



RECOMMENDATIONS

The 9th ASEAN FORUM ON MIGRANT LABOUR

9-10 NOVEMBER 2016, VIENTIANE, LAO PDR

The 9th ASEAN Forum on Migrant Labour on the theme “Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection” was held on 9-10 November 2016 in Vientiane, Lao PDR. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum. Representatives of the Government of Australia, the Government of Canada and the Government of Switzerland were present as observers.

The 9th ASEAN Forum on Migrant Labour was convened as part of the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers Work Programme 2016-2020 and the Work Plan 2016-2020 of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The annual ASEAN Forum on Migrant Labour is a platform for a broad-based discussion on migrant labour issues under the auspices of ACMW which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants shared information and exchanged views on issues concerning the current situation of social protection of migrant workers in ASEAN and portability of social security of migrant workers in ASEAN. The progress of implementation of Recommendations of the previous ASEAN Forum on Migrant Labour was also shared.

The participants acknowledged that everyone, including migrant workers are entitled to have equitable access to social protection that is a basic human right. The participants also acknowledged the joint commitments of ASEAN Member States to the ASEAN Human Rights Declaration, ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan, and ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The participants also noted the commitments of individual ASEAN Member States to the Universal Declaration of Human Rights; and other related and relevant international instruments including ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), ILO Equality of

Treatment (Accident Compensation) Convention, 1925 (No. 19), and ILO Social Protection Floors Recommendation, 2012 (No. 202) as applicable.

The participants recommended the following actions to promote and ensure social protection for migrant workers:

Extending social protection for migrant workers in ASEAN:

1. Promote equal treatment between nationals and non-nationals in accessing nationally defined social protection in ASEAN Member States.
2. Take measures as appropriate to adopt and implement in each ASEAN Member State a progressive plan, with a clear timeframe, towards ensuring equitable access to social protection for migrant workers keeping in mind the following priorities: working injury insurance, medical care, sickness and maternity benefits, old-age, invalidity and survivors' pensions and death benefits.
3. Take into account the need to provide social protection to migrant workers' families, including but not limited to migrant workers' children's access to education.
4. Provide all migrant workers and their family members access to emergency health care.
5. Review relevant national laws in view to extend access to social protection to migrant workers.
6. Remove discriminatory practices in labour and social protection laws, immigration policies, and administrative obstacles that prevent migrant workers' access to social protection benefits (e.g. with regard to domestic workers).
7. Strengthen national and regional database on social protection programmes, including data on migrant workers, disaggregated by gender and migration status as needed.
8. Include applicable and gender-responsive social protection provisions in written employment contracts or other appropriate written document in a language understandable to migrant workers.
9. Provide information on social protection including available schemes, rights and obligations, to migrant workers during pre-employment, pre-departure, post-arrival orientation seminars and during the employment, in a language understandable to migrant workers.
10. Strengthen capacity building, awareness and education programmes for policy makers and other stakeholders as well as sharing of knowledge and good practices among ASEAN Member States on social protection for migrant workers.

Working towards the portability of social security of migrant workers in ASEAN:

11. Identify knowledge gaps on portability of social protection for migrant workers from existing studies to be addressed in future studies. Ensure that findings and recommendations of the studies are widely disseminated to all relevant stakeholders and sectors.
12. Explore and assess the feasibility of developing bilateral or regional agreements or arrangements on portability of social protection for migrant workers between Sending States and Receiving States, either as a specific agreement and/or include in Memorandum of Understanding or Bilateral Labour Agreement.
13. Support implementation of ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan particularly with reference to extending social protection coverage to all migrant workers through inter-sectoral cooperation of SLOM and Senior Officials Meeting on Social Welfare and Development (SOMSWD). Recommendations of the 9th AFML should be submitted by SLOM to SOMSWD as the focal point for inter-sectoral cooperation on social protection at ASEAN level.
14. Engage multi- and cross-sectoral stakeholders including governments, employers' organisations, workers' organisations, civil society organisations, private sectors and migrant communities in raising awareness and implementing social protection for migrant workers as relevant.
15. Ensure timely remittance of social protection contributions and benefits to migrant workers and their families that are due to them.
16. Promote and support exchange of information and good practices on social protection and portability of social security for migrant workers within ASEAN as well as other regions.

The participants extended their appreciation to the tripartite partners and to the Government of Lao PDR, particularly the Ministry of Labour and Social Welfare, for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of the Philippines as incoming ASEAN Chair in 2017 and expressed appreciation of its confirmation to host the 10th ASEAN Forum on Migrant Labour next year. The participants supported the finalisation of the ASEAN instrument on the protection and promotion of the rights of migrant workers by April 2017.
