



**The 14th ASEAN Forum on Migrant Labour (AFML)
“Recovery and Labour Migration in the Post-Pandemic Future in ASEAN”**

**6 and 8 September 2021,
Bandar Seri Begawan, Brunei Darussalam and Virtual**

RECOMMENDATIONS

The 14th ASEAN Forum on Migrant Labour (AFML) was hosted by Brunei Darussalam in Bandar Seri Begawan and virtually on 6 and 8 September 2021. Representatives from the governments, employers’ organisations, workers’ organisations and civil society organisations of ASEAN Member States, alongside representatives from the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC),¹ Task Force on ASEAN Migrant Workers (TFAMW), Migrant Forum Asia, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and ASEAN Secretariat participated in the 14th AFML. Representatives from Australia, Canada and Switzerland participated as observers.

The 14th AFML’s theme “Recovery and Labour Migration in the Post-Pandemic Future in ASEAN” was in accordance with the theme of the ASEAN Chairmanship 2021 “We Care, We Prepare, We Prosper” and aimed to highlight the importance of providing enhanced support and protection for migrant workers during the COVID-19 pandemic, preparing for post-pandemic recovery, and building a more resilient, inclusive and sustainable ASEAN Community. Two sub-themes were identified, notably: Sub-theme 1. Protection of Migrant Workers during the COVID-19 Pandemic; and Sub-theme 2. Recovery and the Post-Pandemic Future.

The 14th AFML acknowledged the various measures taken by ASEAN Member States to protect and promote the well-being, safety and health of migrant workers during the pandemic including follow-up actions to the 13th AFML Recommendations and implementation of the ASEAN Comprehensive Recovery Framework. The 14th AFML reiterated the call for promotion

¹ ATUC and some of the national workers’ organisations withdrew their participation on day-2 of the 14th AFML due to concerns around the nomination and participation.

of gender-responsive policies and initiatives and related budgets at all stages of migration to respond to the adverse impact of the COVID-19 pandemic on all migrant workers, regardless of their migration status.

The 14th AFML recommended the following actions by various stakeholders to achieve the aforementioned objectives and support the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

Protection of Migrant Workers During the COVID-19 Pandemic

1. Support and acknowledge responsible employers in their positive efforts to ensure continuing employment for workers and their access to vaccinations and social protections provided by governments.
2. Grant and promote equal access of migrant workers to COVID-19 testing, vaccines, healthcare, and rehabilitation regardless of migration status to enable all workers to return to work or continue to work safely. Proof of vaccination should be provided to all migrant workers including those who return home. Cost for COVID-19 testing, vaccines, quarantine, healthcare, and rehabilitation should be covered by government. Migrant workers who are arrested and detained for immigration-related offences should similarly receive emergency healthcare as necessary. Furthermore, fear of sanctions for immigration violation should be delinked from health concerns of migrant workers.
3. Enable and enforce effective social distancing during recruitment, deployment, repatriation, at work, in housing, and during transportation for all workers by allocating more resources and effective planning in the work cycles across all sectors and industries, where possible. Industries must ensure all workers have access to appropriate Personal Protection Equipment (PPE) without cost according to work environment. Workers shall strive to adhere to and comply with all SOPs as implemented by the authorities and agreed policies implemented by the employers at the workplace, transportation and accommodation.
4. Strengthen minimum safety and health standards for workplaces and housing, where necessary, for migrant workers with sufficient spaces for social distancing and access to medicine and food, in alignment with international and regional standards. Take measures for effective implementation of such standards, including through supporting labour inspectors and training for employers and migrant workers.
5. Ensure speedy remedies for wage and benefits violations and other labour and recruitment-related violations, which the migrant workers can access before, during and after employment, including legal services and remediations across borders via improved interagency coordination. Facilitate returning migrant workers' access to recovery of unpaid wages and other benefits, including through enhanced international

and bilateral coordination mechanisms, more effective legal assistance to migrant workers and support from trade unions and civil society.

6. Extend government emergency income support measures and gender-responsive support services to all migrant workers, including those with children and single parents, whose income has been affected by job loss, lockdowns and other COVID-19 control measures in destination countries. Ensure returning migrant workers' access to emergency income support and credit services in countries of origin, including reintegration and support services. Strengthen migrant worker resource centres to provide such services to migrant workers.
7. In case of workplace closures or "sealing" due to COVID-19, ensure that migrant workers' quarantine facilities are safe and humane, and allow social distancing, and are equal to quarantine facilities provided to local population. Ensure migrant workers' access to adequate health care, including psychological support, food, water, basic income support and essential services and integrated gender-based violence support during such closures.
8. Ensure all public communications related to labour and COVID-19 pandemic management are accessible and understood by migrant workers in their languages through the use of competent translation and interpreters, where available and practical, to improve the communication competency in the health care of migrant workers. Governments and similar bodies are responsible to inform employers, who will provide accurate and timely information pertaining to COVID-19 and related policies to migrant workers through digital access, where available.
9. Reform national health care systems, where appropriate, sustained by adequate budget allocation, to be more inclusive and non-discriminatory in recognition of the contribution made by all workers, including migrant workers, during the pandemic including effective access to emergency healthcare to migrant workers with undocumented status. This must respect basic privacy rights and include removing stigma-driven policies towards all infectious diseases and the inclusion of mental health care as an essential component.

Recovery and the Post-Pandemic Future

10. Protect workers whose contracts expire but who cannot go back by providing them with a free short-term visit pass or special pass and moratorium on sanctions on overstayers, allowing them to work in the same or other industries, pending their repatriation during the COVID-19 pandemic. Provide safe and cost-free return mechanisms for migrant workers who wish to return home.

11. Assess the opportunities for regional or bilateral collaboration mechanisms for labour mobility to resume during the recovery period and fair and ethical deployment of migrant workers in the post pandemic and enhance the effectiveness of legal pathways for labour migration. Labour mobility may be facilitated in line with labour market requirements, and the formal channels be streamlined to reduce time and cost.
12. Extend social protection, including sickness benefits and government provided unemployment benefits or basic income security, during the pandemic or another crisis to all migrant workers in all sectors of the economy, and ensure migrant workers' equitable access to social protection, healthcare and social security benefits. Collaborate to explore portability of social protection benefits for migrant workers in the region. Data collection and dissemination mechanisms on social protection of migrant workers should be strengthened to inform policymakers, respect privacy and be harmonised regionally.
13. Upskill and reskill migrant workers at all stages of migration to ensure their competencies, including digital literacy, would remain relevant amidst the changing demands of labour markets. Skills development of migrant workers is the responsibilities of governments, employers and workers. Explore further efforts to improve skills certification and recognition in countries of origin and countries of destination to enhance migrant workers' abilities to contribute to social and economic development. Governments to incentivise employers to invest in upskilling, reskilling, and skills development through tax incentives and other measures.
14. Review national labour laws and policies to cater for new work environments and to holding governments accountable, as necessary, to ensure equitable protection of migrant workers with respect to labour rights including, job security, wage protection, working conditions and minimum wage coverage (in countries implementing minimum wage policies), especially migrant workers in sectors that are currently excluded from these protections, and their responsiveness to the current and future changes in labour markets. Updated and new legislations should be evidence-based, respect fundamental rights of migrant workers in accordance with the relevant ILO and UN instruments and be communicated effectively to stakeholders. Enhance the capacities of labour inspection and adopt human-centred approach in order to better respond to the specific challenges posed by the pandemic.
15. Work towards ensuring that (a) recruitment fees, visa renewal fees, and any COVID-19 associated costs in all stages of the recruitment cycle are regulated, transparent and not be charged to migrant workers seeking new employment in the new normal and that (b) fair recruitment principles² need to be made clear and are operationalised through

² As per ILO's General Principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs, ILO Convention No. 181, and in line with the Global Compact for Safe, Orderly and Regular Migration (GCM), Objective 6.

national legislations, bilateral and multilateral agreements, and employment contracts to safeguard migrant workers from the aforementioned costs.

The participants extended their appreciation to the Government of Brunei Darussalam, particularly the Ministry of Home Affairs, for the excellent arrangements of the Forum. The participants also congratulated the Government of Cambodia as the incoming ASEAN Chair in 2022 and expressed appreciation for its confirmation to host the 15th ASEAN Forum on Migrant Labour next year.
