



**ASEAN
CAMBODIA 2022**

**ASEAN A.C.T:
Addressing Challenges Together**

Recommendations

The 15th ASEAN Forum on Migrant Labour (AFML) “Resumption of Labour Migration and Regional Cooperation”

19-20 October 2022, Phnom Penh, Cambodia and Virtual

Cambodia, as the ASEAN Chair in 2022, hosted the 15th ASEAN Forum on Migrant Labour (AFML) in Phnom Penh, Cambodia and virtually on 19-20 October 2022. In accordance with the ASEAN Chairmanship’s theme “Addressing Challenges Together” and taking into account the recovering of ASEAN economies from the COVID-19 pandemic, the 15th AFML adopted the theme “Resumption of Labour Migration and Regional Cooperation”. Participants shared information and exchanged views under two sub-themes of “Economic Recovery and Labour Migration” and “Rights Protection to Maximise Development Impacts of Labour Migration”.

Representatives from all ASEAN Member States’ governments, employers’ organisations, and civil society organisations, as well as the ASEAN Confederation of Employers (ACE), Task Force on ASEAN Migrant Workers (TFAMW), International Labour Organization (ILO), International Organization for Migration (IOM), and the ASEAN Secretariat participated in the Forum. Representatives from Australia, Canada and Switzerland participated as observers. Following the statement read by the ASEAN Trade Union Council (ATUC) General-Secretary, ATUC and its affiliates as well as ASEAN Services Employees Trade Union Council (ASETUC) opted to change their status from participants to observers at the 15th AFML due to concerns around the denial of the nomination and participation of the Confederation of Trade Unions of Myanmar (CTUM).

The 15th AFML supported the implementation of the ASEAN Consensus on Protection and Promotion of the Rights of Migrant Workers, ASEAN Comprehensive Recovery Framework and Joint Statement of the ASEAN Labour Ministers on Response to the Impact of COVID-19 on Labour and Employment. The Forum took into account the ILO Fundamental Principles and Rights at Work.

The 15th AFML acknowledged actions taken by ASEAN Member States to follow up the Recommendations of the 13th and 14th AFML. The Forum discussed the impact of economic recovery from the COVID-19 pandemic on labour market demands for migrant workers in the ASEAN region. The Forum also discussed Member States’

policies and procedures for reopening and acceleration of labour migration as well as retaining migrant workers in the Receiving States.

The 15th AFML recommended the following actions and cooperation to support resumption of labour migration as the economies and employment in ASEAN Member States are recovering, while taking into account different contexts of ASEAN Member States.

Sub-theme 1: Economic Recovery and Labour Migration

1. Promote inclusive and sustainable economic measures that will accelerate availability of decent work and resumption of labour migration in the region. Fair opportunities to employment should be given to all migrant workers regardless of gender, disabilities, nationality, race, belief and social status.
2. Strengthen national laws, policies, and regulations to help migrant workers and their families cope with and build resilience as concerns the pandemic and other crises. Inclusive social protection measures and health care coverage, including but not limited to mental health and psychosocial support, should be provided to mitigate the adverse impacts of pandemic and other crises on migrant workers and their families.
3. Promote cooperation between Sending and Receiving States or, where applicable, develop or review Memoranda of Understanding (MOU) or Bilateral Labour Agreements (BLA) with stakeholders participation, including migrant workers' representatives, to revitalise labour migration and ensure occupational safety and health, secure and decent work and living conditions, access to social protection, access to justice and grievances redress mechanisms, and protection from forced labour, discrimination, violence and harassment especially for women migrant workers.
4. Promote policies to improve skills development, mutual recognition of skills and skills matching for migrant workers in consultation with social partners and other stakeholders.
5. Streamline and simplify migration processes to make regular migration channels accessible and effective for migrant workers and employers. Work towards integrated medical check-up of migrant workers required only once in the Sending States or Receiving States.
6. Promote safe, fair and ethical recruitment amidst reopening of labour migration with proper guidance and monitoring by Sending and Receiving States, social partners and other stakeholders. Recruitment fees and related costs should be regulated, transparent, and reduced. Steps should be taken towards no recruitment fees and related costs to be paid by migrant workers in line with the ILO General Principles and Operational Guidelines for Fair Recruitment and with the support of ILO and IOM, as necessary.
7. Strengthen the enforcement of prohibition and sanction of illegal recruitment, contract substitution and other unfair practices through effective monitoring and

labour inspection systems. Digitalisation of recruitment and migration processes should be promoted to support safe and transparent labour migration process.

8. Support flexibility of work permits and post-employment stay period to allow migrant workers to legally change employers in Receiving States subject to the national laws, regulations, and registry systems of Sending and Receiving States. Strengthen support for migrant workers who lost jobs in time of pandemic and other crises, for example through unemployment benefits.
9. Collect and publish statistical data as relevant on the flow of outgoing and incoming migrant workers and labour market demands in Receiving States to match the skills of migrant workers and support labour-responsive skills development programmes in Sending States.

Sub-theme 2: Rights Protection to Maximise Development Impacts of Labour Migration

10. Where lacking, provide fair and non-discriminatory treatments to migrant workers and improve protection of their rights to access social protection, wage protection, safe and healthy work and living conditions, and access to justice in line with the relevant ILO Conventions ratified by ASEAN Member States, especially those in domestic work, agriculture, fishing, and informal economy.
11. Accelerate portability of social security benefits that migrant workers are entitled to through multilateral or bilateral social security agreements. Development of such agreements should involve social partners and other stakeholders.
12. Ensure migrant workers' financial literacy or knowledge on financial management through pre-departure and post-arrival orientations, and facilitate safe and low-cost remittances through access to banking systems and other financial services.
13. Strengthen labour attaché and consular support services to migrant workers in Receiving States through deployment of competent personnel, provision of adequate resources, and coordination with organisations providing legal support, counseling, and shelter for migrant workers.
14. Respect the right of migrant workers to freedom of association by not denying or limiting their right to join trade unions, wherever they are.
15. Strengthen cooperation between Sending and Receiving States to ensure safe and dignified return of migrant workers and their families already residing with them, and provide comprehensive reintegration programmes through skills training, recognition of prior learning, job matching and other measures in collaboration with stakeholders.
16. Document and share best practices of ASEAN Member States on the recovery of labour migration for mutual learning including researches on post-COVID-19 health conditions of migrant workers and the implication on work safety.

The participants extended appreciation to the Government of Cambodia, particularly the Ministry of Labour and Vocational Training, for the excellent arrangements of the Forum and warm hospitality. The participants congratulated the Government of Indonesia as the incoming ASEAN Chair in 2023 and expressed appreciation for its confirmation to host the 16th AFML next year.
