



International
Labour
Organization



ASIAN DECENT WORK DECADE RESOURCE KIT: PROTECTING MIGRANT WORKERS

ASIAN
DECENT WORK
DECADE 2006
2015

Regional Office for Asia and the Pacific

DECENT WORK

A better world starts here.

2nd
Edition

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ASIAN DECENT WORK DECADE RESOURCE KIT:
PROTECTING MIGRANT WORKERS

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Abbreviations

ASEAN	Association of Southeast Asian Nations
EPS	Employment Permit System (Republic of Korea)
GMS	Greater Mekong Subregion
ILO	International Labour Organization
MOU	memorandum of understanding

Introduction

Representatives of governments and employers' and workers' organizations committed themselves to an Asian Decent Work Decade during the Fourteenth Asian Regional Meeting of the International Labour Organization in 2006 – reaffirming their dedication to the goal of full, productive and decent employment for all workers in Asia and the Pacific by 2015.

To inspire their efforts and provide easy access to the rich knowledge, information and services that the ILO offers, the Regional Office in Bangkok developed the *Asian Decent Work Decade Resource Kit*. This booklet is one of six parts to that kit, serving as a gateway into ILO expertise and knowledge on the regional priority area of protecting migrant workers. It explains in a brief and user-friendly manner why this is a regional priority, the issues it addresses and how the ILO can help its social partners, detailing the available approaches, strategies and tools and possible partnerships. Where applicable, examples of good practices or adaptable projects are included.

If you are reading this as an electronic file on a CD-ROM, you will find hyperlinks to many associated publications, also on the CD-ROM. If your computer is connected to the Internet, you can use other hyperlinks to navigate to web sites. The links are both in the text and in boxes on the side margin marked “click here”.

If you are reading this as a printed booklet, you can access the documentation later by visiting the web sites: www.ilo.org/asia or www.ilo.org.

1. Labour migration in Asia

For any country, the best long-term solution to unemployment and poverty is sustained national economic growth that generates rewarding jobs at home. Yet, for the foreseeable future many countries in the Asia-Pacific region will rely on the opportunities afforded by international migration to help reduce their level of unemployment while also generating significant foreign exchange through remittances. Given these potential benefits, a number of Asian and Pacific countries have encouraged more overseas employment. At the same time, destination countries have been recruiting foreign workers for particular employment niches that cannot be filled by national workforces.

[Click here for Labour and Social Trends in ASEAN 2010](#)

Around 25 million Asian and Pacific workers are currently employed outside their home countries. More than three million leave every year. In the past, the majority went to countries in the Middle East. But nowadays the largest flows are within the Asia-Pacific region, with a number of countries serving as both source and destination.

Around half of the region's migrant workers originate from South Asia. Many follow

[Click here for Underlying Factors in International Labour Migration in Asia](#)



School children in the Republic of Maldives are taught by Indian teachers. ©ILO/P.Stalker.

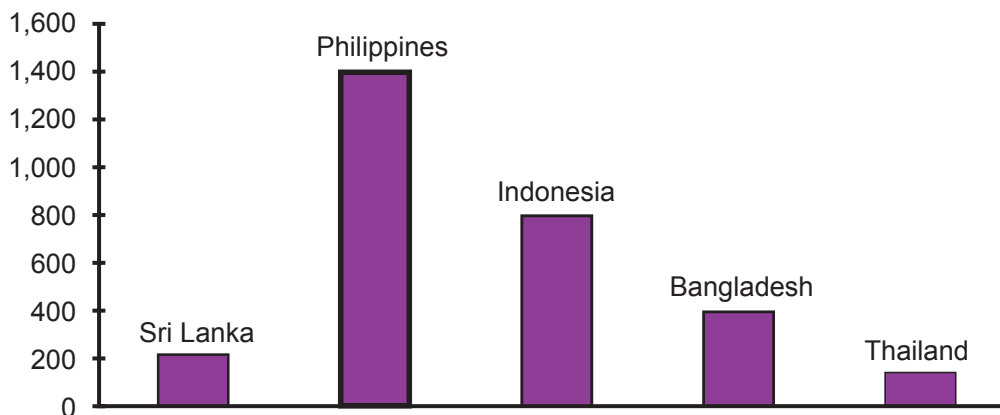
Migrant workers are people who move to find work outside their hometown or home country. Persons who leave home for work in their own country are “domestic” or “internal” migrant workers. Persons who move for work to another country are commonly called “foreign” or “international” migrant workers. These workers may migrate under government-sponsored programmes, under private recruitment schemes or on their own in search of employment.

well-worn paths to the Middle East to perform all kinds of service and maintenance jobs, to clerk in stores, guard businesses or build houses. In addition, a large number of South Asian professional and technical workers head for North America and Europe. Some South Asians also go to South-East Asia and East Asia to work; for example, in plantations in Malaysia, as domestic helpers in Singapore or as construction workers in the Republic of Korea.

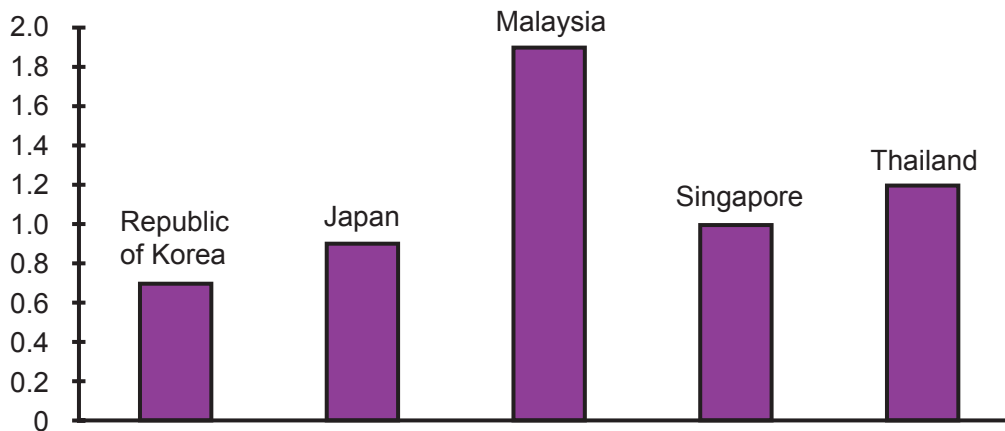
South-East Asia is also a migration hub, with people moving to find jobs within and

outside the region. The Philippines sends large numbers of women and men to fill skilled and unskilled positions in East Asia and the Middle East. Indonesians make up the vast majority of foreign workers in Malaysia, but they also migrate to the Middle East and Hong Kong (China) in great numbers. The number of Vietnamese overseas workers has increased rapidly in recent years, with many taking up jobs in manufacturing in Malaysia, Republic of Korea and Taiwan (China). Thailand is a major sending country and also receives large migrant populations from Cambodia, Lao People's Democratic Republic and Myanmar.

**Deployed workers in selected counties in Asia (2009-2010)
(thousands)**



Stock of regular foreign workers 2009 - 2010 (in millions)



Migration and development

Labour migration occurs and persists because it offers substantial economic benefits – to migrant workers and their families as well as the countries of origin and destination.

Remittances from overseas workers have directly reduced the incidence of poverty in countries such as Bangladesh, Nepal and

[Click here for Overseas Filipino Workers and Their Impact on Household Poverty](#)

Philippines. Some studies have revealed that even after controlling for income level, children in households with overseas workers are more likely to be enrolled in school. In many countries of origin, the opportunities for overseas employment also mitigate the problem of high unemployment and thus reduce the potential for social instability.

Meanwhile, Asian destination countries benefit from the productivity of migrant workers who are actually net contributors to government coffers. [An ILO study on the impact of migrant workers to Thailand's economic growth](#) concluded that migrant workers make a net contribution of about US\$54 million per year. Singapore openly acknowledges the contributions of its foreign workers, recently announcing that increases in foreign employment had enabled the economy to grow beyond the limits of Singapore's indigenous workforce.

The anticipated net developmental benefits can be achieved only if some fundamental standards are met, as the following sections highlight. In particular, there must be effective and enforceable protection mechanisms to ensure equality of treatment and access to decent work opportunities for migrant workers; abuses must be prevented at the recruitment stage and in the workplace; and there must be suitable mechanisms to facilitate the transfer and productive use of remittances. These concerns are covered in the following sections.

Irregular migration

An estimated one-third of the migrant workers in the Asia-Pacific region have “irregular” status: They entered a foreign country without going through the formal immigration process or they do not have a valid work permit. Irregular workers, like all workers, are still entitled to basic rights at work. But because of their status, they are very vulnerable to exploitation and have little or no avenue for legal redress.

Typical examples of irregular migrant workers include: visitors or trainees overstaying their visas; regular migrants continuing beyond the contract period; regular migrants running away from their designated employer; students engaged in employment; and persons who have arrived in a country via informal channels or were trafficked into the sex industry or other exploitive forms of labour.

A comprehensive response to irregular migration requires a combination of measures, including expanded opportunities for and access to legal migration, improved law enforcement, strengthened labour inspection to reduce incentives for irregular employment and the establishment of a legal and administrative environment that is conducive to legal migration.

Gender dimensions

For many women, migration opens up opportunities for greater independence, self-confidence and status. However, at different stages of the migration process, women also are vulnerable to gender-specific discrimination and abuse.

Migrant women are typically young, poor and have limited education and skills training. They tend to work in unregulated sectors that do not always recruit through legal channels – traditionally “female” occupations such as domestic work, nursing, personal care services, cleaning, entertainment and the sex trade. They also work in agriculture, retailing and in labour-intensive manufacturing in small factories and sweatshops – often in poor working conditions, with low wages and without social security or labour protection. Women also are more likely than men to experience multiple forms of discrimination, exploitation and abuse. And they live with the additional risks of sexual harassment, rape and dismissal from work due to pregnancy.

In Asia, the largest category of female employment is domestic work. The growth of this sector led to a “feminizing” of migration in the region. Domestic workers travel from Cambodia, Indonesia,

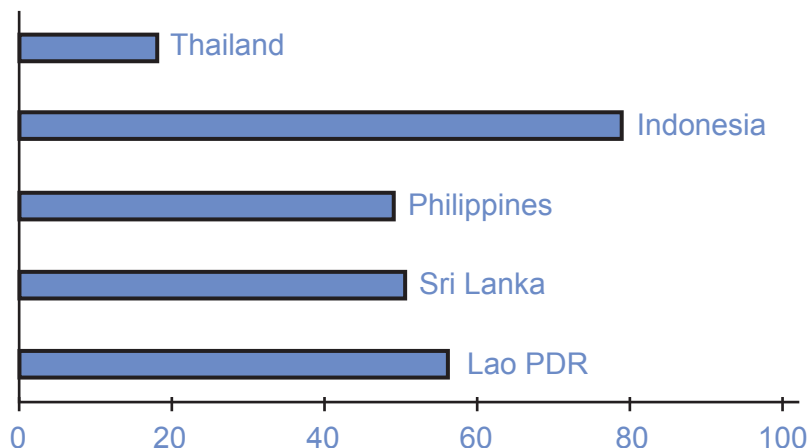


Migrant agricultural worker in Thailand. ©ILO/T.Falise, 2007.

Philippines and Sri Lanka to Hong Kong (China), Malaysia, the Middle East and Singapore. Many also come from Lao PDR and Myanmar to work in Thailand, though they are largely undocumented. Employed in private households, these women can be very isolated and vulnerable.

In many countries, domestic work is not protected by labour laws. As a result, domestic workers, who are mostly women and girls, are particularly vulnerable to discrimination, exploitation and abuse. Many domestic workers suffer rights

Proportion of females among workers migrating through regular channels, 2008–2009 (%)



violations as they work. At the International Labour Conference in 2010, a landmark decision was taken to draft international labour standards – a Convention supported by a Recommendation – on decent work for domestic workers.

Risks of exploitation and trafficking

Even before they leave home, migrant workers are at risk. Those who are travelling for the first time may lack accurate information about the jobs available and the

working and living conditions they are likely to encounter overseas. And they will find many complex administrative processes that are difficult to understand. Most recruitment is in the hands of private agencies in countries of origin and destination, ranging from large firms to small unregistered brokers. This has become a multibillion-dollar transnational industry forming the basis of an extensive “migration infrastructure”.

These agencies have helped expand opportunities for migrant workers and provided valuable services. But some

agencies use unscrupulous recruiters who entice vulnerable people with false promises to justify charging them extortionate fees. In the most serious cases, would be migrants may find themselves confined to “training centres” while they wait to be deployed. Then when migrants arrive at their destination, they may be required to do a different job or find that there is no job waiting for them at all. Often in debt after paying the various fees and expenses, migrants are forced into accepting any job they can find, regardless of the conditions.

Studies into the living and working conditions of low-skilled migrants in the region reveal indicators of abuse commonly associated with forced labour and exploitation and that the incidence is widespread. These indicators include deception about wages, type of work and legal status, withheld wages, retained passports or identity documents, physical confinement, substandard working conditions and threats of denunciation to the authorities. Forced labour is the antithesis of decent work.

Each year across the Asia-Pacific region, hundreds of thousands of men, women and children are trafficked. Some victims of trafficking are abducted from their communities or sold to traffickers by family members. But most are deceived by false promises

and offers of fictitious jobs. Those at higher risk come from poor, under-educated, unskilled, debt-ridden or generally socio-economically excluded backgrounds. Young women are particularly at risk.

“Trafficking in human beings” refers to the recruitment, transportation, transfer, harbouring or receipt of persons by threat, use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, for the purpose of exploitation. It also derives from the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.



ILO supports the **Mekong Youth Forum on Human Trafficking and Migration**.

[Click here for Tools for Prevention and Participatory Monitoring Guidelines for Practitioners in the Fight Against Human Trafficking](#)

2. The ILO response



Rural people lack access to goods and services.
©ILO/K.Sovannara, 2007.

Migrants are less vulnerable when they are not moving out of necessity but out of choice. To ensure that migration for work is not driven by desperation and lack of opportunities at home, the ILO provides assistance in formulating national employment policies and promotes skills and enterprise development, **youth employment** and job creation. Local economic development initiatives include building skills and skills-training capacity and supporting business start-ups and microfinance services.

The ILO is the only United Nations agency with a constitutional mandate to protect mi-

grant workers. All four sectors of the ILO – standards, employment, social protection and social dialogue – work on labour migration within the overarching framework of “decent work for all”. The ILO pioneered international standards on migration, which provide a framework for cooperation between States at either end of the migration process and for national legislation, policy and practice.

The ILO is also unique in that it is a tripartite organization representing governments and workers’ and employers’ organizations. It thus can help build consensus among the social partners in countries of origin and destination to develop the policies and programmes that will allow them to best govern labour migration. In this way, migrant workers will be less likely to displace national workers or less subjected to unfair treatment or abuse.

The ILO offers a wealth of information and technical assistance to countries on many aspects of international migration, from skills recognition to the regulation of recruitment practices to improved labour protection mechanisms.

International labour standards

The best way to protect migrants is to ensure that all workers, both migrants and nationals, are covered by the principles set out in international labour standards – as established in the ILO's Conventions and Recommendations.

These standards help ensure that economic development is pursued not as an end in itself but as a way to improve people's lives.

ILO Conventions apply to all workers, including migrant workers, unless otherwise stated. The Declaration on the Fundamental Principles and Rights at Work specifically states that “the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers”.

There are five ILO instruments that deal specifically with migrant workers:

- Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation (Revised), 1949 (No. 86)

[Click here for International Labour Standards on Migrant Workers' Rights – Guide for Policymakers and Practitioners in Asia and the Pacific](#)

- Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Migrant Workers Recommendation, 1975 (No. 151).

In addition to the ILO instruments, the international community has developed several complementing legal instruments covering areas such as human rights and human trafficking. The UN Convention – the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides a broad range of protections in many areas of work and life.

In 2004 the International Labour Conference called upon the ILO and its constituents to develop a non-binding multilateral framework for a rights-based approach to labour migration.

This multilateral framework has been adopted and includes detailed descriptions of policies and laws that can serve as models for policy reform in 13 specific areas, allowing countries flexibility to align their national policies with international principles.

[Click here for the ILO Multilateral Framework on Labour Migration](#)

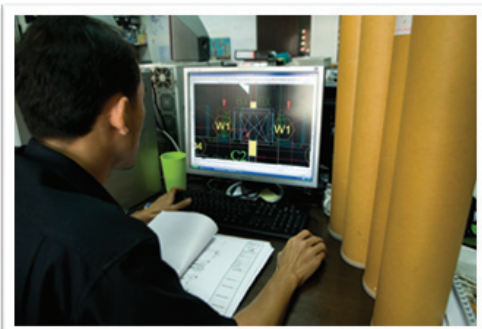
The Multilateral Framework on Labour Migration responds to widespread demands for practical guidance on maximizing the benefits of labour migration for all parties. The framework:

- addresses the major issues confronting migration policy-makers at the national, regional and international levels*
- is a comprehensive collection of principles, guidelines and good practices on labour migration policy, derived from relevant international instruments and a global review of labour migration policies and practices of ILO constituents*
- addresses the important themes of decent work for all, governance of migration, protection of migrant workers, promoting migration and development links and expanding international cooperation*
- is a non-binding framework that clearly recognizes the sovereign right of all nations to determine their own migration policies*
- accepts the crucial role of social partners, social dialogue and tripartism in labour migration policy*
- advocates gender-sensitive migration policies that address the special problems that women migrant workers experience.*

Labour market development

A number of countries in the region are exporting a significant proportion of their workforce. This can have a major impact on the local labour market. Countries can look to the ILO for support on how migration policy fits best with employment policy.

Countries of origin need to be aware of the impact of emigration on their own labour



Emigration of highly skilled workers can discourage investment. ©ILO/T.Falise, 2008.

markets. While in many cases migration can help ease unemployment, it can also distort the local labour supply. The large-scale emigration of highly skilled workers may lead to a brain drain that can discourage investment and thus reduce growth. Countries will want to develop employment policies that maximize the opportunities for people to work at home. But where there is a huge demand from abroad for particular skills or professions, governments may also want to train more people to take these opportunities. To do this, governments need to collect and disseminate good labour market information on the demand for each major skills category and embark on programmes that promote employment across all levels of skill.

The ILO offers countries in the region expertise on a spectrum of issues for both national and international employment. The ILO can assist countries in carrying out detailed labour market analysis so that labour ministries and others can assess national labour needs and the potential for supplying international labour markets.

Destination countries need accurate information on their labour markets so that they are aware of the areas in which migrant

Recent technical cooperation activities from the ILO's regional office in Bangkok have included: advice on good practice for placing workers in foreign jobs for Bangladesh; recommendations for amendments to the Emigration Act in India; and reviews of legislation on labour migration in China, Indonesia, Mongolia and Viet Nam.

workers are likely to be needed. In many cases, labour-importing countries rely on the demand from the private sector to determine the need for migrant workers. However, if they are to operate in a more consistent and strategic fashion and to construct sound and coherent policies on labour migration, countries need regular analyses of the labour market – by sector, by occupation and by level of skill – to assess demand trends and the likely requirement for migrant workers.

The ILO can engage in advisory missions and produce strategy papers. It can help countries carry out labour market analysis, incorporate migration into labour force surveys and design migration databases.

[Click here for the ILO web site for Key Indicators of the Labour Market \(KILM\)](#)

Training

Migrants are often poorly prepared to work and live in other countries. Many set out with virtually no knowledge of the language and customs in the destination country and without the skills required for the work they are expected to do. Domestic workers from poor backgrounds, for example, will find it difficult to work in affluent homes equipped with modern labour-saving devices. Consequently, many of these workers are vulnerable to maltreatment, physical assault and non-payment of wages by employers.



Skills training in Pakistan. ©ILO/M.Crozet, 2005.

To better prepare workers, most countries now offer pre-departure orientation seminars or require recruitment agencies sending workers abroad to provide training on the laws and customs in the destination

country. Non-government organizations and trade unions, with contacts in destination countries, also help migrant workers adequately prepare for work overseas.

The ILO has considerable experience in all types of skills training and can help individuals become more employable. It also promotes greater investment in skills and training so that men and women have better access to productive and decent work – both at home and overseas. The ILO has produced training curricula that can be used for preparing migrants and is promoting regional model competency standards that will promote skills recognition across countries – and thus lead to better job opportunities for migrants and returning migrants.

The Philippines Overseas Employment Administration offers a pre-departure orientation seminar free of charge. Migrants will obtain information that will facilitate smooth arrival and adjustment in a chosen country of work. Some workers will also require language training. In Bangladesh, the Bureau of Manpower, Employment and Training operates an English language laboratory and offers training for nurses and hotel workers.

[Click here for Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide](#)

Admission and recruitment procedures

Countries wanting to employ migrant workers need to establish fair and transparent systems for selecting and admitting workers. The ILO can provide information on good practices that conform to international labour standards and principles and also provide technical inputs in the design of rational and fair admissions policies. The ILO can provide a platform for bringing together officials of both origin and destination countries to sort out the often knotty operational details of sending and admitting workers.

Governments in the region have a variety of options for regulating the admission of migrant workers. One is to apply “economic means” tests to determine which migrant workers are required. Once the need has been established, the admission of workers is generally regulated through visas and work permits, usually limited by quotas – expressed as a percentage of the labour force or of employment in a given sector or enterprise.

[Click here for Merchants of Labour](#)

Another option is to influence demand by charging the employer a fee for each migrant employed. However, employers

often pass these fees on to the workers. If this results in lower take-home pay, it would be counter to internationally enshrined principles of equal pay for equal work.

Under the Employment Permit System (EPS), 15 countries send workers to the Republic of Korea: Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Timor-Leste, Uzbekistan and Viet Nam. These countries are committed to reducing the cost of overseas migration and improving employment preparations for workers willing to migrate to the Republic of Korea.

Since 2006 the ILO/Korea Partnership Programme has sought to improve the EPS through surveys among migrant groups, national workshops and study tours in which labour officials in sending countries meet with various Korean officials to discuss issues. These activities were designed to identify glitches in the EPS, seek suggestions for improvements, review the challenges to the protection of migrant workers, minimize the skills-to-jobs mismatch and improve workers' chances of obtaining better-paying jobs.

[Click here for ILO employment services web site](#)

Admission policies should ensure that migrant workers do not displace national workers while also guaranteeing that, as far as possible, migrant workers with legal status receive equal treatment with nationals. There is clearly an advantage in consulting with relevant unions and obtaining their support. In some Asian economies, including Hong Kong (China) and the Republic of Korea, the unions are already fully engaged in migration policy development. But in most countries, more work is needed to increase awareness, to commit unions to organize and extend services to migrant workers, to advocate for migrants' rights and to press for just and fair treatment.

The ILO supports government responses to irregular migration; for example, through more accurate estimates of labour requirements and in the design of more appropriate admissions, labour inspection and repatriation policies. In sending countries, the ILO assists in developing employment policies to reduce the pressures to migrate. Where irregular migrants cannot be removed from the territory for legal, humanitarian or practical reasons, an earned-adjustment process of regularizing might be considered because it serves to prevent further marginalization and exploitation. The ILO can support governments in their efforts to

promote orderly recruitment. In South-East Asia, the ILO is contributing to the development and implementing of policies and programmes to regulate the recruitment process. There are already a range of good practices from around the region to draw from, such as in the Philippines where there are strict qualifying and disqualifying criteria on licensing recruitment agencies, monitoring mechanisms and enforced penalties for violating the law. The ILO offers model employment contracts that are both understandable and enforceable and that employment agencies can use as benchmarks. These cover, for example, minimum labour standards, job descriptions, remuneration, working hours, holidays, transportation, compensation for injuries, emergency medical care and procedures for the settlement of disputes.

Combating trafficking

Since 2000 the ILO has been deeply engaged in anti-trafficking efforts at the national, regional and global levels. This includes major projects carried out in South Asia, South-East Asia and China.

Many of the initiatives developed under a long-running ILO project to combat the

[Click here for web site of ILO's International Programme on the Elimination of Child Labour and ILO Special Action Programme to Combat Forced Labour](#)

[Click here for the web sites of the ILO's Mekong Subregional Project to Combat Trafficking in Children and Women and the Project to Prevent Trafficking in Girls and Young Women for Labour Exploitation in China](#)

trafficking of women and children in the Mekong subregion are being replicated in eight provinces of China. The ILO is also working hand-in-hand with governments through the Coordinated Mekong Ministerial Initiative Against Trafficking and has supported the Mekong Youth Forum on Trafficking and Migration since its inception in 2004.

Throughout the region, the ILO has worked with several partners to develop and distribute handbooks designed to reduce the risk of foreign migrants being exploited. In Thailand, for example, a guide specifically for domestic workers was developed by the Government and a network of civil society groups and translated into six languages.

Health and social protection

The ILO Migration for Employment Convention, 1949 (No. 97) and Migrant Workers Convention, 1975 (No. 143) state that migrant workers should receive the same treatment as national workers, covering such contingencies as injury, maternity, sickness, invalidity, death, unemployment and family responsibilities.

[Click here for Social Security for All: Investing in Global Social and Economic Development](#)

In most Asian countries, social security is more likely to be available only to skilled professional migrants. There are some exceptions: In the Republic of Korea, for instance, legally admitted foreign workers who are skilled or low skilled are covered by social security, although irregular migrants can also be covered for industrial accidents. And in Japan, the law provides insurance benefits when a worker suffers injury, disease, physical disability or death resulting from employment, regardless of the worker's nationality or whether the worker's stay or work is legal or illegal.



Migrant workers are often employed on dangerous construction sites. ©ILO/M.Crozet, 2007.

Any routine medical testing, such as testing in either source or destination country for fitness carried out prior to employment or on a regular basis for migrant workers, should not include mandatory HIV testing. Employers, migrant workers' groups and their representatives should instead encourage confidential voluntary counseling and testing by qualified health services.

Elsewhere coverage is limited, which is particularly difficult for migrant workers who are often involved in hazardous, risky and stressful jobs that national workers reject, making them vulnerable to safety and health risks in the workplace.

Temporary migrant workers generally suffer serious disadvantages because the short-term nature of their employment makes it difficult to meet conditions of eligibility for some benefits. They may also encounter problems when they return home. As a result of their absence, workers run the risk of losing entitlements to social security benefits in their country of origin. Instead, contributions made by the employer on their behalf should be portable and workers should benefit from the accumulation of

rights acquired in different countries. For these reasons, governments could enter into bilateral or multilateral agreements on social security.

The ILO has extensive expertise on all aspects of social security. It advises member States on ways of expanding the protection they provide to all members of the community, including migrant workers, across the range of contingencies: basic income security, health care, sickness, old age and invalidity, unemployment, employment injury, maternity, family responsibilities and death.

To support migrants who fall into difficult situations when overseas, many sending-country governments have established welfare funds. Financed largely through levies from the migrants, these funds can, among other things, provide various kinds of emergency assistance. The Philippines pioneered this activity, and similar funds have been established elsewhere. These funds provide death and disability insurance and assistance in forced repatriation in the event of illness, violence at work, contract violation or non-existent jobs. They can also be used for court litigations in countries of employment, medical care for injured workers abandoned by their employers and for conciliating

disputes. In addition, the funds can provide financial assistance to migrants' families at home for education, training, business development and other activities. From its experience with a vast array of welfare funds around the world, the ILO can advise governments on how such funds can be established, invested and disbursed.

Using remittances

Most migrants from Asian or Pacific countries travel on a temporary basis. They usually live frugally to save as much as possible, either to send to their family or take back when they return. As a result, Asian and Pacific countries are among the larger beneficiaries of remittances. In 2006, the region's labour-sending countries received more than US\$61 billion in total. The largest recipients were India (US\$25 billion) and Philippines (US\$15 billion).

Migrants and their families will likely use the funds for consumption, for investment in housing or to educate their children. But regardless of how the funds are used, they have a positive effect on the economy, resulting in higher levels of savings and investment. Governments that want to encourage remittances need to make it easy and cheap for migrants to trans-



Remittances can be collected from ATMs in Fiji.
©ILO/P. Stalker.

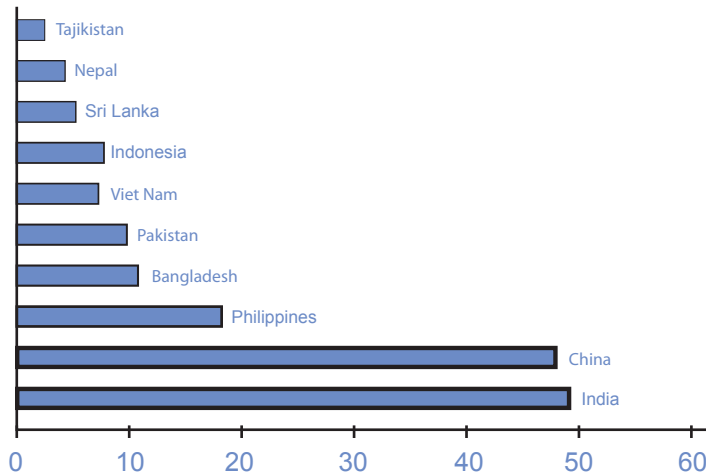
fer funds. They also should encourage migrants to use the funds as productively as possible, such as for business creation or community development projects.

Through action-oriented research in a number of countries, including Indonesia and Philippines, the ILO Social Finance Programme and International Migration Programme (MIGRANT) explore the potential for linking remittances to financial services, including savings (to help migrants and their families build up assets), microcredit (to foster a more productive use of resources) and microinsurance (to help households manage their risks and protect their businesses, homes and livelihoods). In parallel, the ILO promotes financial literacy initiatives to equip migrant workers

[Click here for ILO studies on remittances in Cambodia, Lao PDR and Myanmar](#)

[Click here for ILO studies on remittances in Bangladesh and Nepal](#)

Top remittance-receiving countries in Asia and the Pacific, 2010 (US\$ billion)



and their families with financial knowledge and management skills and help them prepare for the migration experience, maximize its gains and expand their life opportunities.

Return migration

Migrants, especially female migrants, often find it hard to readjust when they return. Long separation can cause problems in the home with their partners and their children,

leading to psychological and emotional stress. Returning migrants may discover that little remains of their remittances if their families have used the funds for basic survival or for consumption. As a result, many returning migrant workers are frequently pressured to re-migrate.

Having become accustomed to higher wages, they can struggle to find suitable employment. Even if they have savings to invest, they often lack the skills to use it well in new businesses. Worst off are the



A returned Indian migrant entrepreneur who successfully reintegrated into her community.
©ILO/P.Stalker.

returning victims of exploitation or trafficking who come home with no funds and may not be readily accepted back into their home communities. The ILO can assist governments in developing programmes for returnees. These could include, for example, training for entrepreneurship and how to run small businesses.

Along with documenting abuses, the ILO extensively seeks out success stories. At the request of the Ministry of Overseas Indian Affairs, for example, the ILO has been profiling former migrants who have successfully reintegrated upon their return to India. These profiles are distributed as leaflets to prospective migrant workers to motivate them to plan early for their eventual return and to inspire them to become self-employed.

3. International cooperation and partnerships

The ILO is unique in that it is a tripartite organization representing governments and workers' and employers' organizations. It can thus help build consensus among the social partners in labour-sending and receiving countries, allowing them to develop and implement policies and programmes for governing labour migration. As an international organization, the ILO can foster networking opportunities between governments, employers' organizations, trade unions and organizations of migrant workers.

International migration policy is still largely set by the destination countries, which decide who they will admit and for what purposes. But many countries have found that it is better to manage migration in cooperation with countries of origin, through various types of international agreement. The most comprehensive international agreement is the ILO Multilateral Framework on Labour Migration. This highlights principles and guidelines to help countries develop more effective labour migration policies.

[Click here for the International Labour Migration database](#)

Bilateral agreements

The most common mechanisms for regulating interstate labour migration are bilateral agreements. A formal bilateral agreement sets out each side's commitments and may provide for quotas. Less formal is a memorandum of understanding (MOU).

Most countries of destination prefer MOUs, probably because as non-binding agreements they are easier to negotiate, implement and modify according to changing economic and labour market conditions. Countries may sign such agreements for political reasons, to reflect friendly relations or to reinforce co-operation in managing irregular migration.

For the destination countries, bilateral agreements help achieve a flow of labour that meets the needs of employers and industrial sectors while providing for better management and promoting cultural ties and exchanges. For the countries of

Several destination countries have entered into bilateral agreements, including:

- *Republic of Korea – For the hiring of foreign workers under its Employment Permit System, the Government has MOUs with 15 countries (Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Timor-Leste, Uzbekistan and Viet Nam).*
- *Malaysia – There are MOUs with Bangladesh, China, Indonesia, Pakistan, Sri Lanka, Thailand and Viet Nam to regulate recruitment processes and procedures.*
- *Thailand – MOUs with Cambodia, Lao PDR and Myanmar were signed to promote more orderly migration. Following a slow start, there are positive indications that more migrants are beginning to use the legal channels developed under these MOUs.*

Under the terms of these agreements, the employment of workers requires prior permission of the authorized agencies of the respective countries and the submission by one country of a list of available jobs and by the other of a list of selected applicants for these jobs. Then it needs supervision by both sides to ensure that appropriate visas and work permits are issued, that workers comply with requirements for health insurance, that contributions are paid to a savings fund, that taxes are paid and that workers have employment contracts.

origin, these agreements ensure continued access to overseas labour markets and opportunities to promote the protection and welfare of their workers.

These agreements require special administration to ensure their smooth operation, including the recruitment, testing and certifying of applicants for the programme, and timely data flow and information sharing between the two countries. For

most of these agreements, however, monitoring and enforcement mechanisms tend to be weak. They typically concentrate more on recruitment procedures and less on welfare and protection. Due to its close contact with both countries of origin and destination, the ILO is in a strong position to advise on the usefulness and design of bilateral agreements that will serve both parties and, in particular, can protect the interests of migrant workers.

Regional agreements

In addition to bilateral arrangements, there are also a number of regional and sub-regional agreements on various aspects of migration. Regional agreements on migration typically involve a series of meetings that allow participants to share experiences and develop relationships and a common understanding of mutual problems.

One example is the Bali Process. This collaborative effort was initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali in 2002.

Now the Bali Process has more than 50 participating countries as well as many international agencies and is co-chaired by the governments of Indonesia and Australia. Their objective is to work together on practical ways to confront and overtake the problems of smuggling and trafficking. Activities are coordinated within countries and reviewed annually.

In 2007 ASEAN's ten member States signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers, which outlines obligations for countries of

origin and countries of destination. In the same year, a committee was formed to draft a framework to guide the implementing of the Declaration. Additionally, the ASEAN Intergovernmental Commission on Human Rights has drawn attention to rights abuses carried out against migrant workers; addressing the specific vulnerability of migrant women is a priority for the newly formed ASEAN Commission on Women and Children.

The ILO has been a pivotal player in regional processes. It has organized a number of round-table talks in which countries of origin and destination have focused on issues of common interest. The ILO also has an agreement with the Gulf Cooperation Council to enhance existing cooperation and consultation between the two organizations on the best ways to develop labour rights and implement labour standards for foreign workers.

Since 2008 the ILO has supported the annual ASEAN Forum on Migrant Labour. This event has now been institutionalized and demonstrates the great strides in the commitment and willingness of tripartite constituents and civil society organizations to work together.

Networking and partnerships

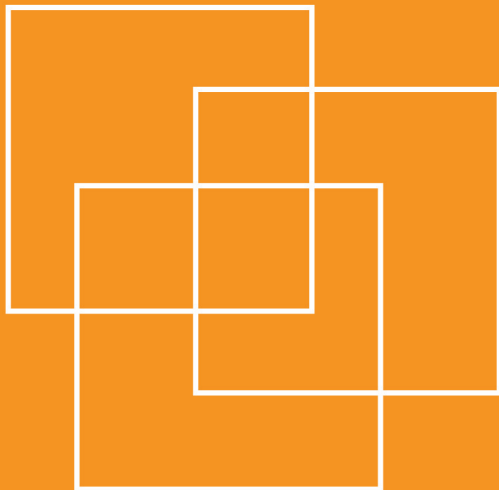
As an international organization the ILO cultivates networking opportunities between governments and also between employers' organizations, trade unions and organizations of migrant workers.

At the Fourteenth Asian Regional Meeting in 2006, which launched the Asian Decent Work Decade, the tripartite constituents of countries in the region requested the ILO to promote "the development of up-to-date and reliable statistics and data-gathering to assist in fact-based research, comparison and decision-making and to improve overall knowledge management in the region".

In response, the ILO Regional Office for Asia and the Pacific launched the Asian Decent Work Decade Knowledge Network, providing a platform for Communities of Practice to foster mutual capacity building,

leverage resources in ILO areas of work and connect ILO constituents with each other, other stakeholders and partners. One of the Communities of Practice, the [AP-MagNet](#), focuses on migration and human trafficking.

The ILO has also assisted with the international networking of trade unions. It has, for example, helped link Malaysia's Trades Union Congress with unions in Bangladesh, India, Indonesia, Nepal, Pakistan, Philippines and Viet Nam; it has linked Korean trade unions with those in Philippines, Thailand and Viet Nam. The ILO helps unions and other organizations establish national mechanisms of social dialogue on migration. In addition, it facilitates the participation of social partners in international forums and the preparing of relevant educational materials.



The Resource Kit brings together the ILO's expertise, knowledge and tools as they relate to Decent Work and the goals of the Asian Decent Work Decade (2006-2015) in a single, accessible package. It has been created to help workers, employers, governments and other interested parties learn more about the priority areas, the key challenges and the resources available to meet them.

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