

**International Labour Organization and Ministry of Labour, Thailand
Capacity Building Workshop on Strengthening the Role of Labour Attachés in Thailand:
Complaints Mechanism**

12 February 2015
Sukhumvit 6, 3rd Floor
Landmark Hotel
Bangkok, Thailand

Concept Note

1. Background

The ASEAN TRIANGLE Project aims to significantly reduce the exploitation of labour migrants in the region through increased legal and safe migration and improved labour protection. The project will promote both bilateral and regional approaches to deal with shared concerns, make regionalism more effective, and enhance the capacity of institutions in ASEAN.

The appointment of labour attachés or consular officials to major countries of destination is one important measure for migrant sending countries to ensure the protection of their migrant workforce. Labour attachés perform a vital role in the protection of migrant workers and in the development of effective labour migration policies. For countries that do not have labour attachés, the protection and promotion of migrants' rights in countries of destination is the responsibility of consular officials. These officers work on the frontline of protection: vetting would-be employers and contracts, responding to and resolving grievances and facilitating repatriation of their citizens.

In Malaysia, the ILO GMS TRIANGLE Project has partnered with the Malaysian Bar Council Subcommittee on Migrants and Refugees to support consultations with labour attachés and embassy officials from sending countries. The ASEAN TRIANGLE Senior Programme Coordinator has provided technical assistance to these meetings. Similar programs of labour attachés now also exist in sending countries like the Philippines and Indonesia.

In discussions with the Ministry of Labour (MOL), Thailand in 2013, it was proposed that a consultation for labour attachés and embassy officials from Cambodia, Laos PDR and Myanmar now posted in Bangkok be convened on a quarterly basis. The activity is co-organized by the MOL and ILO in order to strengthen dialogue between the ministry and labour attaches and consular officials.

2. Second consultation of labour attachés

The 1st consultation workshop was co-hosted by the MOL and ILO on 13 June 2014. It aimed at familiarizing labour attachés and consular officials with issues relevant to the protection of their migrant work force including Thai labour laws and policies, registration procedures, complaints mechanisms, international labour standards, and the role of labour attachés. In addition, the workshop also set the objective to strengthen relationships, facilitate communication and

develop synergies between the embassies, authorities, social partners and Civil Society Organizations (CSOs).

The 2nd consultation on *12 February 2015* will focus on complaints mechanism. During the 1st consultation, participants agreed on three priority areas for future consultations, and complaints mechanism was nominated as the first issue that should be given attention, with hiring procedures and ethical recruitment, and partnerships (involving governments, trade unions, employers, NGOs, recruitment agencies) being the topics of the 3rd and 4th consultations, respectively.

Recommendation 13 from the 6th AFML stated that ASEAN Member States should “Ensure and strengthen the roles of labour attachés, embassies, and consular officials to include support services on availing of complaint mechanisms for migrant workers.” Similar recommendations have been agreed to at the 5th AFML (Recommendation 16: “Enhance the functions of labour attachés and consular officials in ASEAN Member States to verify information of job offers and employment contracts, as feasible, in receiving countries”), at the 4th AFML (Recommendation 16: “Provide access to legal support and essential services, including consular services, for migrant workers and members of their families.”), and at the 3rd AFML (Recommendation 4: “Strengthen [the role] and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers...through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.”). According to Recommendation 9 from the 6th AFML effective complaint mechanisms should be “transparent, accessible and simplified” during the entire migration cycle. Recommendation 11 envisions the development of a “one-stop” service center that facilitates access to complaint mechanisms and offers the assistance necessary.

The Department of Employment, Department of Labour Protection and Welfare, and Social Security Department, with support of the ILO have been conducting pilot consultations in 7 provinces in Thailand to implement improvements in the existing complaints mechanisms for inbound migrant workers. Tripartite consultation meetings were organized in each province to review findings and recommendations. Recommendations considered for implementation include: Improving translation services; Consolidating hotlines into one single number; Raising awareness on the existence of complaints mechanisms; Set up an integrated information sharing system to facilitate key agencies in investigating complaints and analyzing trends in complaints rendered and establishing a clear and detailed procedure for migrant workers to change employers.

3. Objectives

Overall objective: To strengthen dialogue between the Ministry of Labour, Thailand, and labour attaches, and strengthen the role of labour attachés and consular service in order to enhance the protection of migrant workers in Thailand.

Objective 1: To update labour attachés and consular officials on changes in policies relevant to migrant workers in Thailand and to discuss the role of labour attachés in facilitating migrant workers’ access to complaints mechanisms.

Objective 2: To strengthen relationships, facilitate communication and develop synergies between the embassies, authorities, social partners and NGOs. Greater cooperation between the various organizations involved in the provision of support services to migrants will increase efficiency and result in more positive outcomes for migrant workers.

3. Date and venue

The venue will be the *Landmark Hotel, Sukhumvit 6, 3rd Floor* Thailand on 12 February 2015.

4. Outputs

- Catalogue of existing complaints mechanisms in Thailand and sending countries
- Manual outlining complaints mechanisms in Thailand and upon return, including complaints forms used in Thailand and CLM.

5. Participants

The workshop will bring together approximately 25 participants, including:

- 2 labour attachés each from the embassies of Cambodia, Lao PDR, and Myanmar (based in Thailand). In the event that a country has not appointed a labour attaché, it can instead nominate consular officials whose work directly involves attending to the needs of migrant workers (6)
- Government officials from the Ministry of Labour, Thailand: 1 central and 1 provincial officer from DOE, DLPW and SSO (6)
- Thai Trade Unions (TTUC) (2)
- Thailand employers' organization representatives (ECOT) (1)
- NGOs providing assistance to migrant workers (to be nominated through the MWG) (2)
- ILO ASEAN and GMS TRIANGLE project staff (4)
- Labour attachés from Philippines, posted to Malaysia (1)
- Labour attache from Indonesia, posted in Singapore (1)

5. Translation

Simultaneous translation English – Thai will be provided for the duration of the meeting.

6. Agenda items

The one-day meeting will cover 4 session:

Session 1: ILO updates on regional training program for labour attaches

Session 2: Labour Migration related policy updates from the Ministry of Labour, Thailand (1 speakers from MOL); Improving complaints mechanisms in Thailand – findings from pilot studies in 7 provinces, including identifying areas of improvement (1 speaker from MOL)

Session 3: Role of labour attachés in facilitating migrant workers' access to complaints mechanisms (4 labour attaché speakers (Cambodia, Laos, Myanmar, Philippines and Indonesia)

Session 4: Break out discussion on mapping of existing complaint mechanism in Thailand and upon return, measures to improve coordination among key stakeholders to resolve migrant workers' complaints and actions to improve coordination