

Memorandum of Understanding (MOU) on Labour Migration

Arab Trade Union Confederation (ArabTUC)
ASEAN Trade Union Council (ATUC)
South Asian Regional Trade Union Council (SARTUC)

The recognition of migrants' rights is essential to achieving Decent Work for all men and women. In 2012, the International Labour Organization (ILO) and the Canadian Department of Foreign Affairs, Trade and Development launched the *Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region*, also known as the **ASEAN TRIANGLE Project**.

The ASEAN Triangle Project (ATP) aims to significantly reduce the exploitation of migrant workers in the region through increased legal and safe migration and improved labour protection. The Project promotes bilateral and regional approaches to deal with shared concerns, make regionalism more effective, and enhance the capacity of institutions in ASEAN. One of the Immediate Outcomes of ATP is: *Enhanced capacity of social partners to influence migration policy and protect the rights of women and men migrant workers*. Better involvement of workers' and employers' organizations in migration policy dialogue will enhance the protection of the rights of all migrant workers.

The ASEAN Trade Union Council (ATUC) is an apex organization of eighteen national trade union centers and confederations in nine ASEAN Member States and East Timor that represents five million members. Its affiliates include some of the most representative trade union organizations in ASEAN. It conducts conferences and training workshops on important labour issues. ATUC started work on labour migration in 2009 and its objectives are aligned with ATP. It engages in social dialogue about labour mobility in the region and undertakes initiatives to support its affiliates' activities for migrant workers.

The ATP has developed a three-year work plan with the ATUC that outlines shared objectives and common activities. The work plan was endorsed by the ATUC General Assembly and approved by the ATP Project Advisory Committee. ATP and ATUC implement the work plan in collaboration with the ILO's Bureau for Workers Activities and the International Trade Union Confederation – Asia Pacific.

This document presents one of the outputs of the ATP-ATUC collaboration.

Memorandum of Understanding (MOU) Between Arab Trade Union Confederation (ArabTUC) ASEAN Trade Union Council (ATUC), and South Asian Regional Trade Union Council (SARTUC)

SARTUC, ATUC and ArabTUC, meeting during the 3rd ITUC – Asia Pacific Regional Conference in Kochi, India, 1-3 August 2015,

UPHOLD the importance of migration for employment purpose and its contribution to the economies of both sending and receiving countries;

ACKNOWLEDGE that by and large, migrant workers are on their own; they remain outside the trade union movement. They are exploited by recruiting agents and employers. They do not have a voice in their working places and have to endure poor working and living conditions.

BELIEVE that mutual cooperation and respect for the labour rights of workers will only proliferate the benefits of labour migration for workers, enterprises and economies;

ASCERTAIN that the situation of migrant workers should be addressed through the principles of international trade union solidarity, social justice, equal treatment, equal opportunity, and gender equity.

APPRECIATE that International Labour Organization (ILO) Conventions No.97 on Migration for Employment, 1949, No.143 on Migrant Workers (Supplementary Provisions), 1975, No. 189 on Domestic Workers, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, represent a charter for the rights of migrant workers;

REALIZE that migrant workers should have the same rights as that of workers of destination country, including the right to join and to actively participate in the trade union activities;

RECOGNIZE that trade unions are established to defend workers' interests, all workers, including migrant workers, should enjoy full labour rights included in internationally-recognized standards, the countries' labour laws and collective agreements in receiving countries.

Parties to this MOU agree to create an environment conducive to migrant workers through joint and coordinated efforts on organizing, advocating, communicating and supporting. The undersigned parties along with its members (ARAB affiliates, ASEAN affiliates and SARTUC affiliates) agree to cooperate and to carry out joint trade union campaigns to advance trade union solidarity and to strengthen cooperation among the parties for protection of both migrant and local workers, including harmonization of their working and living conditions, through the agreed, but not limited to the following actions,

Action 1: To work for the ratification of ILO Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) as well as ILO Conventions dealing with public and private employment agencies; as well as to work for the ratification of ILO Convention No. 189 to promote decent work for domestic workers.

Action 2: To push for national legislation, amendments and model employment contract for migrant workers based on compliance with provisions of international labour standards and enforced through regulations and labour inspection to protect and promote the rights of migrant workers

Action 3: To establish information centers for migrant workers to provide both potential migrants, and migrants, with information materials in their native languages (1) on migrant workers' employment and living conditions and social benefits entitlement; and (2) on legal migration, employers' obligations, the national security system, and national laws

Action 4: To provide services, advice and assistance to migrant workers coming from countries of origin in cases where trade unions and trade union networks can assist to develop joint measures, including legal support, to denounce abusive practices and to provide legal remedies where needed, and for broadened services to migrant workers

Action 5: To improve communication and links between inter-regional trade unions and with migrant worker communities to promote migrant worker involvement in trade unions, and dissemination of information of relevance and importance to migrant workers

Action 6: To identify and raise issues of migrant workers such as gender concerns, social dialogue, prohibition of confiscation of travel and identity documents and promotion of labour mobility, including the status of migrant workers' social protection aspects, measures facilitating the regularization of the status of migrant workers in irregular situations in their national tripartite labour mechanisms and to secure the involvement of trade unions in the development of bilateral agreements between governments of sending and receiving countries

Action 7: To push for cooperation between the governments of sending and receiving countries to enhance governance of migration, in the fields of establishing legal avenues for labour migration, strengthening of labour inspection, legal cooperation in the case of trafficking, forced labour and other abusive situations, and issues of maintenance of social security entitlements and regulation of activities of recruitment and employment agencies and subcontractors

Action 8: To address occupational health and safety and housing concerns of migrant workers, particularly those in precarious conditions, as well as to promote special protection measures for women workers in the domestic work sector, including the promotion of labour mobility for such precarious workers.

Immediate follow-up activities

- For leaders of affiliated unions to disseminate information on conditions of work and life of migrant workers and their families, and to ensure that workers and other stakeholders, at both origin and destination countries, are aware of the provisions of this MOU; a database on migrant workers will be developed to give formality to this information
- Continuing exchange of information on organizing migrant workers and good practices;
- For leaders of affiliated unions to visit their respective countries to further implementation of this MOU , and acquaint themselves with labour markets and the situation of migrant workers;
 - for exchange of knowledge, experience and experts between trade unions at all levels
 - multi-union discussion and consultations on current issues involving migrant workers, including practical actions to address these issues;
 - improving the participation and consultation of social partners in consultations at all levels – regional, national and local levels, in order to better protect migrant workers and trade union members by way of establishing better cooperation with employers organizations of both countries;
- To designate and build capacities of focal points in affiliates, to support implementation of work for protection of migrant workers;
- To encourage affiliates to qualify migrant workers for membership in the unions or the national centre itself;
- To build mechanisms for the protection of migrant workers, including providing information, direct services by unions or associated Migrant Resource Centres (MRC), or referrals to other national centres and parties engaged in migrant work;

- To cooperate in activities towards the building of a common ASEANTUC/ ArabTUC/ SARTUC Information System on Migrant Workers to monitor migrant workers' cases and to serve as basis for policy and for interventions; and securing resources for these facilities
- To strengthen engagement with employers' organizations and recruitment and employment agencies in their respective countries so as to secure ethical recruitment and better working and living conditions for migrant workers and non-migrant workers alike;
- To continue working with ITUC AP, ILO and other international institutions for promotion of rights and protection of migrant workers;
- To adopt a system for regular monitoring and periodic evaluation of the MOU, particularly through [Joint Committees], to enable the updating of the MOU as appropriate to address labour migration issues that emerge in the future as well as new issues that arise with the expansion of the MOU to include other sub-regional and regional union groupings. Participation of other stakeholders (governments, employers and civil society) should be considered.

The parties to this MOU, through a committee of six representatives, will meet to discuss and make recommendations for an appropriate structure for coordination, implementation, and evaluation of programme and actions, as well as to propose a detailed action plan for this MOU.

The parties to this MOU agree that formal joint programmes will start by 2016/2017.

This MOU will come into effect on the date of signature by all parties. Amendment or termination of the MOU will be carried out through consultation and discussion amongst parties.

Signed on 3rd August 2015, during the 3rd ITUC - Asia Pacific Regional Conference in Kochi, India, with representatives of the regional trade union blocks

Arab Trade Union Confederation (ArabTUC)



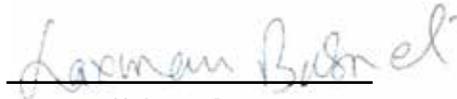
Mr. Mustapha Tlili
Executive Secretary

ASEAN Trade Union Council (ATUC)



Mr. Ernesto F. Herrera
General Secretary

South Asian Regional Trade Union Council (SARTUC)



Mr. Laxman Basnet
General Secretary

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In February 2015, the International Labour Organization's ASEAN TRIANGLE Project supported the first coordination meeting of the Arab Trade Union Confederation (ArabTUC), ASEAN Trade Union Council (ATUC), and South Asian Regional Trade Union Council (SARTUC) in Bangkok, Thailand. The meeting was sponsored by the International Trade Union Confederation-Asia Pacific.

The three organizations examined the concerns of migrant workers, reviewed sub-regional initiatives and identified areas of cooperation to address labour migration issues in Asia Pacific. The meeting culminated in the signing of a Memorandum of Understanding (MOU) among ArabTUC, ATUC and SARTUC.

This booklet aims to present the MOU to relevant stakeholders and potential partners in order to raise awareness about shared priorities of trade unions in labour migration and to facilitate collaborative action.

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