

International Labour Organization

Sub-regional meeting to develop the CLM Work Plan with the ASEAN TRIANGLE Project
Thursday 18th September 2014

Landmark Hotel, Bangkok, Thailand

1. This notereports the main discussions of the sub-regional meeting organized by the ILO ASEAN TRIANGLE Project, held in Bangkok, Thailand on September 18, 2014. This sub-regional meeting brought together government officials from Cambodia, Lao PDR and Myanmar (CLM) in order to identify the capacity building needs of the CLM countries on labour migration governance, and to discuss and develop a 2-year CLM Capacity Building Work Plan to enhance labour migration governance, in the interest of protecting and promoting the rights of migrant workers. Three government officials from the Philippines and the former Philippines Secretary of Labour and Employment participated in the meeting to share the Philippines' experience in ineffective labour migration governance with the CLM countries (see Annex I and II for the meeting agenda and the participant list).
2. Launched in 2000 at the fourth ASEAN Informal Summit held in Singapore, the Initiative for ASEAN Integration (IAI) aims to support and accelerate the economic integration of the newest ASEAN Member States. The IAI Work Plan was launched in 2002 to endorse projects and programmes in support of implementing the IAI. Section C2 of the IAI Work Plan II outlines plans for the provision of advisory services to the CLMV countries to strengthen the management of their overseas programs.¹ In the spirit of the IAI, the ATP aims to develop a work program with CLM(V) that will facilitate the sharing of information between the Philippines and countries with younger labour migration governance schemes.
3. The sub-regional meeting aimed to identify national and regional capacity building priorities and needs on labour migration governance and protection of migrant workers. The meeting also aimed to develop a 2-year (2014-2016) CLM Capacity Building Work Plan and facilitate agreement on implementation plans.
4. The sub-regional meeting was opened by the Senior Programme Officer/Project Coordinator, ILO ASEAN TRIANGLE Project, Mr. Manuel Imson, who emphasised the timeliness of this workshop for two core reasons: on a global scale, the announcement of the eight-point agenda for action on migration by the UN Secretary General; and, on a regional scale, the fact that the ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers is expected at the end of 2014.
5. The ILO presented an overview of the ASEAN TRIANGLE Project, the labour migration landscape both at the global and regional levels, and the regional framework and basis for the CLM capacity building programme. The ILO described six proposed priority activities to feed

¹C2. Protection and Promotion of the Rights of Migrant Workers of the *2009 Initiative for ASEAN Integration Strategic Framework and IAI Work Plan II (2009-15)* includes i) Provide advisory services to the CLMV countries for the purpose of developing their capacity to manage overseas employment programs. Find the work plan at: <http://cil.nus.edu.sg/rp/pdf/2009%20IAI%20Strategic%20Framework%20and%20IAI%20Work%20Plan%20%20%282009-2015%29-pdf.pdf>

into the identification of regional and country level capacity building needs and priorities. The ILO's six proposed areas of activities and implementation strategies are as follows:

- i. **Labour data collection, analysis and sharing:** strengthen national-level coordination of statistics focal points; hold regional technical meetings on labour migration data; and develop guidelines on data collection in support of the International Labour Migration Statistics (ILMS);
- ii. **Migrant workers' welfare fund:** undertake a feasibility study on the establishment of a migrant welfare fund followed by a validation workshop to review recommendations of the feasibility study; and the possible development of guidelines/blueprints on establishing a migrant welfare fund;
- iii. **Strengthening the labour attaché programme:** develop a guideline or a manual to guide CLM in setting up their labour attaché programmes;
- iv. **Bilateral agreements and Memorandum of Understanding (MoU):** provide technical assistance to assess the effectiveness of MoUs; develop guidelines on the drafting of MoUs; conduct a comparative study on the implementation of MoUs; set up a joint committee on MoU implementation;
- v. **Regulating recruitment processes:** develop one guideline on the licensing of recruitment agencies and another on effective complaints mechanisms; and provide policy recommendations to reduce recruitment costs;
- vi. **Support the implementation of labour mobility (skills recognition):** provide technical assistance for developing the National Qualifications Frameworks (NQFs); and hold regional meetings on skills recognition and labour mobility.

6. The meeting was presented about the links between skills and qualifications frameworks and labour migration management, particularly for protecting migrant workers. The key skills and qualifications frameworks of ASEAN included in the ASEAN Economic Community Blueprint and the ASEAN institutional framework for skills recognition are the ASEAN Qualifications Reference Framework (AQRF), Mutual Recognition Agreements (MRA). The ILO is proposing the drafting of Mutual Recognition of Skills (MRS) in low-skilled, priority sectors. On-going activities by the ILO to facilitate the mobility of skilled labour in the CLM countries were also presented, including:

- i. two skills/competency standards in tourism and construction sectors are being developed and/or have been adopted in the CLM countries;
- ii. one Regional Model Competency Standards (RMCS) is being developed and/or have been validated for use by the CLM countries;
- iii. training programmes and technical assistances are being provided to the CLM countries to advance MRS; and
- iv. awareness raising activities and dissemination of good practices on MRS are being shared with the CLM countries.

The importance of mutual recognition of skills as a major instrument in managing labour mobility, as well as to protect the rights of migrant workers by fully appreciating their skills, was emphasised.

7. Reflecting the six priority areas of activities suggested by the ILO, government officials from the CLM countries shared their experiences of labour migration management and presented key priorities that they respectively identified:

Cambodia:

- i. Cambodia shared its labour migration trends and achievements on labour migration governance to protect their nationals abroad.
- ii. Three priority areas of activities were identified by Cambodia:
 - 1) **Governance on labour migration:** formation, revision and evaluation of MoUs; develop a database on labour migration; ratify the ILO Conventions (Cambodia is currently considering ratifying C. 189 on Domestic Workers); establish labour attachés; and set up a Sub-Committee on labour migration.
 - 2) **Protection of migrant workers:** regulate recruitment processes (one stop centres, standardized employment contracts etc.); set up more Migrant Resource Centres; and pre-departure orientation.
 - 3) **Harnessing labour migration for development:** effective use of resources (e.g. skills); integrate labour migration into national policies; and set up village development funds.
- iii. Upon request, Cambodia explained the involvement of different agencies in managing labour attaché and one-stop service that was originally set up to issue passports to undocumented workers but now is used to issue passports for potential migrant workers.

Lao PDR:

- i. Lao PDR identified five priority areas, including suggested activities.
 - 1) **Labour migration data collection:** capacity building on data collection; build an inter-agency cooperation mechanism on data collection; and establish a common indicator for national statistics on labour migration (e.g. definitions) that can be compared with other ASEAN Member States.
 - 2) **Feasibility study on a migrant welfare fund:** set up a national tripartite committee on a migrant welfare fund. Lao PDR also provided feedback on a TOR that ASEAN TRIANGLE Project drafted on the feasibility study. The feedback includes request for clarification on a timeframe for this study and the identification of responsibilities of stakeholders, particularly of the Lao Ministry of Labour and Social Welfare in conducting the study and setting up a migrant welfare fund.
 - 3) **Management of a labour attaché programme:** conduct more labour attaché training in 2015 particularly on labour dispute settlement and labour inspection.
 - 4) **Bilateral agreement and MoU:** conduct Lao PDR' senior and/or high level officials' study tour to the Philippines to learn about migrant employment services in the Philippines; conduct a comparative study on labour migration management in Thailand and pursue technical exchange of experiences and lessons on labour protection between Lao PDR and Thailand; and develop a guideline on forging good bilateral agreements.
 - 5) **Regulating recruitment processes including private recruitment agencies:** strengthen Lao PDR's ability to enforce labour law and address recruitment malpractice.
- ii. Skills did not factor among Lao PDR's top five priorities, yet Lao PDR suggested setting up a national workshop on skills recognition. Lao PDR acknowledged that for poverty reduction, in particular, the development of mobile skills training facilities (skills training that can be accessed in rural areas) is important.

- iii. Responding to the idea of a village fund proposed by Cambodia, Lao PDR shared a program it has with the ILO-UK that provides micro-finance in rural areas, providing house loans and student loans. Lao PDR also noted that self-employment activities in rural areas are necessary and stated that support from the ASEAN TRIANGLE Project on this matter would be vital.

Myanmar:

- i. Five priority areas were identified by Myanmar. Myanmar explained the reasoning behind the selection, and requested that the ASEAN TRIANGLE Project provide assistance to identify relevant activities for the each priority area.

- 1) **Data collection, analysis and sharing:** Myanmar wishes to provide skills training in line with the skills shortage abroad. Myanmar wishes to collect data on estimated immigration numbers, fees charged by private recruiters, wages of Burmese workers abroad, complaints of Burmeseworkers abroad, remittances, and skills shortages abroad. Myanmar also identified the need for technical and financial assistance for its Overseas Employment Office to train its staff.

- 2) **Regulating recruitment processes, including private recruitment agencies:** Myanmar wishes to stop Burmese workers from being exploited abroad by conducting policy interventions to regulate recruitment practice. Myanmar also explained that it is currently planning to amend the Overseas Employment Law so that the recruitment process can be better regulated.

- 3) **Bilateral agreement and MoUs:** Myanmar explained the terms and conditions of the MoU that it has with Thailand, Malaysia, and the Republic of Korea. The presenter indicated Myanmar's strong wish to continue forming MoUs with potential migrant destination states.

- 4) **Management of the labour attaché programme:** Myanmar shared that labour attachés are currently dispatched to Thailand, Malaysia and the Republic of Korea. Myanmar indicated its commitment to expand the number of labour attachés and deployment states.

- 5) **Establishment of migrant welfare funds:** Myanmar indicated its aims to establish a migrant welfare fund that covers both migrant workers and their families to protect them against fraudulent recruitment and provide them with legal assistance, skills upgrading, and small loans if necessary.

8. Following the presentations by the CLM countries, the Philippines shared its experience and good practice on managing labour migration.

- i. A representative from the International Labour Affairs Bureau introduced the Philippines' history in managing labour migration and the functions of the Department of Labour and Employment (DOLE) and the Philippines Overseas Labour Office (POLO) that forms part of DOLE to provide on-site services to Filipino migrant workers. The multi-agency approach that the Philippines takes to manage labour migration was noted. Particularly, the importance of training personnel before their overseas deployment was highlighted, and the details and curriculum of the Philippines' institutionalized mandatory 40-day pre-deployment training were shared as one of the good practices towards endorsing the capacity building of overseas officials, including labour attachés.

- ii. The former Philippine Secretary of Labour and Employment, presented the importance of a migrant welfare fund for protecting migrant workers by referring to the Philippine experience of setting up the Overseas Workers Welfare Administration (OWWA). The various achievements of the OWWA were emphasised, including its success in maintaining an annual 1.5 million memberships, paying an average of \$12 million benefits to members and their families, and assisting an average of over 2 million workers and family members per year. The migrant welfare fund feasibility study for the CLM countries was discussed and the presenters suggested several innovative measures that could be implemented, for example, setting up of a jointly-owned and managed CLM welfare fund programme. Ways of collecting funding for the welfare fund were presented, which included contributions from employers, and workers and employers combined, as is currently the case in the Philippines.
- iii. A representative from the Philippine Statistics Authority (PSA) shared the Philippines' experience in collecting and managing labour migration data. The role and functions of the PSA were explained, both as a producer of statistics and as a coordinator of the Philippine Statistics System. The frequency of the data collection and its detailed methodologies were also shared. The importance of coordinating statistics activities such as adopting standard definitions was highlighted as crucial for collecting accurate data. A strong emphasis was put upon the importance of translating labour migration data into policy, which requires better communication of data to policymakers. **Sharing the Philippines' best practices and coordination mechanisms were suggested as possible avenues of support that the Philippines could provide for the CLM countries.**
- iv. A representative from the Philippine Overseas Employment Administration (POEA) shared the Philippines' legal framework on governing labour migration, including the legal basis and the mandate of the POEA. Key activities in regulating recruitment processes were presented as licensing and training recruitment agencies, registering foreign employers, documenting workers through e.g. the issuance of exit clearances, monitoring recruitment violations including their penalization, and forging bilateral labour agreements (BLAs). The role of BLAs, particularly with regard to the endorsement of ethical recruitment and protection of migrant workers were explained, followed by steps in drafting and negotiating BLAs. **Licensing recruitment agencies, documentation of workers and drafting and forging BLAs were suggested as possible areas in which the Philippines could support the CLM countries.**

9. Throughout the meeting, the CLM countries acknowledged the importance of all six-priority areas of activities that the ILO suggested at the beginning of the workshop. Reflecting the discussion and presentations at the meeting, participants broke into three groups based on their country representation (Cambodia, Lao PDR and Myanmar) to identify and prioritize country level work plans. One official from the Philippines joined each group. The identified priority areas of activities are as follows (See Annex III for the objectives and the list of suggested activities per priority area).

Cambodia:

- 1) Regulation of labour migration
- 2) Bilateral agreements/MoUs
- 3) Labour migration data collection, analysis and sharing

- 4) Feasibility study on migrant welfare fund
- 5) Labour attaché training program

Lao PDR:

- 1) Labour migration data collection, analysis and sharing
- 2) Feasibility study on migrant welfare fund
- 3) Bilateral agreements/MoUs
- 4) Mutual recognition of skills
- 5) Regulating recruitment process
- 6) Labour attaché training program

Myanmar:

- 1) Labour migration data collection, analysis and sharing
- 2) Regulating recruitment process
- 3) Bilateral agreements/MoUs
- 4) Labour attaché training program
- 5) Feasibility study on migrant welfare fund

10. **Next steps.** It was agreed, based on the discussion at this sub-regional meeting, that CLM Work Plans both at national and regional level will be developed by the ASEAN TRIANGLE Project and be circulated amongst the CLM countries for validation. The meeting concluded with an appointment of focal persons from the CLM countries for the follow-up of the CLM Capacity Building Programme. The appointed focal persons are as follows.

- i. **Cambodia:** Mr. Ravuth Ouk, Chief of Office, Department of Employment and Manpower, Ministry of Labour and Vocational Training.
- ii. **Lao PDR:** Mr. Chomyaeng Phengthongsawat, Deputy Director General of Planning and Coordination Department, Ministry of Labour and Social Welfare.
- iii. **Myanmar:** Mr. Thein Win, Deputy Director, Migrant Workers Division, Department of Labour, Ministry of Labour, Employment and Social Security.

Annex I: Agenda

Date: Thursday 18th September, 2014

Time: 9.00am – 5.00pm

Venue: Krungthep 4, Landmark Hotel, Bangkok, Thailand

8:30 – 9:00 Registration

Welcome, overview and logistics

9:00-9:15 **Welcome and opening remarks**

Mr. Manuel Imson, Senior Programme Officer/Project Coordinator, ILO ASEAN TRIANGLE Project

9:15-9:30 Introduction of participants, overview of the workshop aims, structure and logistics. *Ms. Heike Lautenschlager, Consultant – Labour Migration, ILO ASEAN TRIANGLE Project*

Session 1: ASEAN TRIANGLE Project CLM capacity building proposal

Session summary: This session will provide an overview of the ASEAN TRIANGLE Project and describe the proposed activities to be undertaken in collaboration with the governments of Cambodia, Laos PDR and Myanmar

9:30-10:15 **ASEAN TRIANGLE Project CLM capacity building proposal** *Mr. Manuel Imson, Senior Programme Officer/Project Coordinator, ILO ASEAN TRIANGLE Project*

Towards a mutual recognition of skills for CLM, *Ms. Ruttiya Bhulaor, Programme Officer for Regional Skills Programme, ILO ROAP*

10:15-10:30 **Coffee/Tea**

Session 2: Sharing experience of managing labour migration in Cambodia, Lao PDR and Myanmar

Session summary:The Governments of Cambodia, Lao PDR and Myanmar will provide their feedback on the six areas proposed by the ILO (welfare fund programme, training of labour attachés, labour migration data collection, recruitment regulations, bilateral agreements, skills framework) as well as any other priority areas they would like to include in the sub-regional work plan.

Session Chair: Ms Mariko Yamamoto, ILO Consultant

10:30-12:00 **Priority work areas of Cambodia, Lao PDR and Myanmar**
 Mr. Ravuth Oak, Chief of Office, Department of Employment and Manpower Ministry of Labour and Vocational Training, Cambodia
 Ms. Bousay Thammassack, Technical Staff, Ministry of Labour and Social Welfare, Lao PDR
 Mr. Thein Win, Deputy Director, Department of Labour, Ministry of Labour, Employment and Social Security, Myanmar

Question and Answer

12:00-13:15 **Lunch**

Session 3: Sharing Philippines experience in labour migration management

Session summary: in this session, the government of the Philippines and resource speakers will provide an overview of the Philippines labour migration management system, their experiences, good practices and challenges.

Session Chair: Heike Lautenschlager, ILO Consultant

13:15-13:35 **Philippines' experience in training labour attaché programs**, *Chief Mary Sol De la Cruz, International Labour Affairs Bureau, Government of the Philippines*

13:35-13:55 **Welfare Fund Programme and Feasibility Study**, *Mr. Marianito D. Roque, former Secretary of Labour and Employment, Philippines*

13:55-14:15 **Labour Migration data collection, analysis and sharing**, *Ms. Jessamyn Encarnacion, Interim Assistant National Statistician, Philippine Statistics Authority*

14:15-14:35 **Regulating recruitment and negotiating bilateral labour agreements**, *Director Nini Lanto, Philippine Overseas Employment Administration, Government of the Philippines*

14:35-14:50 Question and Answer

14:50-15:00 Coffee/Tea

Session 4: Group work: Identifying country level work plans

Session summary: In this session participants will work in country groups to identify 3-5 priority activities to be included in the CLM sub regional workplan as well as a timeline for each activity.

Session Chair: Mr. Manuel Imson, Senior Programme Officer/Project Coordinator, ILO ASEAN TRIANGLE Project

15:00-16:00 CLM to identify county level work plans

16:00 – 17:00 Summary of discussions, and the development of the sub-regional work plan

Concluding session

16:45-17:00 Closing remarks, *ILO*

Annex II: List of participants



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Annex III: Identified priority areas of activities

Proposed priority areas	Cambodia	Lao PDR	Myanmar
Labour migration data collection analysis and sharing	<p>3</p> <p><u>Objectives:</u> To strengthen the effective collection of labour market information to feed into policy making, particularly with regard to skills shortages and demand abroad.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Identify the skills in demand abroad, salary, terms and conditions of employment abroad • Identify gaps in labour migration regulation • Consultation workshop <p>Suggested timeline: 2015-16</p>	<p>1</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Quality assessment of database (2015-16) • National study on labour migration on ASEAN Community building (2015) • Central level workshop on statistics focal points in Lao PDR (2014) • Set up coordination mechanisms to develop labour migration statistics (2015) • Sub-regional training for data collection and statistics in coordination with the Philippines (2015) 	<p>1</p> <p><u>Objectives:</u> To use the labour migration statistics to set up the migration policy, including the identification of potential labour markets, and to assess the effectiveness of existing labour migration policy.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Capacity building for statisticians • Identify which data are needed • Creation of a technical working group and an Executive body in charge of coordinating labour migration information (statistics) <p>No timeline suggested.</p>
Migrant workers' welfare fund	<p>4</p> <p><u>Objectives:</u> To promote and protect the welfare of migrant workers.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Conduct a study to identify the criteria for setting up 	<p>2</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Set up a national committee • National consultations <p>Note: National consultant in Lao PDR to meet with MoLSW</p>	<p>5</p> <p><u>Objectives:</u> To support the needs of migrant workers.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Create a technical working group

		<p>awelfare fund</p> <ul style="list-style-type: none"> • Develop relevant policies • Consultation workshop <p>Note: Cooperation underway with national and lead consultant</p> <p>Suggested timeline: 2015-2016</p>		<p>Suggested timeline: 2014</p>		<ul style="list-style-type: none"> • Workshop to establish a welfare fund • Management of welfare fund <p>Note: Cooperation underway with national and lead consultant</p> <p>No timeline suggested.</p>
Strengthening of labour attaché training program	5	<p><u>Objectives:</u> To promote and protect the welfare of migrant workers on site.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Training to endorse the capacity building of officials who will become labour attachés in the future • Assistance to establish and manage labour attaché programmes <p>Suggested timeline: 2016</p>	6	<p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Capacity building of labour attachés in different situations. <p>Suggested timeline: 2016.</p>	4	<p><u>Objectives:</u> To upgrade the skills and competency levels of labour attachés</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Training programs for labour attachés which are similar to the one in the Philippines (training of trainers) <p>No timeline suggested.</p>
Bilateral agreements/MoUs	2	<p><u>Objectives:</u> To strengthen CLM cooperation on labour migration based on mutually beneficial terms and conditions that aim at protecting the rights and the welfare of</p>	3	<p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Study tour to the Philippines followed by the Philippines' study visit to Lao PDR • The Philippines' provision of training to agencies that deal 	3	<p><u>Objectives:</u> To expand labour market opportunities</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Training with POEA

		<p>migrant workers.</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Consultation workshop and meeting (guideline on model MoU) • Skills recognition between labour sending and receiving countries <p>Suggested timeline: 2015</p>		<p>with the formation and monitoring of BLAs</p> <ul style="list-style-type: none"> • Comparative study of CLM practice with regard to MoUs • Guidelines to assess implementation of MoUs. <p>Suggested timeline: 2015</p>		<ul style="list-style-type: none"> • Training on negotiation skills <p>No timeline suggested.</p>
Regulating recruitment processes			5	<p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • The sharing by the Philippines of best practice with Lao PDR through national workshops <p>Suggested timeline: 2016</p>	2	<p><u>Objectives:</u></p> <p>To regulate recruitment processes to prevent illegal recruitment of Burmeseworkers</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • Dialogue with the ILO on the possible implementation of C. 181 • Training workshop with POEA on licensing recruitment agencies <p>No timeline suggested.</p>
Skills recognition (Mutual Recognition of skills/NQFs)			4	<p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> • National workshop on skills recognition (2015) • Mobile (outreach) skills 		

				<p>training to support workers in rural areas who otherwise would not have access to any training (2016)</p> <ul style="list-style-type: none"> • ASEAN workshop on skills recognition (2015) • National meeting to share best practice with the Philippines 		
Other	1	<p><u>Priority area of activity:</u>Regulating labour migration</p> <p><u>Objectives:</u> To promote safe migration and its effective management</p> <p><u>Suggested activities:</u></p> <ul style="list-style-type: none"> - Consultation workshop - Set up a sub-committee on labour migration (under Cambodia’s employment law - Awareness raising on C189 <p>Suggested timeline: 2015</p>				

