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ILO: ASEAN TRIANGLE Project, issue 3, December 2014

## ASEAN TRIANGLE Project (ATP)

# Canada

*Funded by the Government of Canada through its Department of Foreign Affairs, Trade and Development (DFATD), the Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE Project: ATP) is a five-year project that aims to promote and protect the rights of migrant workers in ASEAN countries. ATP works closely with ASEAN Member States, the ASEAN Secretariat, the ASEAN Trade Union Council (ATUC), the ASEAN Confederation of Employers (AEC) and the civil society organizations through the Task Force on ASEAN Migrant Workers (TFAMW). The project promotes both a bilateral and regional approach by engaging workers, employers and governments to make regionalism more effective and support the capacity building of institutions in ASEAN. The main outcomes and activities of the ATP can be found [here](#).*

### ATP updates and highlights from October-November 2014

**Meeting with the Global Migration Group and the office of the Special Representative of the Secretary-General for international migration, 16-17 October 2014 New York, USA:**  
The ILO ATP's Senior Programme Officer/Project Coordinator, Manuel Inson attended the Global Migration Group's meeting in New York and presented the key initiatives of ATP on labour migration that contribute to the development agenda. This includes: 1) the development of the regional framework for the recognition of skills and qualifications to facilitate the freer movement of workers in ASEAN; 2) the collection and development of international labour migration statistics database in ASEAN to support evidence-based policy; and 3) the regular convening of the [AFML](#) as a unique tripartite regional migration platform where stakeholders in ASEAN openly discuss issues related to labour migration and the protection of migrant workers in ASEAN.

### Tripartite consultation on draft

### ATP featured story of the month:

### **Implications of ASEAN Economic Community (AEC) 2015 on ASEAN Member States (AMS)\* and the convening of the 7<sup>th</sup> ASEAN Forum on Migrant Labour (AFML)\*\***

*In each newsletter, the ATP examines the impacts of the AEC 2015 on its stakeholders. This month, we take a closer look at the AEC's implication on AMS and also the 7<sup>th</sup> AFML, which was held 20-21 November 2014 in Nay Pyi Taw, Myanmar to discuss measures to strengthen the protection of migrant workers in ASEAN.*

The [ASEAN Community 2015](#) consists of three pillars: ASEAN Economic Community (AEC), ASEAN Social-Cultural Community (ASCC), and the ASEAN Political-Security Community (APSC). The AEC blueprint is expected to increase the flows of trade, investment, strengthen institutions and enable the freer movement of skilled workers. Come 2015, intra-ASEAN migration of workers is expected to continue to increase, primarily due to demographic and economic disparities of the AMS. Although the AEC provides for the free movement of high-skilled professionals, this does not reflect the reality that the bulk of the movement is among workers in medium and low-skilled sectors. For example, in Thailand and Malaysia, major receiving countries of ASEAN migrant workers, high skilled occupations accounted for only 3.1 and 10.2 per cent respectively of the overall inflow and to better protect migrant workers (ADB-ILO 2014).

The continued growth in intra-ASEAN migration requires better cooperation amongst AMS to manage these flows. The existing tools to facilitate labour mobility are the Mutual Recognition Agreements (MRAs) currently completed for eight professions and the ASEAN Qualifications Reference Framework (AQRF) that operates as a translation device to enable the comparison of qualifications across AMS for recognition of competencies; it focuses on comparability, benchmarking and the concept of "best fit" by providing a common reference point for comparing qualifications and skills. However, MRAs only cover 0.3-1.4 per cent of migrant workers in ASEAN. Therefore AMS need to consider developing a system for the mutual

**MoU on the Employment of Migrant Workers in Malaysia,** 3-4 November 2014, Phonon Penh, Cambodia:

The Governments of Cambodia and Malaysia have agreed to establish two MoUs by the end of 2014 on: 1) protection of general workers; and 2) domestic workers. In this regard, the MoU on the Employment of Workers between the Government of Malaysia and the Government of Cambodia was drafted by the Government of Malaysia and was submitted to Government of Cambodia for consideration on the contents of this MOU. This national consultation invited the tripartite partners and CSOs from Cambodia to inform these stakeholders about the process of developing the MoU and sought their inputs on the draft MoU. The ILO ATP supported this meeting as part of its objective to support the capacity building of governments.

**The role of the recruitment sector in facilitating more effective ASEAN intra-regional labour mobility – Employers’ regional workshop** - 6-7 November 2014, Bangkok, Thailand:

The ATP in collaboration with the ILO Bureau for Employers’ Activities (ACT/EMP) held a regional workshop to support national employers’ organizations in ASEAN to address issues related to the recruitment of workers. This facilitated a better understanding of the recruitment industry and the opportunities it can provide to facilitate more effective labour market outcomes. Employers’ organizations identified priority issues related to the recruitment of workers leading up to the AEC 2015 and developed draft policy positions to address these issues.

**ASEAN Regional Conference on the Protection and Empowerment of Women Migrant Workers,** 13-14 November 2014, Manila, Philippines:

The ILO ATP in collaboration with the ASEAN Committee on Women (ACW) and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) convened a Conference among senior officials, with special focus on vulnerable groups of female migrant workers: those in domestic work, those who are victims of forced labour and trafficking, and those who are in the midst of crisis situations in destination countries. The Conference strengthened regional coordination and information sharing for the protection and

recognition of skills for medium and low-skilled workers to facilitate mobility of this group of workers and provide safer and more manageable migration options for them in ASEAN (*ibid.*).

Moreover, instead of simply relying on low-skilled and low-wage migrant workers, providing decent work conditions and trainings to up-skill migrant workers would benefit countries of destination due to increased productivity resulting in more efficient contribution to the economy. Benefits will eventually flow to countries of origin through increased remittance inflows (*ibid.*).

The latest ADB-ILO report on ASEAN Community 2015 argues that AMS are encouraged to establish

*“the pathways for migration that are safer, more transparent and cheaper; and adequate social protection to enable migrant workers to have a decent life and opportunities to upgrade their skills; and improvements to labor market information systems that can produce reliable and detailed data to better enumerate, profile and understand migrant stocks and flows.”*

In this regard, AMS should consider:

1. ratifying international conventions to provide a common ground for disputes settlements in ASEAN and also to enhance trust amongst the AMS upon the treatment of their nationals abroad;
2. extending the coverage of social security to migrant workers to ensure that no individuals are discriminated and that migrants can maintain their entitlements to pension benefits cross borders; and
3. implementing the [ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers](#) (Cebu Declaration, 2007) to align it to national policies so a coherent labour mobility policy can be established to reduce migration costs, ensure legal channels for migration, and indicate different responsibilities and rights associated amongst respective AMS (*ibid.*).

**7<sup>th</sup> ASEAN Forum on Migrant Labour**

The ASEAN has already begun taking initiatives to implement the Cebu Declaration, to include the establishment of the [ASEAN Forum on Migrant Labour \(AFML\)](#). AFML aims to advance the principles of the Declaration.

Each year, AFML themes, conclusions and Recommendations are formed to advance selected articles from the Declaration. To date, the AFML, is the only annual migration forum in Asia on labour migration that is tripartite in nature. The Forum includes government, employers, workers and civil society. The AFML has provided an important platform for the AMS to form partnerships and exchange ideas on enhancing the protection of migrant workers in the region.

The 7<sup>th</sup> AFML, held on 20-21 November 2014 in Nay Pyi Taw, Myanmar and hosted by the Government of Myanmar, was convened with the overall theme: **“Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers”**. The 7<sup>th</sup> AFML discussed key policy issues in two sub-themes. The first theme related to the promotion of employment protection, use of standard employment contracts, payment of wages, labour inspection and adequate access to decent work and living conditions of migrant workers in the labour receiving country. The second theme, designed to address the obligations of the labour sending countries, discussed the coordination and role of key stakeholders to set up and implement policies and procedures to better manage recruitment, travel preparation, protection abroad and return and reintegration. AFML national tripartite preparatory meetings were held in seven ASEAN countries (Philippines, Viet Nam, Myanmar, Cambodia, Lao PDR, Thailand, and Indonesia) to discuss progress and implementations of previous AFML’s past Recommendations at the national level. The meeting also discussed the 7<sup>th</sup> AFML’s theme and sub-themes, and built consensus on inputs to the discussions and formulation of Recommendations for the 7<sup>th</sup> AFML.

empowerment of women migrant workers, and increased knowledge on and promoted gender-responsive labour migration policies and programs in both labour sending and receiving states in ASEAN. The Conference concluded with recommendations to enhance migration policies and programs affecting women migrant workers in ASEAN.

#### **ASEAN Tripartite Seminar on Strengthening Social Protection, 17-18 November 2014, Bangkok, Thailand:**

The ILO ATP in collaboration with the ILO/Japan MAPS project held a seminar to provide a platform for ASEAN Member States and their social partners to discuss and agree upon common priority recommendations and concrete actions, within a pre-determined framework, that would lead to effective implementation of the ASEAN Declaration on Social Protection, adopted in 2013. The seminar concluded with a list of actions and proposals for South-South cooperation projects on social protection in ASEAN, and also identified the role of governments, workers' and employers' organizations as well as the role of the ASEAN Secretariat, the ASEAN Social Security Association (ASSA) and UN agencies in the implementation of the Declaration to strengthen social protection floors both at the national and regional levels. This meeting was also attended by DFATD led by its Director of International Cooperation, Mr. Jacob Thoppil.

#### **Asian Conference on Globalization and Labour Administration: Cross-border Labour Mobility, Social Security and Regional Integration, 19-21 November 2014, Manila, Philippines:**

The University of the Philippines in collaboration with the International Society on Social Security and Labor Laws (ISSLL) as well as ATUC with the support of ILO ATP, organized this Conference, allowing both international and national stakeholders to highlight the best practices in labor policies and laws in dealing with the challenges and risks brought about by increasing globalization and deepening regional integration. The Conference provided critical insights in the effective formulation of transnational and cross border rules and norms for promoting the welfare and the rights of migrant workers and the development of regional-level and supranational regulatory structures that optimizes



The 7<sup>th</sup> AFML ended with success, and the [Recommendations from the 7<sup>th</sup> AFML](#) was adopted under two sub-themes:

#### **1. Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers:**

The first cluster of the Recommendations emphasized the importance of: developing ASEAN guidelines/framework of standard employment contracts to stipulate clear terms and conditions of employment, rights and responsibilities of workers and employers; enhancing services to migrant workers through one-stop services and migrant resource centers; strengthening the ability to protect migrant workers on-site through training labour inspectors and labour attachés; strengthening data collection and sharing; capacitating recruitment agencies to better protect migrant workers; facilitating migrant workers to have access to trade unions; and the provision of support to migrant workers who filled complaints so they can stay within the country of destination while complaints are processed.

#### **2. Set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas, protection of the migrant workers when abroad, and repatriation and reintegration to the countries of origin:**

The second cluster of the Recommendations emphasized the importance of: employers' and workers' organizations, in close coordination with civil society organizations, to be engaged in institutional dialogues to develop, implement and monitor gender responsive labour migration policies; streamlining of recruitment services; conducting free pre-employment, pre-departure and post-arrival orientation programmes for all; providing assistance to families of migrant workers; making national legislations, policies, rules and regulations concerning employment and labour migration to be accessible to migrant workers and other stakeholders; providing support programmes including job counseling and market oriented skills development for returning migrant workers; cooperation between the countries of origin and countries of destination to assist migrant workers on health related concerns and social welfare services; and strengthening the cooperation amongst workers' organizations so migrant workers can become more effectively protected.

Overall, through the 7<sup>th</sup> AFML, the AMS have reconfirmed their commitments to strengthen the rights of migrant workers through implementing the principles from the Cebu Declaration. AFMLs will continue to be convened even after the establishment of the ASEAN Community 2015 to ensure that ASEAN will enhance the protection of migrant workers in the region. The full Recommendations from the 7<sup>th</sup> AFML is available online and can be found [here](#).

The 7<sup>th</sup> AFML and its preparatory meetings were featured in a number of media, including: Hanoi Times, [ASEAN meeting discussed about migrant labour](#) (23 September 2014); Viet Nam News, [Workshop focuses on migrant labour](#) (24 September 2014); People's Army Newspaper, [Seminar discusses ASEAN common complaints mechanism for migrant worker](#) (24 September 2014); Asosiasi Pengusaha Indonesia (Press release), [Apindo participation on drafting recommendations for the 7<sup>th</sup> ASEAN Forum on Migrant Labor \(AFML\)](#) (28 October 2014); MITV News, [7<sup>th</sup> ASEAN Forum: Migrant Labours](#), (21 November 2014).

\*The section on AEC's implications to AFML was mainly based on ADB-ILO. 2014. [ASEAN Community 2015: Managing integration for better jobs and shared prosperity](#) (Bangkok).

\*\*The section on AFML was mainly based on the booklet that the ATP published as a preparation towards the 7<sup>th</sup> AFML: ILO. 2014. [ASEAN Forum on Migrant Labour: Background information booklet](#) (Bangkok).

the interactive partnership of the workers, the employers and the ASEAN Member States across borders.

**Training of trainers on the Pre-departure training curriculum for workers departing to Thailand and Malaysia, 26-28 November 2014, Siem Reap, Cambodia:**

The GMS and ASEAN TRIANGLE Projects have jointly supported the Ministry of Labour and Vocational Training of Cambodia to hold a three-day training of trainers on the pre-departure training curriculum for workers departing to Thailand and Malaysia. The curriculum was drafted with close consultation and input from relevant government ministries, such as the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Women's Affairs, as well as trade unions, employers' organizations, civil society organizations and the Governments of Malaysia and Thailand. Participants were trained on the contents of the curriculum and participatory teaching methodologies. In accordance with sub-decree 190, Private Recruitment Agencies are required to deliver mandatory pre-departure training to migrant workers.

## Upcoming ATP events:

**Regional Workshop on the Labour Dimensions of Trafficking in Persons, 27-29 January 2015 Manila, Philippines:**

This regional workshop will bring together the ASEAN Member States, workers' and employers' group, civil society organizations as well as the members from the Senior Officials Meeting on Transnational Crime (SOMTC) and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) together to discuss the regional-wide issues of trafficking in persons, particularly on the labour dimension of trafficking. This workshop aims to enhance cross-sectoral collaboration particularly between labour ministries and law enforcement agencies and for them to develop better strategies and plans to respond to ongoing issues of trafficking in persons in ASEAN.

## Migration news:

### ASEAN

In September 2014, the ILO and the Asian Development Bank published [ASEAN Community 2015: Managing integration for better jobs and shared prosperity](#) to examine the impact of the AEC on labour markets. The report offers evidence-based policy recommendations for better jobs and equitable growth including better management of labour migration.

On 9 October 2014, the ILO GMS TRIANGLE Project, with support from the ILO ATP, published the [Migrant Workers Resource Centre operations manual](#) to provide guideline on establishing and operating a resource centre for migrant workers.

In October 2014, the ILO ATP published [the ASEAN Forum on Migrant Labour: Background information booklet](#), which contains information on the establishment of the AFML, past themes, and the Recommendations adopted at the 3rd-6th AFMLs showing progress being made towards the implementation of the Cebu Declaration.

### Asia

On 9 October 2014, the ILO's photo advocacy project to promote the rights of domestic workers in Asia was published by New York Times, which includes personal stories of domestic workers from Indonesia, Nepal and Philippines working in Asia and Middle East. To read the article, see [here](#).

### Global

On 22<sup>nd</sup> September 2014, the ILO Director General Guy Ryder called for closer collaboration between the Global Forum for Migration and Development (GFMD) and the Global Migration Group (GMG). For more information, see [here](#).

On 18 November 2014, the ILO released a report, [Aiming Higher: Policies to Get Immigrants into Middle-Skilled Work in Europe](#) to provide recommendations to policymakers in Europe to consider changing the current immigration policy so existing skilled migrants would no longer face "brain waste" where they are unable to use their foreign qualifications to good use.

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All the photos from the past meetings can be found at the unofficial ILO ASEAN TRIANGLE Project Facebook: <https://www.facebook.com/aseantriangle>

Previous ASEAN TRIANGLE Project newsletters: [June](#) issue; [September](#) issue.

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