, the project supported efforts by civil society to establish informal associations of migrant workers. For domestic workers, organizing by trade unions and civil society has given voice to the need for increased labour and social protections for the sector in both Thailand and Malaysia.

Engaging the private sector

GMS TRIANGLE supported the Malaysian Employers' Federation (MEF) to carry out a study of the recruitment and employment of migrant workers by its membership. Survey responses from 101 firms were collected in order to draft *Practical Guidelines for Employers on the Recruitment, Placement, Employment and Repatriation of Foreign Workers in Malaysia*. To date, the Guidelines have been used as the basis for training over 200 employers in Penang, Kuala Lumpur and Johor.



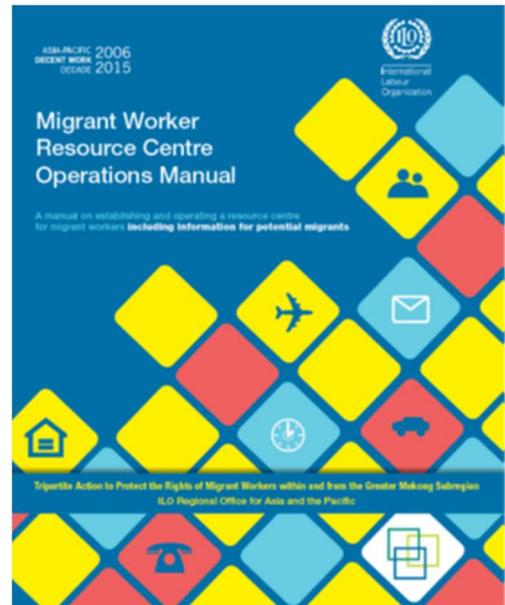
Workshop to evaluate the implementation of the VAMAS Code of Conduct in Hanoi, Vietnam. ©ILO/2015

Support has continued for the monitoring and ranking of recruitment agencies in Viet Nam against compliance with the Viet Nam Association of Manpower Supply (VAMAS) Code of Conduct. Through demonstrating the business case for compliance, VAMAS has expanded the reach of the monitoring system

to cover sixty per cent of the Vietnamese migrant workers making use of recruitment agencies. The system continues to be expanded and improved upon, with VGCL invited to join the Evaluation Board, creation of a star-based ranking system and additional cooperation with provincial labour departments.

Institutionalizing pre-departure training curricula

Following extensive consultation with government and social partners, pre-departure training curricula have been finalized for Cambodia, Viet Nam, Lao PDR and Myanmar and training of trainer events organized. Further discussions on the roll-out of the curricula and the most effective delivery mechanisms remain on-going. In Cambodia, the Association of Cambodian Recruitment Agencies (ACRA) has begun delivering this training for workers. In Myanmar, copies have been distributed to government and social partners and have been used to train staff from four Labour Exchange Offices in the Mandalay region.



Cover of the Migrant Worker Resource Centre Operations Manual. ©ILO/2015



Panel discussion at the 7th ASEAN Forum on Migrant Labour held in Nay Pyi Taw, Myanmar. ©ILO/2014

Strengthening regional cooperation on protection of migrant workers

To increase regional dialogue on labour migration policy and practice within the GMS and ASEAN, the project contributed to a number of consultations where governments and social partners shared experiences and good practices. Most prominently, this included the annual ASEAN Forum on Migrant Labour and the Sub-Regional Advisory Committee meeting. GMS TRIANGLE also collaborated with the ASEAN TRIANGLE project to organize several thematic workshops, including for domestic work, fishing work, the role of trade unions in the protection of migrant workers, labour inspection and the labour dimensions of human trafficking.

Key Achievements under Objective 3

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

Provision of support services

Thirty implementing partners continued to provide support services to migrant workers, potential migrant workers and members of their families across all project countries and seven MRCs are now operational in Myanmar. Through these Migrant Worker Resource Centres (MRCs) and backstopping organizations, the project has been able to assist 61,991 women and men migrants and distribute over 100,000 copies of safe migration informational materials.

The effect of the support services delivered to these migrants is further multiplied through informal information sharing among peers, families and friends. Surveys of potential migrants in Cambodia found that heavy reliance upon friends and family to obtain information continues. However, this information now often includes the project's safe migration messages, which suggests that MRC activities have added significantly to the local knowledge base at target sites.

A strong emphasis has been placed on achieving gender balance among beneficiaries of support services to ensure the project contributes to equitable outcomes. Notable progress in reaching women migrants was made during the period, with a year-on-year increase of five per cent in women migrants served by MRCs. In particular, service provision to women migrants in Myanmar improved substantially, supported by collaboration with gender specialized partners such as the Tavoyan Women's Union and the establishment of CSO networks in Yangon and Kyaing Tung to work more closely with women's groups.



MRC staff distribute information on safe migration at a bus station in Shan State, Myanmar. ©ILO/2015

Enabling access to justice for migrant workers

The process of lodging a formal complaint is often a daunting task for migrants. Without assistance, most migrant workers are unable or unwilling to seek redress when their rights are violated. Since the start of the project, 11,768 migrant workers and members of their families (5,650 women) have received legal aid with 2,159 complaint cases in Cambodia, Malaysia, Myanmar, Thailand and Viet Nam. The high number of complaints lodged is indicative of the trust that migrant workers place in MRC service providers.

61,991 migrants have been assisted by the GMS TRIANGLE project:

39,595 potential migrant workers in countries of origin

22,396 migrant workers in destination countries

41% of project beneficiaries are women.

Legal assistance outcomes supported by the GMS TRIANGLE project:

6,240 complainants had their cases resolved

69% of complainants received financial compensation as a remedy

US\$2 million was ordered as compensation for complainants

Safe migration counselling beneficiaries traced by the GMS TRIANGLE project (n=1,578):

89% of regular migrants said that they had chosen to use legal channels based upon counselling services

The project has provided training to implementing partners to document detailed legal assistance outcomes for complaint cases closed. Aggregation and analysis reveals that many of the complaints were related to very severe forms of exploitation, with seven per cent recognized as cases of forced labour and thousands more showing strong indications. The results provide solid evidence that broader efforts to protect the labour rights of migrant workers can be an effective strategy for identifying and assisting victims of forced labour and human trafficking.

With the support of GMS TRIANGLE, the system used to resolve grievances in Cambodia has become a model of good practice for such mechanisms. To facilitate greater access for migrant workers, local labour authorities and MRCs conduct outreach and offer initial assistance. If the complaints cannot be resolved with provincial assistance, referrals are made to the Ministry of Labour and Vocational Training or specialized legal assistance providers in Phnom Penh. Through capacity building of the relevant authorities, it is hoped that complaint mechanisms for migrants in other countries of origin may follow a similar course in the coming years.



Fishing installation at the Bangkok Art and Cultural Centre to mark International Migrants Day © ILO/2014

Monitoring and evaluation of MRC services

Assessing the outcomes of MRC services remains a key emphasis area of the project, facilitated by capacity development of MRCs and provision of practical tools and guidelines. Implementing partners have found the increased rigor of the monitoring and evaluation (M&E) processes challenging in some cases, however, the substantial improvements in results-based management show the value of continuing the approach. Quantitative data collected and qualitative case studies captured have provided the project with a much more evidenced-based understanding of what works and what does not for protecting migrant workers.

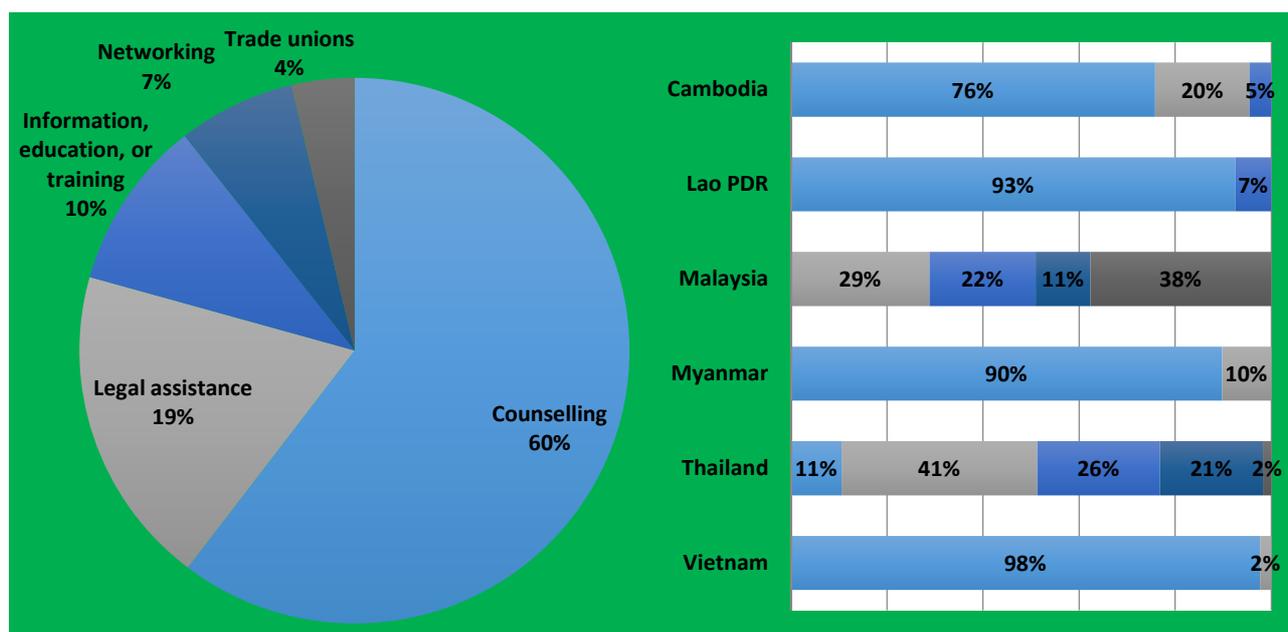
This collaborative approach to M&E demonstrates the symbiotic relationship that the GMS TRIANGLE team fosters with implementing partners. In several cases, NGOs have begun using the project's M&E tools as an organizational framework beyond their cooperation with GMS TRIANGLE, potentially facilitating greater sustainability of services through other donors. While there have been clear benefits for both parties, the results have also revealed the significant capacity gaps remaining in some cases, requiring further training.

After three years of operation, end-line surveys to assess the impact of MRC activities were conducted in Cambodia and Viet Nam during March and April 2015. The findings indicate that MRC activities have helped to fill several major gaps in awareness among potential migrants, contributing to a reduction in vulnerability to exploitation and abuse during the labour migration process. Though the results were highly positive, the endemic nature of these problems were also very evident, suggesting that sustained intervention is needed.



Screen shot of a TV spot developed by the Migrant Worker Resource Centre in Battambang, Cambodia © ILO/2014

'CLIENT' classification of beneficiary support services by region and country



Each MRC is responsible for reporting a breakdown of the types of assistance they have provided to migrant workers by standardized categories, allowing for close monitoring of migrant service needs in target provinces. Aggregated by country and region, the 'CLIENT' classification system provides a quick overview of the assistance delivered by five broad categories:

- C – Counselling on safe migration, rights at work, and social issues
- L – Legal assistance
- IE – Information, education and training
- N – Network or association membership
- T – Trade union membership

The most significant changes in the service delivery model of MRCs during the last year were increases in counselling services in Myanmar and Viet Nam, networking and association membership in Thailand and Malaysia and legal assistance services in Cambodia.

For further information please contact:

Max Tunon
 Senior Programme Officer/Project Coordinator Project
 ✉ TUNON@ilo.org
 ☎ +662 288 1234

ILO Regional Office for Asia and the Pacific
 United Nations Building, Rajdamnern Nok Avenue
 Bangkok 10200, Thailand
 ✉ BANGKOK@ilo.org
 🌐 www.ilo.org/asia