

## ACTION PAPER ON THE USE OF DIGITAL TECHNOLOGY TO PROMOTE DECENT WORK FOR MIGRANT WORKERS IN ASEAN<sup>1</sup>

### A. Introduction

1. “Digital technology” or “digitisation” broadly refers to the provision of electronic- or e-services, a generic term for services provided via the internet or with the use of information and communication technologies (ICTs). The three main components of e-services are the service provider, the service receiver and the channels of service delivery (i.e., technology). The last component is what differentiates e-services from conventional modes of service delivery. Internet is the main channel although other classic channels (e.g. telephone, call center, public kiosk, mobile phone, television) are also considered.<sup>2</sup> More narrowly, e-services are the online services available on the internet whereby it is possible to complete a valid transaction such as buying and selling (or, for example, registration and approval of licenses or compliance with reporting requirements in cases where the government is the service provider), as opposed to the traditional websites whereby only descriptive information are available and no on-line transaction can be completed. A related and more specific term is e-government, which involves the use by State agencies of electronic communications devices, computers and the internet to provide public services to citizens and other persons in a country or region. E-government consists of the digital interactions between citizens and their government (C2G), between government and other government agencies (G2G), between government and citizens (G2C), between government and employees (G2E), and between government and businesses/commerce (G2B).<sup>3</sup>
2. The 11<sup>th</sup> ASEAN Forum on Migrant Labour (AFML)<sup>4</sup> tackled the theme “Digitalisation to Promote Decent Work for Migrant Workers” with two sub-themes:
  - **Sub-theme 1:** Digitalisation of migrant labour management, which covers initiatives in ASEAN Member-States (AMS) to leverage technology in managing migrant labour, such as e-governance systems for migration management, digital tools for law enforcement and regulating occupational safety and health; and

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<sup>2</sup> See Rowley, J. (2006) An analysis of the e-service literature: towards a research agenda. *Internet Research*, 16 (3), 339-359.

<sup>3</sup> See Jeong Chun Hai @Ibrahim. (2007). *Fundamental of Development Administration*. Selangor: Scholar Press. ISBN 978-967-5-04508-0.

<sup>4</sup> Held in Singapore on 29-30 October 2018. The 11<sup>th</sup> AFML was participated in by representatives from all ASEAN Member States governments and its nominated employers’ organisations; workers’ organisations; and civil society organisations (CSOs), alongside representatives from the ASEAN Confederation of Employers; ASEAN Trade Union Council; ASEAN Services Employees Trade Union Council; nominated regional CSOs (Migrant Forum in Asia and Mekong Migration Network); International Labour Organization; International Organization for Migration; Task Force on ASEAN Migrant Workers; United Nations Entity for Gender Equality and the Empowerment of Women; and ASEAN Secretariat. Representatives from Australia, Canada and Switzerland participated as observers.

- **Sub-theme 2:** Digital services to migrant workers, which covers efforts in AMS to enable migrant workers access to digital support services including comparing and making informed decision on choice of recruitment agencies and remittance channels.
3. The Background Paper for the Forum noted the importance given by the new *Global Compact for Safe, Orderly and Regular Migration (GCM)* to digital technology, incorporating it in some of its major objectives such as data collection on migrants; upgrading travel documentation; improving ease of information; recognising and accrediting skills; and facilitating remittances.<sup>5</sup> On the other hand, it also noted that digital technology does not feature in the *ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers*,<sup>6</sup> nor has it featured in the recommendations of previous AFMLs. The Forum provided a venue to exchange information on the role of digital technology in managing labour migration, resulting in recommendations to mainstream digital technology

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<sup>5</sup> References to digital technology in the Global Compact for Safe, Orderly and Regular Migration include the following:

**OBJECTIVE 4: Ensure that all migrants have proof of legal identity and adequate documentation**

**20. a)** Improve civil registry systems, with a particular focus on reaching unregistered persons and our nationals residing in other countries, including by providing relevant identity and civil registry documents, strengthening capacities, and investing in information and communication technology solutions, while upholding the right to privacy and protecting personal data.

**20. b)** Harmonize travel documents in line with the specifications of the International Civil Aviation

Organization to facilitate interoperable and universal recognition of travel documents, as well as to combat identity fraud and document forgery, including by investing in digitalization, and strengthening mechanisms for biometric data-sharing, while upholding the right to privacy and protecting personal data.

**20. c)** Ensure adequate, timely, reliable and accessible consular documentation to our nationals residing in other countries, including identity and travel documents, making use of information and communications technology, as well as community outreach, particularly in remote areas.

**OBJECTIVE 11: Manage borders in an integrated, secure and coordinated manner**

**27. b)** Establish appropriate structures and mechanisms for effective integrated border management by ensuring comprehensive and efficient border crossing procedures, including through pre-screening of arriving persons, pre-reporting by carriers of passengers, and use of information and communication technology, while upholding the principle of non-discrimination, respecting the right to privacy and protecting personal data.

**OBJECTIVE 12: Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral**

**28. a)** Increase transparency and accessibility of migration procedures by communicating the requirements for entry, admission, stay, work, study or other activities, and introducing technology to simplify application procedures, in order to avoid unnecessary delays and expenses for States and migrants

**OBJECTIVE 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competences**

**34. d)** Use technology and digitalization to evaluate and mutually recognize skills more comprehensively based on formal credentials as well as non-formally acquired competences and professional experience at all skills levels.

**OBJECTIVE 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries**

**35. f)** Provide easily accessible information and guidance, including through digital platforms, as well as tailored mechanisms for the coordinated and effective financial, voluntary or philanthropic engagement of migrants and diasporas, especially in humanitarian emergencies in their countries of origin, including by involving consular missions.

**OBJECTIVE 20: Promote faster, safe and cheaper transfer of remittances and foster financial inclusion of migrants**

**36. e)** Develop innovative technological solutions for remittance transfer, such as mobile payments, digital tools or e-banking, to reduce costs, improve speed, enhance security, increase transfer through regular channels and open up gender-responsive distribution channels to underserved populations, including for persons in rural areas, persons with low levels of literacy, and persons with disabilities.

**OBJECTIVE 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration**

**37. c)** Cooperate on identification of nationals and issuance of travel documents for safe and dignified return and readmission in cases of persons that do not have the legal right to stay on another State's territory, by establishing reliable and efficient means of identification of own nationals such as through the addition of biometric identifiers in population registries, and by digitalizing civil registry systems, with full respect to the right to privacy and protection of personal data.

<sup>6</sup> Adopted by the ASEAN Member States, Manila, Philippines, 14 November 2017.

into AMS discussions especially in the digitalisation of labour migration management,<sup>7</sup> provision of digital services for migrant workers,<sup>8</sup> and other overarching concerns.<sup>9</sup>

4. Within the framework of the *ASEAN Consensus*, the GCM and other international instruments on labour migration, the recommendations afford AFML stakeholders a broad common space for exploration – that is, digital technology presents an opportunity which if used appropriately can become a powerful tool to help promote the substantive rights of migrant workers and bring about fairer and more equitable outcomes for them and for everyone. This paper invites stock-taking on the role of trade unions and in particular of ATUC in exploring this common space, consistent with the policy of encouraging “collaboration with ASEAN Dialogue Partners and other countries, international organisations, and other stakeholders in respecting the principles and taking measures to protect and promote the rights of migrant workers.”<sup>10</sup>

## **B. Samples of Existing Digital Platforms in AMS**

5. During the Forum, State agencies, international development partners, and non-State actors including trade unions, civil society organizations (CSOs) and non-government organizations (NGOs) reported on the progress and implementation of recommendations

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<sup>7</sup> Specifically, the following:

1. Digitalise, where appropriate, the recruitment, placement, employment, and return and reintegration processes, such as providing one-stop digital platforms and e-documentation, to support easier, more efficient, less costly and transparent labour migration.
2. Promote the use of digital tools, such as smart devices and social media, in training or job matching of migrant workers, including: pre-departure and post-arrival information programmes; dissemination of information; and skills upgrading and certification.
3. Encourage further efforts in using technology in enforcing migrant worker rights, such as timely and accurate payments of wages and benefits; organising of migrant workers; labour inspections; access to justice; and cross-border dispute settlements.
4. Support inter-agency coordination, where relevant, in developing accessible digital feedback and complaint and grievance-handling mechanisms for migrant workers. These mechanisms should: authenticate valid feedback; track the progress of the response including remedy; and be referred to the relevant support service providers.
5. Develop and improve labour migration information systems to facilitate the identification of errant employers and recruitment/employment agencies and transparency of recruitment costs. Where appropriate, encourage the sharing of information between relevant parties, including inter-agency and intergovernment collaboration, while prioritising data privacy and security.

<sup>8</sup> Specifically the following:

6. As migrant workers are at various levels of readiness to benefit from digitalisation, and not all services may benefit from digitalisation, maintain existing avenues while building workers’ capacity to benefit from digitalisation.
7. Coordinate efforts between stakeholders in developing digital services for migrant workers, to avoid unnecessary duplication and to ensure clarity of avenues, including effective referral pathways for migrant workers.
8. Governments and other relevant stakeholders should consider providing support, such as funding, to digital services that meet the needs of migrant workers, such as remittance, financial services, and social protection. Migrant workers should not bear the costs of the development of these services.
9. All stakeholders should educate migrant workers on the availability of digital services; cyber security; and risks of false information, through appropriate media platforms such as information campaigns and pre-departure/post-arrival training.
10. Content providers and owners of digital platforms should ensure that information provided is accurate, and undertake efforts to eliminate misinformation through measures such as online information verification and regular fact-checks.

<sup>9</sup> Specifically the following:

11. Ensure that all migrant workers are accorded the right to information and communication, such as ownership; access; and reasonable usage to mobilephones or other ICT gadgets. More attention should be placed on isolated and vulnerable workers, including increasing connectivity in hard-to-reach places.
12. Recognising the importance of data privacy and security, introduce and strengthen robust protection frameworks that secure the collection, use, and sharing of data, such as legal provisions or guidelines.
13. Ensure that digital platforms for migrant workers are migrant-centred, accessible and user-friendly. This includes, where appropriate, adopting measures such as visual and audio messaging; simplified interfaces, and migrant workers’ local languages. As users, migrant workers should also be empowered and actively involved in the creation and enhancement of these platforms via consultation and user feedback.
14. Enhance capacity in the development and utilisation of digital platforms through research and sharing of progressive practices; collaboration with relevant stakeholders; and introducing appropriate training, including strengthening digital literacy for all target stakeholders.
15. Raise awareness on the benefits of leveraging technology in inclusive and sustainable growth in the future of work, e.g. through green efforts.

<sup>10</sup> No. 58, *ASEAN Consensus*.

from the 3<sup>rd</sup> to the 10<sup>th</sup> AFML. The presentation of the International Labour Organization (ILO) divided the areas where progress has been made into seven clusters, namely information dissemination, including pre-departure and post-arrival orientation and skills training; fair recruitment (laws, codes of conduct, roll-out); decent work (employment contract, minimum wage, OSHS, social security benefits); complaint mechanism and legal support; return and re-integration; information campaigns; and data collection.<sup>11</sup> In the areas mentioned, the developments reported were focused on the substantive laws, regulations and programs and corresponding implementing institutions that have been put in place across AMS. While the report did not explicitly state so, it is assumed that digital technology has a role to play in moving these developments further.

6. Generally, the inroads in ICT and internet connectivity across AMS has increased the use of digital platforms to provide e-services in both labour-sending and labour-receiving States. In relation to the theme and sub-themes, the reports presented by government representatives of Indonesia, the Philippines and Singapore highlighted how their respective countries have assimilated digital technology in their e-governance systems and databases to facilitate labour migration management and to provide technology-enabled information services. In these countries, e-platforms are driven or administered by State agencies, making government as the service provider (technically e-government, or specifically G2C or G2B).
7. Among labour-sending States, the Philippines and Indonesia are the countries with defined e-services platforms. In the Philippines, the main service providers are two government agencies attached to the Department of Labour and Employment (DOLE), namely the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA). The service receivers are workers, recruitment agencies and other government agencies. POEA's e-services include e-registration services; online pre-employment orientation seminars where prospective migrant workers get information on overseas job application procedures, documentary requirements and costs involved and safeguards against illegal recruitment; verification of job orders; monitoring of cases; processing of overseas employment certificates (OECs) and OEC exemptions; verification of licensed recruitment agencies; and checking of status of applications, printing of employment records and verification and printing of workers processed by different agencies.<sup>12</sup> OWWA's e-services include application for foreign workers' identification or membership cards, enrolment or updating of OWWA membership,<sup>13</sup> and an Electronic Case Registry and Response System (E-Cares) which enables the OWWA to mobilize a package of conventional interventions in case disposition. In Indonesia, the conventional One Stop Services for Placement and Protection of Migrant Workers (known as LSTA) is connected to an e-platform (E-LSTA) that provides a portal for passport and visa processing as well as information on health, training and immigration-related concerns. A mobile application known as Vendela TKI also provides travel information and advice to Indonesian migrant workers and citizens.<sup>14</sup>

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<sup>11</sup> ILO, Report on the implementation of recommendations from the 3<sup>rd</sup> to 10<sup>th</sup> ASEAN Forums on Migrant Labour, Silim Baruah, 11<sup>th</sup> AFML, Singapore, 29-30 October 2018.

<sup>12</sup> <https://eservices.poea.gov.ph/Home>. Accessed October 22, 2018.

<sup>13</sup> <http://www.owwa.gov.ph/>.

<sup>14</sup> Report of the Government Representative of Indonesia, "One Stop Services – Digitalisation to Promote Decent Work for Migrant Workers in ASEAN," 11<sup>th</sup> AFML, 29-30 October 2018.

8. Among labour-receiving States, Singapore has an interactive platform with G2C and G2B characteristics. The Ministry of Manpower (MOM) is the service provider while migrant workers, employers, recruitment and placement agencies, and remittance agencies are the service receivers. Among the more popular e-services it provides are online filing and approval of work permits for domestic helpers and confinement nannies; employment passes; and work permits for businesses and employment agencies. Also included are online facilities for payment of foreign worker's levy; checking of workers' training records; checking of a foreign worker's address; searching for employment agencies and personnel; and reporting on occupational safety and health incidents including injury and compensation.<sup>15</sup>
9. With e-government platforms, an increasing number of transactions and services between governments and migrant workers can now take place through borderless cyberspace interactions instead of through conventional modes of delivery that take place in physical space constrained by time and territorial boundaries. These platforms have greatly enhanced the efficiency of bureaucracies to deliver services in labour migration management. In addition, the transactions and services passing through these platforms feed into official government databases and information systems. The large amount of data and information gathered, in turn, helps migrant workers make better-informed choices.
10. Development cooperation agencies such as Australian Aid, Canada's CIDA and the ILO have also provided assistance in promoting migrant workers' access to digital services. Under the ASEAN Triangle Project, they supported the development of *SaverAsia*, a platform that provides information to help migrant workers compare remittance costs, find money saving options, and avail of financial services such as opening new bank accounts and accessing to micro-credit and micro-insurance products. Started in 2017, *SaverAsia* was formally launched during the 11<sup>th</sup> AFML. It currently has three services portals – “Save Money” which provides information on and access to financial services including credit, financial literacy, microfinance, insurance, payments, remittances, savings; “Money Transfer Comparison” which provides information on fees charged by remittance agencies; and “Local Support” which provides information and advice on various matters including on health, visa, education, travel, entertainment and sport, legal support and rescue and relief. The Money Transfer Comparison service now contains real time information while the other services has no content yet.<sup>16</sup>
11. Trade unions have their own initiatives to develop web-based platforms for members and other workers. Also during the 11<sup>th</sup> AFML, ATUC launched the *ATUC Information System (ATIS)* for Migrant Workers. Developed with support from the ILO and the government of Canada, *ATIS* is a platform by which ATUC and its national affiliates seek to strengthen data gathering on migrant workers, particularly by receiving, verifying, acting on, monitoring or tracking inquiries and complaints, as well as developing case reports. Through ATUC's national affiliates, *ATIS* aims to enable national focal points to determine the needs of the inquirer or complainant, to directly provide appropriate service or information, or to refer

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<sup>15</sup> <https://www.mom.gov.sg/eservices?page=7>. Accessed October 22, 2018.

<sup>16</sup> <https://www.saverasia.com/>

the inquirer or complainant to the proper national trade union centre, government agency, NGO or CSO. Action taken on the inquiry or complaint will further be tracked and monitored through the system. As presently designed, *ATIS* is more of a platform that provides information and updates on actions taken in particular cases. It does not provide interactive services to users. Since it has just been launched, *ATIS* still does not have content.<sup>17</sup> Also, the role of ATUC national affiliates in content development and in populating the site is yet to be defined. Given that it is the only e-platform on labour migration in AMS that carries the name of a trade union, *ATIS* is inevitably a test project on the ability of trade unions to run and manage an e-platform. If successful, *ATIS* can conceivably evolve into a more active and sophisticated e-platform structured toward promoting the distinct trade union goal and objective of decent work.

12. In addition to *ATIS*, other ATUC initiatives at the country level include the e-portal of services provided to members of the National Trade Union Council (NTUC) in Singapore, and union proposals to digitise payments to migrant workers and ensure access to their smart phones.<sup>18</sup>
13. The International Trade Union Council (ITUC) also has a web platform called *Recruitment Advisor*. This platform helps protect migrant workers from abusive employment practices by providing them with peer-to-peer reviews about recruitment agencies in their country of origin and destination. Developed with support from the *ILO Fair Recruitment* initiative, the platform allows workers to comment on their experiences, rate the recruitment agencies which deployed them and learn about their rights. Governments provide the list of licensed agencies while a network of trade unions and CSOs in all target countries helps ensure the sustainability of the platform by reaching out to workers and speaking to them about their rights. *Recruitment Advisor* is not limited to AMS. It currently lists 754 agencies in Nepal, 1206 agencies in the Philippines and 491 agencies in Indonesia. The platform anticipates to include in its list more countries and more agencies, including those outside AMS.<sup>19</sup>
14. Whether State-administered or otherwise, existing digital platforms in AMS primarily aim to:
  - i) Promote or facilitate employment with the objective of reducing transaction costs (i.e., costs of search, regulatory compliance, and contract processing and enforcement).
  - ii) Provide an alternative registration and reporting system that enable governments to exercise certain regulatory functions (such as approval of work permits); facilitate and monitor workers' movements, remittances and other transactions; and respond more quickly to concerns and complaints of migrant workers as service receivers.
  - iii) Gather data and information from the operation e-platforms.

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<sup>17</sup> <http://stage.migrantswatch.org/>. Accessed 6 November 2018.

<sup>18</sup> ATUC Report, "Trade Union Updates on the Implementation of Previous AFML Recommendations," Ruben D. Torres, ATUC General Secretary, 11<sup>th</sup> AFML, Singapore, 29-30 October 2018.

<sup>19</sup> <https://www.recruitmentadvisor.org/>. Accessed 22 October 2018.

- iv) Inform and educate workers and employers so that they can make intelligent and better-informed choices (i.e., labor market information, background information and relevant laws and regulations on intended countries of destination and support facilities available; background information on migrant workers and employers, among others).

**C. Using Digital Platforms to Advance the Fundamental Mission of Trade Unions**

15. While affording migrant workers undeniable conveniences, e-government platforms and private-led information platforms such as *Recruitment Advisor*, *SaverAsia* and *ATIS*, have had limited effect on the realization of other substantive workers' rights and larger policy outcomes such as, for example, increasing the number of migrant workers becoming trade union members, realizing their right to collective bargaining, or enabling them to assert their rights and pursue remedies in formal complaint mechanisms. Except for the standard client registration and feedback functionalities, these platforms also do not assign a clear role, participation, or responsibility to the users or the governed, specifically migrant workers and their organizations.
16. ATUC sees digital technology as a potentially powerful tool in pursuing the fundamental trade union mission of advancing decent work, particularly organizing workers, promoting and protecting their rights, and providing them services or assistance whether through other e-platforms or through conventional modes of service delivery. In relation to this mission, ATUC seeks to play a more active role and responsibility i) in maximizing, complementing, enriching and sustaining existing government as well as privately administered e-platforms; and ii) in enabling trade unions to link up web-based interactions and services with those that need to be completed through actions that are to be completed through interfaces with other e-platforms as well as those that are to be delivered in physical space, such as face-to-face counselling, legal representation and transactions required to be done within territorial jurisdictions. In this regard, the following questions are relevant:
- How can ATUC make use of existing e-government and other e-platforms on labour migration in organizing workers and promoting migrant workers' rights?
  - What kind of digital platforms will be most appropriate for ATUC to administer? What functionalities will these platforms have? How will these platforms be administered?
  - What activities need to be undertaken so that ATUC can strategically benefit from e-platforms?

### C.1. *Optimizing e-platforms of governments*

17. Digital technology has made it possible for governments to gather and process data on labour migration more comprehensively and faster than ever before. Across AMS, e-platforms are increasingly being used by governments in the exercise of their regulatory functions (including requirements for enrolment or registration) which enable them to generate a wide array of information. These platforms also have a monopoly of G2G transactions and interfaces, by which related information from other government agencies can be instantaneously shared or acquired. Further, these platforms have the inherent capability of generating information on trends in labor markets and on support and other associated services (such as on costs of remittances and on financial intermediaries) available to migrant workers in sending and receiving countries.
18. Because of all this, the content of official government databases is far more comprehensive than any non-government data source. Even if *ATIS* is fully operational, for example, its database capability can never match that of governments' because registration or enrolment in the *ATIS* database is purely voluntary. For *ATUC*, therefore, it is important that it gains access to government databases on labour migration and related data, while at the same time offering ways to contribute in data-gathering, processing and dissemination of relevant information. The practical benefit of access to government databases is that *ATUC*, and other trade unions in general, will avoid duplicating what governments are doing or should be doing, and instead strategically re-focus their efforts and resources to the provision of assistance or services that are inherent to their fundamental mission.
19. Strategically, access to government databases will enable *ATUC* to expand its reach and to offer assistance or services to migrant workers more efficiently and effectively. This is especially important in relation to those that are triggered by digital requests or referrals but subsequently require for their completion either interfaces with or cross-referrals to other e-based systems, or to more conventional modes of service delivery. The following are practical examples:
  - Contract implementation and verification. Labour-sending States have their own procedures in verifying job orders and processing employment contracts. These procedures ensure that the terms are in accordance with at least the minimum standards, and that the migrant worker knows these terms prior to deployment. Yet, monitoring of contract implementation remains a major challenge. The problems of underpayment of wages, poor working conditions and contract substitution persist, especially in low-skilled categories. To be sure, there are available *post-hoc* legal remedies against violations of employment contracts, such as in the Philippines where recourse can be brought against the recruitment agency in the Philippines. But means to influence the behaviour of employers in receiving countries and discourage or deter them from committing violations should also be considered. One way is to have employment contracts enrolled and stored in the government e-platform of the sending State as an official electronic copy (the Philippines' MyPOEA platform can be considered as a prototype). Once enrolled, these should be automatically linked to the database of the receiving State. A portal by which these contracts can be accessed, under specified

conditions, can then be created. This will provide the migrant worker the necessary evidence to immediately assert his or her rights under the official contract, as against the actual terms and conditions of employment being paid to him or her. With contract information being shared between sending and receiving countries, the migrant worker (possibly with the assistance of trade unions, NGOs, or CSOs) can take or institute action directly against the employer in the receiving country.

- Response to migrant workers' inquiries and complaints. This is a common concern of governments and trade unions and is a major objective of *ATIS*. Some inquiries and complaints involve one-time or simple transactions which government platforms or even *ATIS* can immediately resolve. But some are referrals whose resolution take place in conventional space outside e-platforms, such as complaints that ripen to legal cases and must be referred for resolution to government mechanisms either in the receiving or in the sending country. Such are the situations where trade union assistance and services are most crucial, not only in the form of legal representation or counselling but also in providing the complainant access to other support services.
- Reverse referrals from service provider to service receiver. The design of existing e-referral systems on complaints typically flow from the service receiver (for instance, unions, CSOs and NGOs) to the service provider (government). This kind of referral system is embedded in the design of *ATIS*. Adding a reverse functionality in e-government systems where it is the government which makes the referral (to an CSO, NGO or trade union) should be considered. In this way, trade unions can be immediately informed of migrant workers in need of their assistance or services.

In relation to the above examples, government e-platforms on labour migration can be augmented with a dedicated support portal on case tracking and monitoring linked to the case reporting and monitoring systems of various government agencies charged with resolving cases involving migrant workers. With such portals, trade unions can also determine what further actions can be taken to resolve the cases promptly.

20. Apart from facilitating trade union assistance and services on complaints, access to government databases will also enable ATUC to make use of officially-generated information in crafting advocacies and programs for migrant workers that are more evidence-based.

### *C.2. Digital platforms of trade unions*

21. Having launched *ATIS*, ATUC and its national affiliates will now focus on making it fully operational and sustainable. The basic mechanics in using *ATIS* is already part of the system. But challenges remain with respect to populating the platform with as much verified data as possible; initializing the complaint referral, tracking and monitoring mechanism; incorporating a functionality that links the digital and conventional channels of delivery need to be drawn up; and installing updated interactive features like FAQs and links that attract migrant workers to go to the site. ATUC's next step will be to define the basic roles and responsibilities of its national affiliates in meeting these challenges.

22. Beyond operationalizing *ATIS*, ATUC and its affiliates need to find ways to progressively use the digital platform in a manner that distinguishes it from other organizations. Two areas can be immediately prioritized:
- First, *ATIS* will be the distinctive face of ATUC in the internet. It will be a platform that carries or serves the fundamental trade union mission of organizing migrant workers, promoting and protecting their rights, and advocating for social justice and decent work. As such, it will be a platform whose relevance and effectiveness will be measured in terms of results and outcomes such as how it actually contributes to educating migrant workers on their fundamental rights based on international standards, promoting and protecting these rights, influencing the formulation and implementation of national and regional migration policies, facilitating migrant workers' access to ATUC assistance and services, and most of all consolidating and increasing ATUC membership.
  - Second, *ATIS* will offer itself as an alternative channel for gathering information on matters pertaining to groups that tend to be hidden from or are outside the reach of governments' regulatory and reporting systems. Under the *ASEAN Consensus*, the subject of cooperation among AMS are migrant workers who are documented and those who become undocumented through no fault of their own.<sup>20</sup> Existing government e-platforms on labour migration are not structured to serve or track undocumented migrant workers, including those workers who are victimised by illegal arrangements such as child labour, forced labour and human trafficking (these are treated more as law enforcement problems). Highly vulnerable migrant workers such as workers in construction, agriculture and household workers particularly women and young workers also tend to have limited access to government e-services, or to stay away from such services. A union-administered e-portal with help-desk and data-gathering features can help fill in these gaps and thereby complement government e-platforms.
23. Can trade unions become e-service providers? Whether through *ATIS* or some other future platform, it is important for ATUC to make a determination of its intended role in the e-services equation (i.e., whether they should be service receivers or providers); the extent to which it can realistically become a service provider; and the kind of services it is capable of or should be providing. A necessary first step will be to make a thorough and strategic assessment of its own internal capacity and how digital technology will play a part in its vision as an organization. If it eventually decides to transform itself into a provider of e-services (trade union to member/citizen/public or TU2MCP), it will have to decide on a niche of assistance or services to offer that are unique and distinct from other platforms.

### C.3. *Steps forward*

24. ATUC's way forward is to maximize the potentials of digital technology in fulfilling its fundamental mission as a union. ATUC's plan of action includes the following:

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<sup>20</sup> No. 58, *ASEAN Consensus*.

- Hold a visioning exercise to define how digital technology will be strategically incorporated to organizational goals. This will include an assessment of ATUC's internal capacity to run a digital platform and the formulation of results- and outcome-oriented measures of the positive effects and impact of digital technology in attaining organizational goals.
- Make *ATIS* fully operational.
  - Define the roles and responsibilities of each national affiliate in populating the platform.
  - Establish rules of accountability, access and safeguards to ensure integrity in data gathering and processing.
  - Strengthen system administration by capacitating systems administrators and focal points to manage the platform.
  - Continuously build capacity of national affiliates to respond to referrals for assistance and to provide, whether through the e-platform or through direct face-to-face assistance or services to migrant workers. Establish physical hubs where face-to-face assistance or services will be delivered.
- After operationalization, evolve *ATIS* into a more strategic e-platform focused on providing distinct assistance or services consistent with advancing the fundamental mission of unions, particularly –
  - In facilitating the linkage between e-referrals or e-assistance and the provision of direct face-to-face assistance or services to migrant workers, including those in vulnerable situations.
  - As a tool for further strengthening the membership of national affiliates and for recruitment of new members.
  - As a tool for promoting, protecting and advocating the substantive rights of migrant workers, especially those in vulnerable and distressed situations.
  - As an integrated portal for information dissemination and migrant workers' education, with strategic linkages to other e-platforms.
- Forge Memoranda of Understanding (MOUs) or appropriate medium with governments to enable access to government databases on labour migration, with due consideration to national laws particularly those involving security and data privacy as well as bilateral or regional agreements.

25. While pursuing these points of action, ATUC and its national affiliates will actively contribute in nurturing a positive environment toward the increasing use of digital technology in its activities. This will include -
- Advocacy for a regional e-network of databases on labour migration. This e-network can help open up and support frank discussions on promoting and protecting migrant workers' rights and the development of necessary institutions for this purpose.
  - Advocacy for stronger interfaces between e-platforms on labour migration and other related e-platforms.
  - Mobilizing national affiliates to review the underlying substantive arrangements, laws and regulations on labour migration in their respective countries that have an impact or are impacted by the use of digital platforms. In the process, they will be expected to assess and determine specific legal or institutional constraints or opportunities in the use of digital platforms and come up with appropriate recommendations for regulatory and legislative reforms at the national level.
26. In all the foregoing, ATUC will progressively formulate terms of service for its e-platform users including, where appropriate, levels of access to the platform depending on the relationship of the user with the organization, among other factors.

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