

Report of the 9th Session of the Sub-Regional Advisory Committee (SURAC) Meeting

Tripartite Action to Protect the Rights of Migrant Workers (GMS TRIANGLE and ASEAN TRIANGLE Projects)

25-26 March 2015

Phnom Penh, Cambodia



Photo: Participants at the SURAC Meeting 2015 held in Phnom Penh, Cambodia

The SURAC (Sub-regional Advisory Committee) meeting has served as an ILO platform for tripartite constituents to share information, experiences and provide guidance on anti-trafficking and migration management for ten years. The SURAC was first established in 2001 as an informal meeting between senior advisors, to provide guidance on anti-trafficking interventions and to stimulate thinking on sub-regional initiatives. At the 3rd SURAC meeting in September 2005, the meeting was reconstituted as a tripartite labour mechanism to coordinate country-specific action on human trafficking. The primary objective of the 6th SURAC meeting in November 2009, was to provide feedback on the design of the GMS TRIANGLE project. The SURAC in 2011 served to share experiences from national developments and initial project activities, and explore the scope for greater bilateral and regional cooperation, under the framework of the GMS TRIANGLE project. In 2013, the SURAC was hosted jointly by the GMS and ASEAN TRIANGLE projects for the first time and provided an excellent opportunity to explore links between the projects and streamline implementation. Expanding participants beyond the GMS region was beneficial to all in attendance and broadened the expertise and experience that could be shared at this forum.

The Tripartite Action to Protect Migrants within and from the GMS from Labour Exploitation (GMS TRIANGLE) is a five-year project to strengthen the regulation of recruitment practices and improve workplace protection. The project aims to strengthen policy, build the capacity of key stakeholders (tripartite constituents, recruitment agencies, civil society organizations, migrant workers, etc.), and provide support services to women and men migrant workers, and potential migrant workers. The

project started in 2010 in Cambodia, Lao PDR, Malaysia, Thailand and Viet Nam and began activities in Myanmar in 2013.

The Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (the ASEAN TRIANGLE project), aims to promote decent work opportunities for labour migrants by increasing their access to legal and safe migration channels and improving labour protection. The project promotes multilateral and regional approaches to common concerns, make regionalism more effective, and enhance the capacity of ASEAN institutions.

In 2015, the SURAC meeting served the dual purpose of addressing issues from both the GMS and ASEAN TRIANGLE projects. Specific objectives for this year were to:

- a) Consider and reflect upon the proposed design of the second phase of the GMS TRIANGLE project;
- b) Validate the draft work plan for the ASEAN TRIANGLE project (with financial year 2015 to begin in April);
- c) Strengthen in-country, bilateral and multilateral cooperation between tripartite constituents working with both ASEAN and GMS TRIANGLE projects and reflect on areas of cooperation and coordination; and
- d) Inform constituents of the planned final evaluation of the GMS TRIANGLE and the impact analysis and impact evaluation of the GMS TRIANGLE project among partners working within each country.

A total of 88 representatives from governments, employers' and workers' organizations and civil society organizations participated in the meeting, representing all 10 ASEAN member states.

Session 1: Opening Session

The session was chaired by **Mr Nilim Baruah**, Senior Regional Migration Specialist, ILO Regional Office for Asia and the Pacific. He outlined the objective of the 9th SURAC meeting and underlined the importance of focusing on women migrant workers within the ASEAN countries and improving protections for them.

Ms Emma Tiaree, Development Cooperation Counsellor at the Australian Embassy in Bangkok highlighted the positive impact of the ILO tripartite approach used in both the GMS and ASEAN TRIANGLE projects. Ms Tiaree outlined two crosscutting issues DFAT

will be to promoting across future projects, namely an increased focus on engagement with the private sector and women's empowerment. Ms Tiaree also outlined a new focus on highlighting development impact, especially through use of remittances and skills recognition, as well as looking at labour mobility through the lens of skills matching between origin and destination countries.

Mr Nathan Taylor, Senior Development Officer, Department of Foreign Affairs, Trade and Development Canada, confirmed the Canadian government's interest in the ASEAN region and the

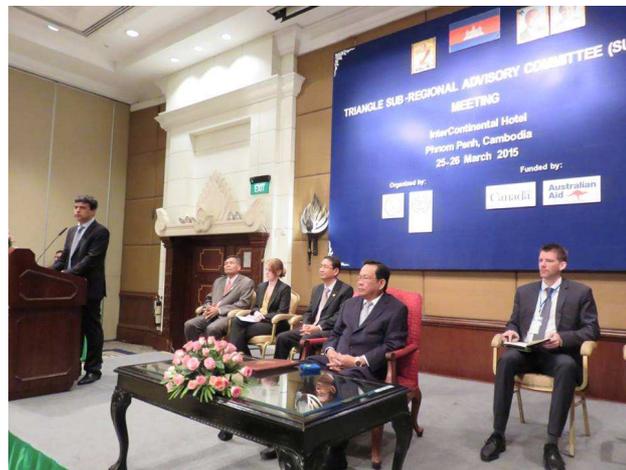


Photo: Mr. Nilim Baruah chairs the Opening Session of SURAC

positive impact of the ILOs tripartite engagement with stakeholders and protection of the human rights of migrant workers.

H.E. Ith Sam Heng, Minister of Labour and Vocational Training (MOLVT), Royal Government of Cambodia, highlighted the link between effective migration management and the prevention of forced labour and human trafficking, and outlined the positive work MOLVT has carried out in collaboration with the GMS and ASEAN TRIANGLE projects. H.E mentioned the positive outcomes following the establishment of the complaints mechanism process and the current work on a roadmap for ratification of the ILO Domestic Workers Convention, 2011 (No. 189). The Minister also stressed the importance of targeting the specific needs of female migrant workers.

Session 2: Overview of the key contextual developments in the region and within the TRIANGLE projects.

Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE, *Overview of GMS TRIANGLE I key achievements and developments.*

Mr Tunon provided an overview of the key achievements and developments of the project over the last five years. Mr Tunon's presentation highlighted the immediately positive impacts of the project on the lives of women and men migrant workers through migrant resource centers (MRCs), as well as the longer-term impacts achieved through enhancing policy and legislative frameworks to protect migrant workers, and capacity building stakeholders at national and local levels, fostered dialogue among governments, employers' and workers' organizations, and CSOs. Mr Tunon also noted that the project has played a significant role in changing the conversation on trafficking prevention in the sub-region, with more focus on migration management and broadening attention across the spectrum of rights abuses. Mr Tunon then highlighted project achievements under the project's three policy goals of strengthening policy and legislation, capacity building of stakeholders and service and support provision.

Mr Manuel Imson, Senior Programme Officer/Project Coordinator, ASEAN TRIANGLE, *Key Achievements of Year 3, Key Findings of the Mid-term Evaluation, ATP Work Plan Year 4.*

Mr Imson presented the key achievements of year 3 of project implementation such as the International Labour Migration Statistics Database and the consultations on labour mobility and mutual skills recognition agreements. Mr Imson shared the key findings of the mid-term evaluation, including enhancing communication in promoting the ratification of conventions with countries and building on the interest raised by countries in the fishing sector. Key activities in the ATP Work Plan for the fourth year of implementation (April 2015 – March 2016) include a regional consultation on the extension of the social protection floor to migrant workers, a regional meeting of national focal points to set up Mutual Recognition of Skills arrangements, and a Migrant Welfare Fund feasibility study for Cambodia, Laos and Myanmar.

Session 3: Proposed features of GMS TRIANGLE II

Dr. Phil Martin, GMS TRIANGLE II Design Team, Team Leader, *GMS TRIANGLE II process and project objectives.*

Dr. Martin provided an outline of GMS TRIANGLE II objectives, approaches and potential activities which will be in line with DFAT priorities for the ASEAN region. Dr Martin stated that GMS TRIANGLE II objectives are currently envisioned as continuing advocacy for protective legislation and effective implementation of laws and regulations; MRCs continue to implement best practices and pass upward

common problems faced by migrants. A second new objective of the project would be around migration and development involving reducing remittance costs and Community-Based Enterprise Development (CBED) to help returned migrants to productively invest, and a new labor mobility objective around reducing recruitment costs, improving MOUs and bilateral Government to Government agreements and standardized job descriptions and assessment of worker skills.

Ms Jenna Holliday, GMS TRIANGLE II Design Team, Technical Expert, *GMS TRIANGLE II Cross-Cutting Issues and Strategic Approaches*.

Ms Holliday provided an overview of the cross-cutting issues and strategic approaches for GMS TRIANGLE II. The first cross-cutting issue will be a twin track approach to women's empowerment, with a focus on analyzing ways in which migration affects men and women differently and by reducing inequality through increasing resources available to migrant women. A second cross-cutting issue will be the link with private sector and innovation, specifically in regards to social protection and remittances, while the third cross-cutting issue will be advocacy and the promotion of a positive image for migrant workers and their contribution in receiving countries and the opportunities and challenges for potential migrants. GMS TRIANGLE II will focus on the implementation of policy and legislation at national level and will increase its focus at the regional level engaging ASEAN institutions promoting tripartite plus regional dialogue.

Ms Anna Olsen, Technical Officer, GMS TRIANGLE, facilitated the plenary discussion which gauged the initial reactions of participants to the new objectives and proposed design for GMS TRIANGLE II, and to identify gaps missed by the design team which participants considered should be included in the second phase. Sending countries endorsed the positive results of MRCs in their countries and suggested an expansion to more provinces and communes. Trade unions expressed interest in increased cooperation with their counterparts in the region and all participants agreed that the next phase should have a stronger focus on implementation as opposed to creation of new legislation.

Session 4: Priority setting: in-country discussion

Mr Manuel Imson, Senior Programme Officer/Project Coordinator, ASEAN TRIANGLE, moderated the group work session, asking each country to discuss future strategies under GMS TRIANGLE II and the ASEAN TRIANGLE work plan.

Lao PDR

Lao PDR participants identified their priority needs to be national legislation on migration to reflect international standards and for tripartite constituents to be more involved in the consultation processes. They outlined priority activities such as expanding MRCs to new locations using employment agencies and, as a strategy to involve more women, to integrate the project activities with the national commission of women's empowerment.

Indonesia

Indonesian participants identified the need to improve pre-departure orientation training and support for returned migrant workers (focusing , on family financial management or entrepreneurship activities). They considered that data collection on labour migration should be improved as it can support policies and legislation at local and national level. Participants also considered that ASEAN TRIANGLE can support the promotion of reduced remittance costs at the regional level while GMS TRIANGLE II can help Indonesia to improve remittance systems for returned migrant workers.



Photo: Ms Sri Setiawati, representing Indonesia

Philippines

Philippine participants raised concerns on the high costs of migration (both financial and social costs), the need to increase focus on preventive and remedial health programs for migrant workers, the importance of ratification of the ILO Private Employment Agencies Convention, 1997 (No. 181) and ILO Convention No.189 on Domestic Workers throughout the ASEAN region and the need to increase mobility opportunities for workers. The importance of screening of employers in destination countries and skills recognition was also highlighted. The delegation suggested the creation of a regional labour market information system and the engagement of academic institutions as solutions to address job skills mismatch. The delegation also suggested expanding GMS TRIANGLE II to include the Philippines.

Viet Nam

Needs raised by Vietnamese participants focused on strengthening recruitment agency practices while reducing costs, improving and expanding MRCs to rural areas and improving partnerships with trade unions in supporting migrant workers. Participants were keen to learn about good practices from other ASEAN countries for replication in Vietnam, and to strengthen the legislative and policy framework and coordination.

Myanmar

Whilst running for a shorter time in Myanmar, Burmese participants reported the benefits already obtained for migrant workers through MRCs. One need is to expand the MRCs to rural areas or create mobile teams to reach out to migrant workers as the women's union is currently doing. There is also the need to focus on a legal framework to protect migrant workers, strengthen the legal framework for payment of compensation and strengthen the current complaints mechanism, improvement of dialogue between recruitment agencies and employers' organizations, and solving the issue of wage disparity between men and women. A good topic of research identified would be to understand why so many migrant workers are migrating undocumented to better focus policies and activities for GMS TRIANGLE II.

Malaysia

The Malaysian delegation highlighted the need to balance activities for sending and receiving countries in the design of GMS TRIANGLE II. Malaysia requires a comprehensive migration management policy, drafted



Photo: The Malaysian delegation during group work

through a tripartite mechanism which will be part of a larger human resource plan. There is the need to revise current MOUs with sending countries, strengthen recruitment processes and recognize the role of private recruitment agencies, organize a positive image campaign of migrant workers and improve translation and communication between sending and receiving countries in case management. The Malaysian delegation also suggested the need for a study on recruitment costs.

Thailand

The Thai delegation identified their short-term needs to be verification procedures, translation at Department of Labour offices and development of a database on labour migration, while their medium term needs are the development of a labour migration policy and an employment policy which should be more flexible and reduce the costs for migrant workers. In the long term, there should be an increased focus on enforcement of legislation and addressing corruption. It was recommended that GMS TRIANGLE II focus on increasing the number of labour inspectors, including CSOs and trade unions in inspection visits, increase focus on living wages, collective bargaining rights for migrant workers and skills recognition. Women should have increased access to the labour market through, for example, improving childcare facilities.

Cambodia

Cambodian participants outlined their long term goal as the drafting of a migration law and, as a medium term goal, the development of a migrant welfare fund. In the short term the delegation would like to review current MOUs with destination countries and improve the labour migration database system to include information on returned migrant workers. There is also a need to increase the number of MRCs in the country and to foster collaboration between MRCs in sending and destination countries. An increased focus should also be put on skills recognition for returned migrants and on daily and seasonal migration management in border areas.



Photo: The Cambodian delegation during group work

Mr Manuel Imson provided a summary of the main points raised by each country. The main needs identified were improving national legislation and its enforcement through tripartite consultations, increasing the focus on returned migrants, complaints mechanisms, skills recognition and specific sectors such as fishing and domestic work. It was also recommended increasing the focus on women migrant workers, for their needs to be included in national legislation, for wage differentials to be

eliminated and for their families to be supported to allow for an increased participation of women in the workforce.

A brief Q&A session followed, with Cambodian trade unions advocating for migrant workers to access the right to freedom of association and protection in destination countries. The representative from Brunei also raised the issue of lack of harmonization of skills within ASEAN countries and how this should also be a priority for GMS TRIANGLE II.

Review of Day One

The second day started with a revision of day one content. **Ms Mia Urbano**, Southeast Asia Regional Social Development Advisor, DFAT, grouped day one discussions into 3 groups; Change; in the ASEAN context and labour migration agenda, Contribution; in expanding and extending protection (to protection 'plus') under TRIANGLE II and Challenges; emerging issues and outstanding priorities.

Mr Nilim Baruah, Senior Regional Migration Specialist, ILO Regional Office for Asia and the Pacific, outlined the *ILO Multilateral Framework on Labour Migration* which is a global framework of non-binding principles, guidelines and good practices on a rights based approach to labour migration anchored in ILO conventions and standards. Mr Baruah encouraged all countries to use it as a guiding document to effective labour migration management. Mr Baruah also suggested that for a better understanding of the current situation in ASEAN integration in the global context, ASEAN TRIANGLE and the ADB had undertaken a comprehensive study on ways that integration can be best managed by countries for decent work and equality; *ASEAN Community 2015: Managing integration for better jobs and shared prosperity*.

Session 5: Priority Setting: Constituents discussions

This session was facilitated by **Mr Pong Sul Ahn**, Workers' Specialist, ILO Regional Office for Asia and the Pacific. Participants were asked to openly discuss their suggestions, concerns regarding the design for GMS TRIANGLE II.

Governments

Mr Nilim Baruah, Senior Regional Migration Specialist, ILO Regional Office for Asia and the Pacific, facilitated the session. The discussion focused on the labour mobility component of GMS TRIANGLE II, specifically on the need for improved labour market information in destination countries, especially looking at improved data on labour shortages and wages. Furthermore, the



Photo: Government delegates group work

importance of skills recognition and of leveraging women's skills to enhance their economic empowerment was highlighted. When discussing the migration and development aspect of GMS TRIANGLE II, Government representatives outlined the importance of integrating migration into country development plans, and the importance of channeling remittances and involving the banking sector to increase remittance flows through the formal sector.

Civil Society

Ms Liva Sreedharan, Program Manager, Tenaganita, facilitated the civil society group session, mainly focusing on protection of migrant workers. The group highlighted the need to improve pre-departure information and extension of the capacity and reach of MRCs in rural areas as well as support for organising women migrant workers at destination countries. Short terms goals for CSOs are the expansion of MRC services to financial education, dissemination of information in ethnic minority languages, and research on return and reintegration needs of migrant women. Mid-term goals are supporting female migrant workers to negotiate for equal or improved wages and institutionalize CSOs engagement in ILO tripartite processes.

Employers

Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE, facilitated the session. There was a call for a clearer role for employers in countries of origin, especially in regards to the need to recognize skills of returned migrants and the need to match skills and vacancies in destination countries. An issue raised in this context was the skills gap created by out-migration. The group considered that employers at destination countries need to be more involved in research on labour market needs and focus more on efficient job matching. Private recruitment agencies need to improve their relationship with employers in countries of origin and destination, and focus on pre-departure training. For returned migrant workers, employers need to create more family friendly policies to encourage more women to be more involved in the labour market. It was recommended that GMS TRIANGLE II conduct research on successful returned migrant workers.



Photo: Employers' representatives group discussion

Workers

Ms Jacqueline Pollock, Technical Officer, ILO-Myanmar, facilitated the session with workers' representatives. Trade unions can be more engaged in labour migration by appointing a full-time coordinator working to support migrant workers in destination countries. Trade unions advocated for revision of labour laws to allow migrant workers to join trade unions. In relation to skills enhancement, trade unions recommend assisting returned migrant workers to develop entrepreneurial skills or small and medium enterprises, and develop MOUs on mutual skills recognition and issuing a certificate of skills developed in the destination country. To increase women's empowerment, trade unions suggested promoting greater inclusion of women's needs into social protection mechanisms, creating women's group funds to support women when returning to their country of origin, using media to reach women with pre-departure programs, financial training and reintegration support services.

Session 6: Bilateral cooperation and labour mobility

The session provided participants with an overview of different migration management systems which are currently being implemented in ASEAN countries.

Mr Balamurugan Nallamuthu, Senior Principal Assistant Secretary Multi-Lateral Unit International Division, Ministry of Human Resources, Malaysia, presented on the Government-to-Government approach between the Malaysian and the Bangladeshi governments. The program is now being used by 10,000 workers in the plantation sector only and Mr Nallamuthu considers it a positive example of a Government-to-Government system as it does not involve third parties, workers have a standard employment contract, and an application can be submitted online to access the scheme.

Ms Sri Setiawati, Deputy Director for Directorate of Placement of Indonesian Overseas Workers, Ministry of Manpower, Indonesia, provided a presentation on the Indonesian MOU process between Indonesia and currently ten destination countries. The presentation provided an overview of migration from Indonesia, the placement mechanism for workers wanting to go overseas and the challenges they face, such as different backgrounds in terms of policy and legislation. Ms Setiawati suggested the strengthening of national legislation and the improvement of inter-agency coordination and policy implementation were key to improving the protection of Indonesian workers overseas.

Ms Heike Lautenschlager, Consultant, ASEAN TRIANGLE, provided an overview of the KNOMAD study where 65 MOUs and bilateral agreements from within the Asia-Pacific region and the Arab States were reviewed and identified eighteen good practices. The study highlighted that reducing the costs of migration is a key strategy to enhancing the impact of migration on development

Session 7: Reflections on evaluation and impact

Mr Benjamin Harkins, Monitoring and Evaluation Consultant, GMS TRIANGLE, outlined the current M&E system with individualized coaching for implementing partners managing MRCs and participatory monitoring tools and methodology to integrate feedback from beneficiaries. Currently, the M&E system allows for beneficiary tracing, for complaint outcomes to be standardized and aggregated and for case studies to be collected. For GMS TRIANGLE II, it will be recommended that there is an increased alignment with, and advocacy for, M&E frameworks in national labour migration policies and the assessment of outcomes and impact be broadened to new thematic areas of work.

Closing session

Dr. Phil Martin provided a summary of the main changes with the design of GMS TRIANGLE II and the new focus areas and cross-cutting issues. Dr. Martin showed a video on perceptions of migrant workers in the US as to illustrate the importance of positive image of migrant workers to promote inclusion and promotion of rights in the workplace.

Mr Max Tunon thanked all participants for their active engagement over the past two days, and more broadly for their support in the implementation of the TRIANGLE projects and their efforts to protect migrant workers. He thanked DFAT Australia and DFATD Canada for their support for the GMS and ASEAN TRIANGLE projects, ILO colleagues presented and facilitated sessions, and handled the administration and logistics of the meetings; and the interpreters.

The discussions held at the SURAC will shape the second phase of the TRANGLE project and future work plans of the ASEAN project, and activities at national and regional levels. A report of the 9th Session of the SURAC meeting will be circulated, and the 10th Session will be convened in eighteen months.