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Implementation of recommendations from the 3rd to 10th ASEAN Forum on Migrant Labour (AFML)

Progress review background paper for the 11th ASEAN Forum on Migrant Labour (AFML)

29–30 October 2018, Singapore

TRIANGLE in ASEAN programme
Supported by



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Foreword

The ASEAN community has long recognized the importance and prevalence of labour migration in the region and committed to protect and promote the rights of migrant workers. Along with regional instruments like the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus), another prominent example of this commitment is the annual ASEAN Forum on Migrant Labour (AFML).

The AFML is the only known tripartite-plus migration forum in Asia, bringing together key stakeholders – governments, employers’ and workers’ organizations and civil society – as well as the ASEAN Secretariat and international organizations, in order to share experiences, challenges, and good practices and to **agree on recommendations ensuring benefits of labour migration for all those involved**. These recommendations demonstrate a consensus by ASEAN stakeholders on how best to protect and promote the rights of migrant workers in the region and enhance labour migration governance.

Once adopted, such recommendations require proper implementation. The International Labour Organization (ILO) TRIANGLE in ASEAN programme prepares biennial progress review papers on the implementation of these recommendations. The biannual reviews are undertaken in close collaboration with ASEAN stakeholders, and discussed at the AFMLs. The progress review enables them to monitor progress towards a safe and fair labour migration. Gaps and areas for improvement are identified through the reviews, too.

The hope is that, while reflecting on its collective successes, stakeholders can also get inspired to continue their effort to address the unfinished tasks and better fulfill the AFML recommendations, working together at the national and regional levels.



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The authors hope that the draft report will be a valuable resource to all involved in the 11th AFML process.

The 11th AFML is co-organized by the Ministry of Manpower, Singapore, together with the ASEAN Secretariat, ILO's TRIANGLE in ASEAN programme, IOM, UN Women, and the Taskforce on ASEAN Migrant Workers (TFAMW). The TRIANGLE in ASEAN programme is a partnership between the Australian Department of Foreign Affairs and Trade (DFAT), Global Affairs Canada (GAC), and the ILO.

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Abbreviations and acronyms

ACMW	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACRA	Association of Cambodian Recruitment Agencies
AFML	ASEAN Forum on Migrant Labour
ASEAN	Association of Southeast Asian Nations
BLK	Skills training centres (Indonesia)
BND	Brunei dollar (currency)
BNP2TKI	National Authority for the Placement and Protection of Indonesian Overseas Workers
CCMC	Code Compliance and Monitoring Committee
CDE	Centre for Domestic Employees
Cebu Declaration	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
COC	Code of Conduct
COC-VN	Code of Conduct (Viet Nam Association of Manpower Supply)
CORP	Comprehensive OFW Reintegration Program
CSO	civil society organization
CTUM	Confederation of Trade Unions in Myanmar
DESMIGRATIF	Migrant Productive Village Programme (Indonesia)
DOLAB	Department of Overseas Labour (Viet Nam)
E-READI	Enhanced Regional EU-ASEAN Dialogue Instrument
FDW	foreign domestic worker
FLEP	Foundation for Labour Employment and Promotion
ILMS	International Labour Migration Statistics Database in ASEAN
ILO	International Labour Organization
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System (IOM)
ITUC	International Trade Union Confederation
KSPSI	All Indonesian Workers' Union Confederation
LIFT	Livelihoods and Food Security Trust Fund
LSCW	Legal Support for Children and Women

LTSA	One Roof Services (Indonesia)
LTSP	One Door Services (Indonesia)
MAC	Manpower Association of Cambodia
MEF	Malaysian Employers' Federation
MOEAF	Myanmar Overseas Employment Agencies Federation
MOL	Ministry of Labour (Thailand)
MOLIP	Ministry of Labour, Immigration and Population (Myanmar), formerly the Ministry of Labour, Employment and Social Security
MOLISA	Ministry of Labour, Invalids and Social Affairs (Viet Nam)
MOLSW	Ministry of Labour and Social Welfare (Lao People's Democratic Republic)
MOLVT	Ministry of Labour and Vocational Training (Cambodia)
MOM	Ministry of Manpower (Indonesia)
MOM	Ministry of Manpower (Singapore)
MOU	memorandum of understanding
MRC	Migrant Worker Resource Centre
MTUC	Malaysian Trades Union Congress
MWAC	Migrant Worker Assistance Centres
MWC	Migrant Workers' Centre
NDWT	Network of Domestic Workers in Thailand
NRCO	National Reintegration Centre for OFWs (Philippines)
NTUC	National Trades Union Congress (Singapore)
OFW	Overseas Filipino Workers
OSH	occupational safety and health
OSSCO	One-Stop Service Centres for OFWs
OWWA	Overseas Workers Welfare Administration (Philippines)
PAOS	Post-Arrival Orientation Seminar
PDOS	Pre-departure Orientation Seminar
PEOS	pre-employment orientation seminars
PHP	Philippine peso (currency)
POEA	Philippine Overseas Employment Administration
POLO	Philippines Overseas Labour Office
PSD-BM	Center for Migrant Workers Empowerment
RPL	recognition of prior learning
RSTWG	Regional Skills Technical Working Group
SBMI	Indonesian Migrant Workers Union

SDG	Sustainable Development Goal
SLOM-WG	SLOM working group on progressive labour practices to enhance the competitiveness of ASEAN
SMEs	small and medium enterprises
SMVTI	Singapore-Myanmar Vocational Training Institute
TESDA	Technical Education and Skills Development Authority
TVET	Technical and Vocational Education and Training
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAMAS	Viet Nam Association of Manpower Supply
VGCL	Viet Nam General Confederation of Labour
WSH	workplace safety and health





1. Introduction

This paper has been prepared as the progress review background paper for the 11th ASEAN Forum on Migrant Labour (AFML) which was held on 29–30 October 2018 in Singapore. The AFML is a multi-stakeholder open forum held annually as part of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) Work Plan. It serves to provide the relevant stakeholders – tripartite members of the ASEAN Member States, civil society organizations, the ASEAN Secretariat, and international organizations – with a platform to exchange ideas and best practices on issues relating to migrant workers in the ASEAN region. The Forum gathers annually to discuss and share experiences, as well as to develop joint recommendations on issues related to the protection and promotion of the rights of migrant workers. The 11th AFML focused on the theme “Digitalisation to Promote Decent Work for Migrant Workers in ASEAN”.

Since 2012, progress on the implementation of AFML recommendations has been monitored by the ILO through preparation of biennial progress review papers. The current paper is the fourth in this series, following the development of previous progress review background papers for the 5th, 7th, and 9th AFMLs.¹

¹ Previous publications in the series include: ILO: *Progress of the implementation of recommendations adopted at the 3rd – 8th ASEAN Forums on Migrant Labour: Background paper to the 9th AFML* (Bangkok, 2017); ILO: *Progress of the implementation of Recommendations adopted at the 3rd – 6th ASEAN Forum on Migrant Labour meetings: Background paper to the 7th AFML* (Bangkok, 2015); ILO: *Background paper: Progress on the implementation of the recommendations adopted at the 3rd and 4th ASEAN Forum on Migrant Labour* (Bangkok, 2013).

1.1 ASEAN normative and institutional frameworks on the rights of migrant workers

The Association of Southeast Asian Nations (ASEAN) is an intergovernmental organization established in 1967, which today comprises ten South-East Asian countries.² The ASEAN Member States have committed to the establishment of an ASEAN Community to support the development of an integrated, peaceful, and stable region. This community is founded on three pillars, namely: the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community (ASEAN, 2008).

Labour migration is integrated in the ASEAN institutional framework, and its importance is recognized in the three ASEAN Blueprints,³ which guide the establishment of the ASEAN Community. The ASEAN Economic Community calls for freer flow of skilled labour, and the ASEAN Political-Security Community for closer cooperation of the sectoral bodies – while maintaining respective reporting lines – in order to expedite the ACMW’s work in developing an instrument to ensure the rights of migrant workers are well-protected within the region, in accordance with the laws, regulations, and policies of respective ASEAN Member States. The ASEAN Socio-Cultural Community provides for the protection and promotion of the rights of migrant workers as well as other vulnerable groups.

The Member States have also committed to protect and promote the rights of migrant workers through the adoption of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) in 2007. The following year, the ACMW was established to support the implementation of the Cebu Declaration. This committee is also tasked with the drafting of an instrument that will give effect to the Cebu Declaration, which is done in collaboration with the ASEAN Socio-Cultural Community Department.

In line with advancing the principles contained in the Cebu Declaration, the ACMW Work Plan 2016-2020 includes four thematic areas: a) Governing mechanisms of labour mobility (e.g. recruitment, job placement, reintegration programme); b) Social protection of migrant workers in ASEAN; c) Protection and promotion of the rights of migrant workers; d) Labour dimension of trafficking in persons. The first thematic area on governing mechanisms of labour mobility references the AFML to be held on an annual basis (ASEAN, 2016).

In November 2017, the ASEAN Member States took a significant step in their efforts to protect and promote the rights of migrant workers through the signing of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. The Consensus elaborates the rights of migrant workers and members of their families and expands the obligations of ASEAN Member States, subject however to national laws. The implementation of the Consensus will be guided by an action plan to be developed by ASEAN Labour Ministers.

² Brunei Darussalam, Cambodia, Indonesia, the Lao People’s Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam.

³ ASEAN Economic Community Blueprint 2025; ASEAN Political-Security Community Blueprint 2025; and ASEAN Socio-Cultural Community Blueprint 2025.

1.2 ASEAN Forum on Migrant Labour

The AFML is a multi-stakeholder open forum held annually as part of the ACMW Work Plan. It was institutionalized following the adoption of the Cebu Declaration. The participants of the AFML meetings are key stakeholders from the ASEAN region, including: representatives of government, employers' and workers' organizations, civil society organizations (CSOs), representatives from international organizations, as well as observers decided by consensus of the ASEAN Member States. The AFML is the only tripartite forum on migration in the Asia region and is convened on an annual basis. The three primary objectives of the AFML are:

1. To share stakeholder experiences, challenges, and good practices in the implementation of AFML Recommendations;
2. To examine in detail Articles of the Cebu Declaration that pertain to the obligations of both sending and receiving countries; and
3. To draft and agree on new recommendations arising from discussion of the thematic sessions.

The AFML meetings focus on a specific theme relevant for the sending and receiving countries in ASEAN. During the AFML meetings the participants agree upon and adopt a set of conclusions and action points that aim to promote and protect the rights of migrant workers in ASEAN Member States and facilitate the formulation of evidence-based migration policies. The recommendations adopted at the end of each AFML meeting are gender-sensitive and are implemented in collaboration with tripartite partners and CSOs. Table 1 below lists the themes of previous AFML meetings can be seen.

Table 1. AFML themes

AFML	Thematic focus	Location	Date
1	Institutionalization of the ASEAN Forum on Migrant Labour	Manila, Philippines	Apr., 2008
2	ASEAN Declaration on Migrant Workers: Achieving its commitments	Bangkok, Thailand	July, 2009
3	Enhancing awareness and information services to protect the rights of migrant workers	Hanoi, Viet Nam	July, 2010
4	Development of a public campaign to promote understanding, and the rights and dignity of migrant workers in countries of destination; and return and reintegration and developing sustainable alternatives in countries of origin <ul style="list-style-type: none"> • Promotion of a positive image, and the rights and dignity of migrant workers • Promotion of strategies for effective return and reintegration as well as sustainable alternatives for migrant workers 	Bali, Indonesia	Oct., 2011
5	The protection and promotion of the rights of migrant workers: Towards effective recruitment practices and regulations	Siem Reap, Cambodia	Oct., 2012

AFML	Thematic focus	Location	Date
6	<p>Enhancing policy and the protection of migrant workers through data sharing and adequate access to the legal and judicial system during employment, including effective complaints mechanisms</p> <ul style="list-style-type: none"> • Enhancing policy and the protection of migrant workers through data collection and sharing • Enhancing policy and the promotion of migrant workers through data sharing and adequate access to the legal and judicial system during employment, including effective complaints mechanisms 	Bandar Seri Bagawan, Brunei Darussalam	Nov., 2013
7	<p>Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers</p> <ul style="list-style-type: none"> • Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers • Coordination among and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration, including recruitment, preparation, protection abroad, and return and reintegration. 	Nay Pyi Taw, Myanmar	Nov., 2014
8	<p>Empowering the ASEAN Community through the protection and promotion of the rights of migrant workers</p> <ul style="list-style-type: none"> • Occupational safety and health to foster a safe and healthy working environment • Labour inspection to ensure workplaces provide minimum employment rights 	Kuala Lumpur, Malaysia	Oct., 2015
9	<p>Better quality of life for ASEAN migrant workers through strengthened social protection</p> <ul style="list-style-type: none"> • Current situation of social protection for migrant workers in ASEAN • Working towards the portability of social security of migrant workers in ASEAN 	Vientiane, Lao PDR	Nov., 2016
10	<p>Towards achieving decent work for domestic workers in ASEAN</p> <ul style="list-style-type: none"> • International and national standards for the protection of migrant domestic workers • Implementation of policies and support services 	Manila, Philippines	Oct., 2017
11	<p>Digitalisation to promote decent work for migrant workers in ASEAN</p> <ul style="list-style-type: none"> • Digitalization of migrant labour management • Digital services to migrant workers 	Singapore	Oct., 2018

1.3 Labour migration in ASEAN

ASEAN is a dynamic and rapidly growing region with a population of 634.5 million and a combined gross domestic product of US\$2.6 trillion as of 2016 (ASEAN, 2017). Labour migration is a key feature of economic and social development in ASEAN, and labour migration from and within the region has consistently increased over the past 17 years, with the total number of international migrants increasing from 2.9 million migrants in 1990 to 9.9 million in 2017 (UNDESA, 2017). Intra-ASEAN migration is high with about 6.8 million migrants migrating within the region (UNDESA, 2017). Table 2 below shows the deployment of migrant workers from the seven⁴ ASEAN Member States that collect labour migration data. The figures in the table below are, however, not representative of the total number of migrant workers, as there are a large number of undocumented migrant workers in the ASEAN region.

Table 2. Deployment of migrant workers from ASEAN Member States

ASEAN Member State	Global deployment (2016)	Deployment of women migrant workers (2016)		Deployment in ASEAN (2016)	
		Total	%	Total	%
Cambodia	96 338	33 198	39.6	88 074	91.4
Indonesia	261 820	183 561	70.1	109 020	48.4
Lao PDR	49 386	26 410	53.5	–	–
Myanmar	161 897	63 857	39.4	152 267	94.1
The Philippines	1 430 842*	–	–	203 249*	14.2
Thailand	115 215	25 096	21.8	19 360	16.8
Viet Nam	134 751	53 340	39.6	1 551	1.2

– = Not available

* 2014 data

Source: Data from 2016. ILMs Database for ASEAN, 2017 (Sheet 15)

Within ASEAN there appear to be four net-receiving and six net-sending countries. The net-receiving countries include Brunei Darussalam, Malaysia, Singapore, and Thailand. Table 3 illustrates that Malaysia hosted the largest number of migrant workers in 2016, with 29 per cent being women migrant workers. Thailand hosted the second largest number of migrant workers, 42 per cent of whom were women migrant workers and 91.2 per cent of whom originated from ASEAN Member States. This was closely followed by Singapore and lastly Brunei Darussalam, where there were 66,958 migrant workers in 2017, with the top three countries of origin of employed migrant workers being Indonesia (23,631), the Philippines (12,409), and Malaysia (8,961).

⁴ Brunei Darussalam, Malaysia, and Singapore currently do not collect data on the deployment of migrant workers.

Table 3. Flows of workers to ASEAN net-receiving countries

Destination	Total no. of employed migrants (2016)	Employed women migrant workers (2016)		Migrant workers originating from ASEAN Member States (2016)	
		Total	%	Total	%
Brunei Darussalam	66 958*	11 423*	17	46 614*	69.6
Malaysia	2 235 400	649 700	29	–	–
Singapore	1 368 000	–	–	–	–
Thailand	2 062 807	865 989	42	1 880 934	91.2

– = Not available
 * 2017 statistics for foreign workers in Brunei Darussalam's private sector from the Government of Brunei Darussalam
 Source: ILMs Database for ASEAN, 2017 (Sheets 1 and 4)

In light of official statistics, the six net-sending countries in ASEAN include Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, the Philippines, and Viet Nam. Intra-ASEAN migration is highest among Myanmar migrant workers (table 2), with the majority (74.9 per cent) migrating to Thailand. Just under half of migrant workers originating from Indonesia (48.4 per cent) migrate within the ASEAN region. Intra-ASEAN migration is, however, low among Filipino workers, with only 14.2 per cent of the over 1 million deployed migrant workers remaining in the ASEAN region (table 2). Low deployment of workers within the ASEAN region is also prevalent in Viet Nam, with less than 2 per cent of workers migrating to ASEAN Member States.

Labour migration within this region is an important driver of economic development in both countries of destination as well as countries of origin. Facilitating skilled labour migration is also recognized as a strategic objective of the newly established ASEAN Economic Community (ASEAN, 2015). However, the majority of intra-ASEAN migrants are low-skilled workers⁵ employed in sectors such as construction, manufacturing, agriculture, hospitality, and domestic work (ILO and IOM, 2017). Despite low-skilled migrant workers being estimated to constitute as much as 87 per cent of intra-ASEAN migration (Orbeta, 2013), policies regulating the movement of low-skilled migrant workers are yet to be established in the region at the ASEAN level.

The socio-economic benefits of labour migration within the ASEAN region are yet to be fully realized, and migrant workers stand to benefit from a shift in labour migration policies (ILO and IOM, 2017). ASEAN stakeholders thereby have an important role to play in enhancing governance mechanisms and services for migrant workers in order to ensure the full potential of labour migration is achieved. The full implementation of the recommendations from the AFML are thereby important in order to secure the rights and protections of all migrant workers and ensure the maximum contribution of migration to development.

⁵ That is, workers in occupations that typically involve the performance of simple and routine physical or manual tasks. These occupations may require the use of hand-held tools, such as shovels, or of simple electrical equipment such as vacuum cleaners. These occupations often involve tasks such as cleaning; digging; lifting and carrying materials by hand; sorting, storing, or assembling goods by hand (sometimes in the context of mechanized operations); operating a non-motorized vehicle; and picking fruits or vegetables (ILO, 2012).

1.4 Objectives, scope, and methodology

Since 2012, progress of implementing AFML recommendations has been monitored by the ILO through the preparation of biennial progress review papers. The current paper is the fourth in this series, following development of previous progress review background papers for the 5th, 7th, and 9th AFMLs.⁶ This progress review paper covers the 3rd to the 10th AFMLs, from which there are total 134 recommendations. The paper focuses on new initiatives implemented after January 2016. This ILO process supplements the ACMW review mechanism of AFML recommendations, which regularly takes place at ACMW meetings.⁷

The 134 recommendations from the 3rd to the 10th AFMLs cover a broad range of policy and intervention areas. Like the previous papers in the series, this progress review paper also groups these recommendations into clusters to ease tracking and monitoring. For the purposes of this paper, the recommendations have been grouped into eight clusters (Clusters A–H):

- a. Information dissemination, pre-departure orientation, post-arrival orientation and support services targeting migrant workers, potential migrant workers and their families;
- b. Fair recruitment;
- c. Providing decent working conditions;
- d. Facilitating access to redress mechanisms and support services;
- e. Effective return and reintegration strategies;
- f. Public education campaigns;
- g. Collecting, sharing and analysing labour migration data;
- h. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: regional, subregional, and cross-sectoral interventions.

Please refer to Appendix II for information on which recommendations were assigned to each cluster.

The purpose of the progress report is to consolidate and summarize the activities, experiences, good practices, and challenges of various stakeholders in implementing AFML recommendations. This report is not an exhaustive description of all initiatives that have been undertaken by ASEAN stakeholders, but rather reflects the information collected by the authors as a result of questionnaire survey, literature review, and national preparatory meetings for the 11th AFML. Data for the report was gathered from:

- Responses to a survey questionnaire distributed to all ASEAN Member States, workers' and employers' organizations in the ASEAN Member States, as well as CSOs supporting the implementation of AFML recommendations. (See Appendix I for list of respondents); and
- Literature review of surveys, studies, and internal reports provided by the South-East Asian offices of the ILO; official documents and news reports available online; information retrieved from the websites of ASEAN stakeholders; and outcome documents and presentations from labour-migration related events, particularly from the AFML preparatory meetings and ASEAN conferences.

⁶ See note 1 above for publication details.

⁷ See ACMW Work Plan 2016–2020, Project Title 3.



2. Progress in implementing the 3rd – 10th AFML recommendations

2.1 Cluster A – Information dissemination, services, and pre-departure and post-arrival orientation

Awareness and information services to protect the rights of migrant workers was in focus at the 3rd AFML discussions in 2010, but recommendations related to this area have also been adopted at every AFML since. The total 22 recommendations grouped in this cluster highlight the need to strengthen and improve the accessibility of information and services in order to better protect women and men migrant workers. Migrant workers should also receive pre-employment and pre-departure orientations that cover working and living conditions abroad, the realities of migration, laws and procedures, the costs of migration, as well as national legislations and policies. The recommendations also emphasize the importance of targeting migrant workers' families in information campaigns and including them in preparatory briefings. Further, the recommendations advocate for the establishment of one-stop service centres and Migrant Worker Resource Centres (MRCs) in all ASEAN Member States, to ensure better protection mechanisms for migrant workers. For a listing of recommendations grouped in this cluster, see Appendix II.

2.1.1 Information dissemination to potential migrant workers

Information is being disseminated through a number of different channels, including government, workers' and employers' organizations, recruitment agencies, trade unions, and CSOs. Potential migrant workers and their families are provided information about the realities of migration, visa and emigration processes, recruitment options, migration costs and financial implications, labour laws and rights, social protection, and access to remedies and support services.

In **Cambodia**, a total of 44,815 (W21,300:M23,515) potential migrant workers and members of their families have received counseling and information on migration legislation, copies of Cambodia's Labour Migration Policy, and a list of registered private recruitment agencies. Additionally, a Khmer-language version of the *Travel Smart – Work Smart*¹ guide for migrant workers was distributed to potential migrant workers and their families, and an electronic version was also shared with partner organizations.

In **Viet Nam** and the **Lao People's Democratic Republic**, trainings have been delivered to capacitate local officers in order to enhance their ability to provide potential migrant workers and their families with safe migration information. In **Viet Nam**, awareness raising conferences have been organized in some provinces that have been the place of origin of a large number of migrant workers staying and working illegally in the Republic of Korea after their contracts expire. The aim of these conferences is to mobilize migrant workers (and future migrants) to return to Viet Nam legally. The Asia Foundation has delivered trainings to more than 200 community-based officers of the Viet Nam General Confederation of Labour (VGCL), and over 70,000 potential migrant workers and their families received pre-employment orientation. While in the **Lao People's Democratic Republic**, the Ministry of Labour and Social Welfare (MOLSW), in collaboration with the International Organization for Migration (IOM) and the Lao Youth Union, have delivered trainings on the migration process to local officers.

Furthermore, governments, trade unions, NGOs, private recruitment agencies, as well as embassies are using Facebook as a communication platform. Some of the organizations that operate Facebook pages include Legal Support for Children and Women (LSCW) in Cambodia; the Malaysian Trade Union Congress-operated MRC; Tenaganita and North South Initiative in Malaysia; and Cambodian embassies. The use of Facebook as a communication platform increases the reach of organizations' information dissemination, but as there are currently no monitoring mechanisms in place for Facebook pages, there is a risk that incorrect information is being disseminated to migrant workers.

In **Myanmar**, CSOs continue to disseminate safe migration information and organize trainings for potential migrant workers and their families. Since 2016 a number of local CSOs have also started training local community leaders in order to empower local communities' ability to provide safe migration information and trainings, as well as support services to potential migrant workers. The CSOs that have conducted empowerment trainings include the Rakhine Women's Union, the Tavoyan Women's Union, the Mawk Kon Local Development Organization, and the Women's Department of the Northern Shan State Baptist Convention. The Rakhine Women's Union also assisted in the formation of a community peer support network where women can share updates and information among themselves. The inclusion of empowerment trainings in the above-mentioned CSOs' repertoires has improved migrant workers access to information, as workers can receive immediate responses from their community leaders, while previously they would have been required to travel to the nearest MRC or go without. Furthermore, in July 2018 the Ministry of Labour, Immigration and Population (MOLIP) organized a "Media and Technology for Migration Forum" with support from IOM X (discussed in

¹ This guide has previously been disseminated in Thailand and Malaysia.

section 2.6.1 below). The forum was the first of its kind in Myanmar, and the campaign activities have been viewed over 170 million times since September 2017, reaching millions of people with safe migration information.

At the **regional level**, an important effort to compile and share good practices in information dissemination to migrant workers was the project led by the Philippines to develop the *Compendium on migrant workers' education and safe migration programmes*, which was published by the ASEAN Secretariat and launched at the 10th AFML (ASEAN, 2017a). The compendium provides an overview of ASEAN Member States' national migrant worker education programmes. The education programmes are identified as a central element for a successful migration system. However, the compendium indicates that the successful implementation of the programmes is closely related to the existence of a governance framework with set standards for the recruitment and employment of migrant workers and respect for the human rights of all migrant workers. Moreover, the compendium identifies several proposals for improvements at both the regional and national levels, and it is therefore an important tool for policy-makers, government officials, and other practitioners engaged in improving information dissemination and safe migration trainings for migrant workers.

Despite the measures taken and the coverage achieved, it could be that access to reliable information is still beyond the reach of many. A 2016 ILO and IOM study of 1,800 migrant workers in Cambodia, the Lao People's Democratic Republic, Myanmar, and Viet Nam who had returned from Malaysia and Thailand (during 2014–16), found that only one in six reported obtaining pre-employment or pre-migration information. It should be noted that this figure was significantly higher among workers from Viet Nam (37 per cent of men and 31 per cent of women) (ILO and IOM, 2017).

2.1.2 Pre-departure orientations

The AFML recommendations advocate for the delivery of comprehensive pre-departure education in sending countries on the social and cultural norms of countries of destination, as well as working and living conditions, laws and procedures, rights of migrant workers, and access to redress mechanisms. Recommendations on pre-departure trainings have been adopted at a number of AFMLs. All ASEAN sending countries provide migrant workers with pre-departure trainings, although attendance of these trainings varies between the countries.

The **Myanmar** government implemented a mandatory pre-departure orientation in January 2017, which is available free of charge for all potential migrant workers at Department of Labour training centres in Yangon and Mandalay. The pre-departure trainings are also provided by trade unions and CSOs across the country. Trainings provide information on employment conditions and employment contracts, occupational safety and health, rights and obligations of migrant workers and employers, as well as the culture and customs in the countries of destination. While migrant workers are expected to attend these trainings, a large number of workers migrating to Thailand do not, as the training centres are unable to accommodate the high number of workers leaving for Thailand each day.

In the **Philippines**, the online pre-employment orientation seminars (PEOS) are a mandatory pre-application requirement for potential Overseas Filipino Workers (OFWs), and are offered by the Philippine Overseas Employment Administration (POEA). The PEOS assist users to make an informed decision about whether to pursue overseas employment by providing information on overseas employment and its realities, the advantages and disadvantages, and the legal migration procedures, including documentation requirements and acceptable recruitment fees. Once potential OFWs have completed the PEOS, they receive a certificate they can print and submit to the POEA should they wish to work abroad.

Once OFWs have decided to pursue overseas employment, they are required to attend country-specific pre-departure orientation seminars (PDOS) organized by the Overseas Workers Welfare Administration (OWWA). The one-day PDOS is a compulsory orientation for OFWs that prepares attendees for the work environment and culture in their destination countries. Further, the PDOS sessions also include personal finance lessons in order to educate workers on financial awareness and potential investment opportunities. The trainings are attended by all workers – irrespective of their skill level – prior to their deployment. The majority of the PDOS sessions are delivered by the OWWA, but there are 291 OWWA-accredited NGO PDOS providers throughout the country that also deliver trainings. During 2018, additional modules were added to the PEOS and PDOS curriculums that focus on migrant health, wellness, and access to services. Furthermore, the OWWA has introduced a mobile application that allows OWWA members to view their membership details, access information on available benefits, and provides a directory of local and overseas hotlines where migrants can request assistance.

In addition to the one-day PDOS, domestic workers are required to complete a Comprehensive Pre-Departure Education Program over the course of four to six days, which covers language, cultural familiarization, and stress management. OFWs migrating for employment in the fisheries sector are also required to attend an additional orientation on the minimum requirements for seafarers to work on a ship, the working conditions on ships, the minimum standards for accommodation and recreational facilities, as well as coping mechanisms and health and safety measures (OWWA, n.d.).

The **Cambodian** Government launched a standardized Pre-Departure Training Curriculum in 2014. Recently the two entities responsible for the implementation of the training curriculum – the Association of Cambodian Recruitment Agencies (ACRA) and the Manpower Association of Cambodia (MAC) – conducted an assessment of the Pre-Departure Training Curriculum in order to assess its effectiveness, gaps, and areas for improvement. One of the key findings from the assessment was the need to incorporate gender sensitivity in the training curriculum. As a result, a training on ethical recruitment and gender-sensitive protection of women migrant workers under the ILO–UN Women project “Preventing the exploitation of women migrant workers in ASEAN”, was delivered to 25 senior managers from private recruitment agencies, including leaders from ACRA and MAC, as well as senior officials from the Ministry of Labour and Vocational Training (MOLVT). The information from the training is now incorporated into the pre-departure training sessions.

A pre-departure training booklet for Cambodian workers migrating to Thailand has also been developed by Legal Support for Children and Women (LSCW) and ACRA. The booklet details a number of migration issues, including labour rights, social protection, recruitment practices, and documentation requirements, as well as LSCW’s hotline numbers and Facebook page. The LSCW is also one of the selected pre-departure training centres and has delivered trainings to 300 potential migrant workers. One thousand of the training booklets have been printed and distributed.

In July–August 2016, an ILO and IOM (2017) study surveyed approximately 1,800 migrant workers from Cambodia, the Lao People’s Democratic Republic, Myanmar, and Viet Nam upon their return from Thailand and Malaysia, and found that only 14 per cent of surveyed returnees had attended pre-departure orientation. Attendance was, however, significantly higher for Cambodia (37 per cent for men and 35 per cent for women) and in particular when Malaysia was the destination country (73 per cent).

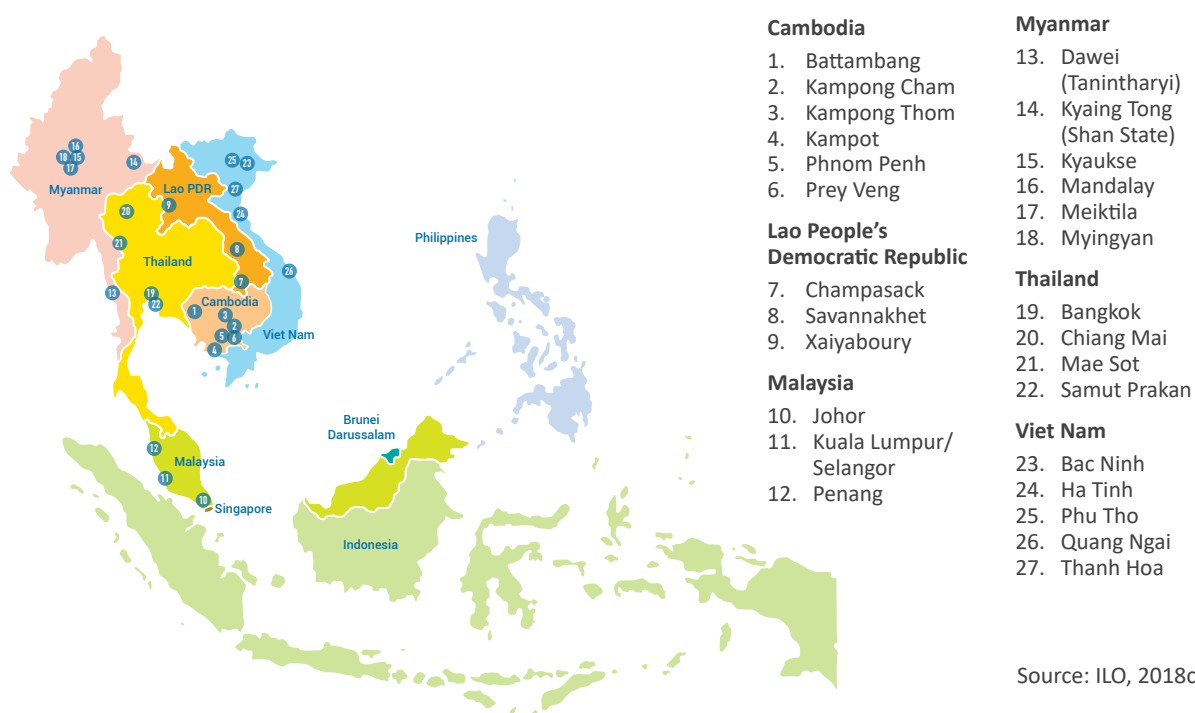
2.1.3 Hotlines, one-stop services, and MRCs in sending countries

AFML recommendations from the 5th and 7th AFMLs promote the development of hotlines, one-stop service centres, and MRCs to ensure better protection mechanisms for migrant workers. These centres and hotlines are operated in all ASEAN Member States by various stakeholders, including governments, trade unions, and CSOs. In this chapter the focus is on one-stop services, MRCs, and hotlines operating in ASEAN sending countries that are providing services to potential migrant workers and returning migrant workers. (For information on hotlines, one-stop services, and MRCs in ASEAN receiving countries, see section 2.4.2 on legal support services and one-stop centres.) See box 1 and figure 1 below for more on ILO-supported MRCs.

In the **Philippines**, ten One-Stop Service Centres for OFWs (OSSCOs) were launched in August 2016. The OSSCOs are operated by the Philippines Department of Labor and Employment and the POEA, and provide OFWs access to all government frontline services in one location, which shortens both the document processing time and the time spent travelling between different government services, as well as cutting down transportation costs. In January 2017, the number of OSSCOs in the Philippines increased to 15 (POEA, 2016).

In **Indonesia**, the Ministry of Manpower (MOM) and the National Board for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) operate two separate programmes designed to improve migrant workers’ access to support services and information on safe migration. The “One Roof Services” (LTSA) are operated by the MOM and aim to improve migrant workers’ access to government migration services by gathering them under one roof. The MOM has established 32 LTSA offices throughout Indonesia. The second programme, "One Door Services" (LTSP) operated by BNP2TKI, is similar to the LTSA, as it also gathers migration services in one location. LTSP offices have been established in 16 locations throughout Indonesia, and BNP2TKI intends to establish a total of 52 LTSP offices by 2019. The BNP2TKI also operates crisis centres for migrant workers in destination countries.

Figure 1: TRIANGLE in ASEAN-supported MRCs



Box 1

Migrant Worker Resource Centres supported by the ILO

The ILO's TRIANGLE in ASEAN programme supports MRCs operated by government, trade union, and CSO partners in 27 locations in six countries across ASEAN. MRCs serve as a space for migrant workers to access information on migrating for work, ask questions, and lodge complaints. The provision of accurate information and safe migration counselling is essential in order to counteract misleading information provided by unscrupulous brokers, employers, and agencies. The MRCs provide counselling services, conduct outreach activities such as seminars and job fairs, and disseminate information through broadcasts on local radio and television.

The MRCs assist migrant workers in settling grievances that have occurred during their employment. There are MRCs in both sending and receiving ASEAN countries, which allows migrants to receive assistance at both ends of the migration process. Furthermore, MRC staff work together with local authorities to prevent and resolve issues related to migrant workers' overseas employment.

In 2017, these 27 MRCs provided services to 24,881 workers (M: 12,726/ W: 12,155) in Cambodia, the Lao People's Democratic Republic, Malaysia, Myanmar, Thailand, and Viet Nam. The provision of services in the four sending countries totaled 16,683 (M: 8,836/W: 7,848). These numbers also demonstrate a relatively equal gender balance between the beneficiaries of the MRC services.

Since 2016, two new MRCs have been established in Cambodia in Kampot and Kampong Thom; one new MRC operated by the Lao Federation of Trade Unions has been established in the Lao People's Democratic Republic in Luang Prabang; and five new MRCs have been established in Myanmar, as well as one more that will open in December 2018. Myanmar also operates two complaint mechanism centres in in Nai Pyi Taw and Yangon, as well as migrant reporting centres at the departure and arrivals lounge of the international airport in Yangon. Between December 2013 and July 2018, a total of 1,944 cases were addressed.

For more information on operation of TRIANGLE in ASEAN MRCs in Thailand and Malaysia, see section 2.4.2.

The IOM's PROMISE and MAPP programmes support four MRCs in border areas in Cambodia, Myanmar, and Viet Nam. Two new MRCs have been opened with the support of the IOM in Myanmar's Shan State and Rakhine State, and an additional MRC will open in Shan State in December 2018.

In addition to the MRCs and one-stop service centres, there are also a number of hotlines operated by government, employers' and workers' organizations, trade unions, and CSOs. Table 4 below provides an overview of some of the hotlines currently available for migrant workers.

Table 4. Hotlines in ASEAN sending and receiving countries

Country	Hotlines
Brunei Darussalam	Labour Department’s hotline
Cambodia	LSCW free anti-trafficking hotline
Lao People’s Democratic Republic	Lao Federation of Trade Unions 1512 hotline
Malaysia	Hotlines operated by MWG, Tenaganita, North South Initiative, and the Bar Council Legal Aid Centres
Myanmar	Complaint mechanism (Department of Labour)
Philippines	POEA 24-hour hotline; OWWA Globe hotline 2917
Indonesia	BNP2TKI Halo TKI 24-hour hotline; Labour Issues: 67730466 and 68942799
Thailand	Department of Employment 1506 hotline; Department of Labour Protection and Welfare 1546 hotline; FLEP hotline for migrant domestic workers; Ministry of Social Development and Human Security 1300.

2.1.4 Skills training and skills recognition

The AFML recommendations promote the establishment of skills training and certification systems to support the upward mobility of migrant workers and potential migrant workers in ASEAN sending countries, particularly domestic workers. There are currently a growing number of initiatives targeting the introduction of skills training systems across the ASEAN sending countries. Initial steps have also been taken to introduce mutual recognition of skills between ASEAN Member States, but these are only at the piloting stage. Findings from a recent ILO and IOM (2017) study revealed that skills upgrading has a positive impact on the socio-economic benefits of labour migration within the ASEAN region. Skills training and certification systems can empower migrant workers, and the provision of skills training that matches employers’ requirements can benefit both employers and migrant workers. The establishment of relationships between technical and vocational education and training (TVET) institutions and receiving countries and/or employers could support the development of national TVET systems that align with labour market needs (ILO and IOM, 2017).

Regarding skills training, **Myanmar’s** “Twe Let – Increasing the Development Impact of Labour Migration Through Strengthened Governance and Partnership” project was launched in March 2017. The project is led by the MOLIP with support from the LIFT (Livelihoods and Food Security Trust Fund) Consortium. It aims to strengthen trainings on safe migration and financial management as well as provide skills development training for potential migrant workers. There are six Skills Training Centres that provide basic welding and electrician training, air-con installation training, and basic construction training at no cost to migrants. The training centres are located in Yangon, Mandalay, Ayeyarwady, Mon State, and Kayah State. Two additional Memorandum of Understanding (MOUs) have also been signed to support skills development in Myanmar by supporting the overall professionalization of the Myanmar workforce. The first MOU was signed between the MOLIP and the Aung Myin Hmu consortium, which brings together CARE Myanmar, BusinessKind Myanmar, and Pyoe Pin to provide vocational training relevant to the garment industry (LIFT, 2017). In addition, Singapore and Myanmar have jointly launched the Singapore–Myanmar Vocational Training Institute (SMVTI) in Yangon under a three-year MOU agreement.

The **Cambodian** Government approved the Technical and Vocational Education and Training (TVET) Policy 2017–2025 on 16 June 2017. The new policy will serve as a guide for the implementation and formulation of strategies for skills development and will facilitate improved coordination among skills development stakeholders in Cambodia. The goal of the policy is to modernize and transform Cambodia's skills development system in order to support the development of the existing and future workforces' skills and competencies (ADB, 2018). The skills training and development of the Cambodian labour force will assist in meeting the country's domestic workforce needs, and increase the employability of Cambodian migrant workers abroad.

Indonesia's Ministry of Manpower (MOM) has also invested in the skills development of migrant workers by signing an MOU with the Tahir Foundation in 2018. The new agreement is part of the MOM's efforts to revitalize their training centres (BLKs) and improve the BLKs' capacity to support the skills training and certification of migrant workers. A pilot project under the MOU will train 5,000 potential migrant workers, which is the first step towards improving the competitiveness of Indonesian workers in the global labour market. The Tahir Foundation will also support the preparation of an Indonesian national competency standard (SKKNI), conduct a training need analysis, organize trainings, and facilitate the implementation of the competency certification.

In the **Philippines**, the Technical Education and Skills Development Authority (TESDA) offers the TESDA Online Program, which is an open educational resource that aims to make technical education accessible to more Filipino citizens through the use of information and communication technology.

In the area of mutual recognition of skills, a key driver of **regional-level cooperation** is the Regional Skills Technical Working Group (RSTWG), supported by the ILO. The RSTWG has met annually since 2015 to discuss challenges and opportunities in skills development and the implementation of the mutual recognition of skills. The 4th RSTWG Meeting, co-hosted by the Government of the Philippines and the ILO in July 2018 in Manila, marked an important step forward, as the meeting resulted in the identification of three pilot activities for mutual recognition of skills implementation in key ASEAN migration corridors. These include a pilot on masonry/bricklaying skills between Thailand and Cambodia, Lao People's Democratic Republic, and Myanmar; logistics skills between Thailand, Viet Nam, and the Philippines; and the integration of the mutual recognition of skills processes with the "ASEAN Guiding Principles for Quality Assurance and Recognition of Competency Certification Systems" between Indonesia, Malaysia, the Philippines, and the ASEAN Secretariat.

While the majority of the skills initiatives mentioned above are new or in the process of implementation, on-the-job training in destination countries appears to be a more common source for skills upgrading and training. A recent study conducted by the ILO and IOM (2017) revealed that 65 per cent of returnee migrants in the Lao People's Democratic Republic, 69 per cent in Viet Nam, and 48 per cent in Myanmar reported completing skills training in the destination country (as part of their job).

2.1.5 Post-arrival orientation

In addition to the pre-departure orientations provided for migrant workers in sending countries, the AFML recommendations also advocate for governments agencies, employers, trade unions, and CSOs to conduct post-arrival orientations in receiving countries. The trainings should cover a range of issues, including cultural orientation and the rights and obligations of men and women migrant workers and employers.

Since 2013, **Singapore** requires all first-time foreign domestic workers (FDWs) to undergo a Settling-In-Programme, conducted by Ministry of Manpower (MOM)-accredited training providers within the

first three days of arrival in Singapore. The Settling-In-Programme is a compulsory one-day course that will help to orientate first-time FDWs by equipping them with basic knowledge about living and working in Singapore. The programme includes modules on their rights, adapting to living and working in Singapore, fostering good working relationships in the household, stress management, and ways to seek help when in need. The programme also contains a practical “hands on” component to educate FDWs on how to work safely at home, such as cleaning windows and hanging laundry safely. This is particularly important due to the predominance of high-rise public housing in Singapore. All FDWs attending the Settling-In-Programme will be given a copy of the *FDW Handy Guide*, and a cardholder reiterating important messages and helplines. In addition, employment agencies are required to facilitate the signing of a safety agreement between employers and FDWs. The safety agreement form explains the rules on window cleaning, clarifies employers’ requirements, and ensures FDWs’ understanding of their duties. First-time FDWs may also be selected by the MOM for an interview in the first few months of their employment to assess if they are settling in well.

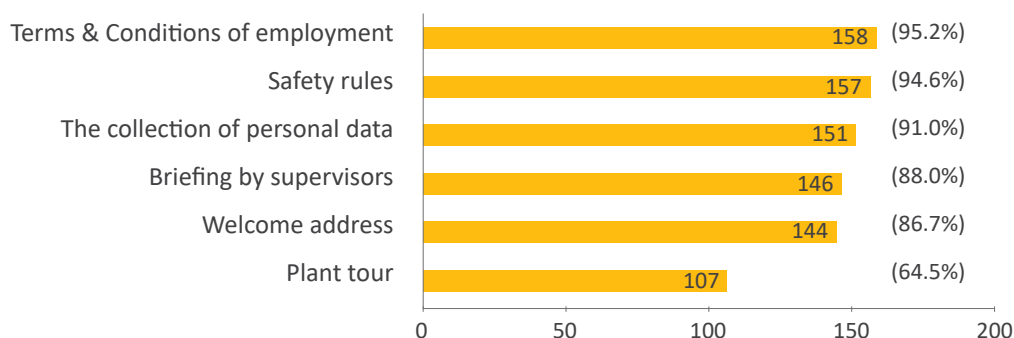
In October 2018, the MOM, in partnership with the Migrant Workers’ Centre, extended the Settling-In-Programme to first-time non-Malaysian foreign workers (non-domestic work permit holders) in the construction sector. The Settling-In-Programme will be progressively rolled out to the other sectors, and is currently available in six different languages – English, Chinese, Tamil, Bengali, Thai, and Burmese (NTUC, 2018).

In **Malaysia** there are two main migrant associations – AMMPO Sentro and Serantau – that actively cooperate with Malaysian CSOs in order to deliver support services as well as post-arrival orientations to migrant workers from the Philippines and Indonesia, respectively. These migrant associations have a well-established presence in Malaysia, but they are also active in the sending countries: Serantau in Indonesia and AMMPO Sentro in the Philippines. AMMPO Sentro regularly conducts meetings and forums with Filipino migrant communities in order to educate workers on the content of their employment contract and to ensure that migrant workers are aware of their labour rights. AMMPO Sentro also provides post-arrival seminars for OFWs and trainings for Filipino domestic workers every last Saturday of the month. Furthermore, AMMPO Sentro maintains a strong presence in the Philippines and is therefore able to effectively coordinate the content of their post-arrival orientations and follow up with migrant workers once they arrive in Malaysia.

Serantau offers similar services for Indonesian migrant workers in Malaysia. In addition, Serantau’s partner organization SBMI (Memperjuangkan Keadilan Bagi Buruh Migran) conducts trainings for migrant workers on citizen journalism, in order to encourage migrants to report on the positive and negative impacts of migration, the risks of migration, and the social and cultural norms in receiving countries. The information is shared via social media, monthly bulletins, and online to migrant workers in Malaysia and Indonesia. Both migrant associations are positive examples of cross-border cooperation between sending and receiving countries that aims to promote and protect the rights of migrant workers.

It is not, however, only migrant associations that provide post-arrival orientations in Malaysia, as member associations of the Malaysian Employers Federation (MEF) also conduct trainings for migrant workers. The MEF conducted a survey on the management of foreign workers in 2016 to identify the issues and challenges associated with employing migrant workers, as well as best practices in the recruitment, placement, employment, and repatriation of foreign workers. The survey identified the key topics covered by employers during post-arrival orientation seminars (figure 2).

Figure 2. Topics covered by Malaysian employers during post-arrival orientation seminars



Source: MEF, 2016.

In **Brunei Darussalam**, recruitment agencies are required to brief migrant workers on the content of their employment contracts and other work-related issues before they are turned over to their new employers. The Philippine Embassy in Brunei Darussalam provides a similar service and discusses the content of migrant workers contracts with all Filipino migrants who come in to apply for their Overseas Employment Certificate. The Embassy refers to this procedure as “contract verification” and charges the migrant worker 18.00 Brunei dollars (BND) (US\$13). The Indonesian Embassy in Brunei provides comparable support services and conducts briefings for migrant workers on their employment contracts. The provision of these services for migrant workers ensures that migrants have a clearer understanding of their employment contract and the services they are able to access at their embassies in Brunei.

A collaborative CSO and private sector initiative implemented in **Thailand** is the “Promoting Workers Rights and Social Dialogue in Thai Union Facilities” project. The project is implemented by the Thai Union in collaboration with the Migrant Workers Rights Network, and it aims to formally educate migrant workers on their basic rights, Thai labour laws, and social welfare regulations. Following the projects implementation in 2016, the Thai Union announced that they would introduce an Ethical Migrant Worker Recruitment Policy (Thai Union, 2015; 2016; *Undercurrent News*, 2016). The collaboration between the Thai Union and the Migrant Workers Rights Network continued in 2017 with the implementation of a training programme for Thai Union workers and the development of a bilingual Thai/Myanmar handbook on labour rights and employee benefits (Thai Union, 2017).

2.2 Cluster B – Fair recruitment

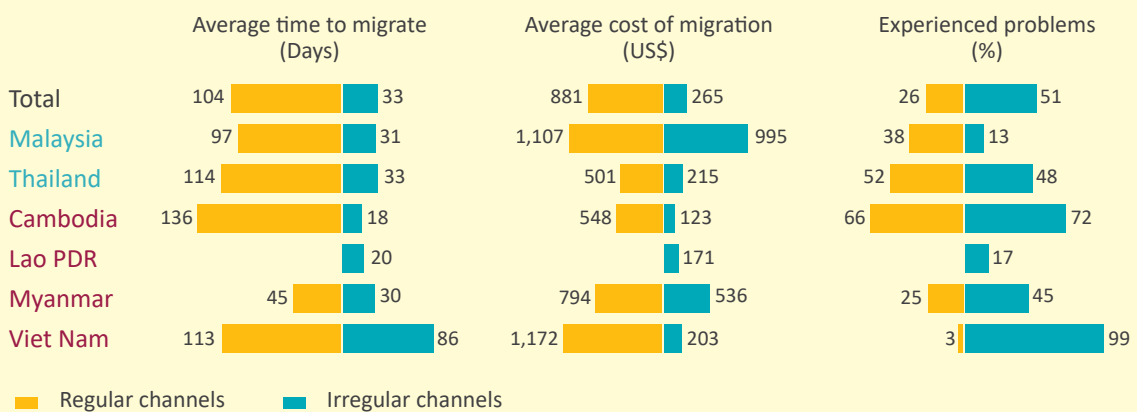
Fair recruitment is another area which has been widely discussed at all past AFMLs. Specific attention to this topic was given at the 5th AFML, which focused on effective recruitment practices and regulations. Since the 3rd AFML, a total of 19 recommendations have addressed fair recruitment. These recommendations stress the need to register and license recruitment agencies as well as monitor their recruitment practices. Capacity building of recruitment agencies is also advocated in order to improve their capacity to secure better remuneration and benefit packages for migrant workers. The recommendations also emphasize the need to simplify and streamline recruitment procedures and reduce recruitment costs for migrant workers. Further, the recommendations advocate for the negotiation of an MOU and/or labour and social security agreements for migrant workers that are compatible with international labour standards. For a listing of recommendations grouped in this cluster, see Appendix II.

Box 2 Effectiveness of migration channels

Migrant workers use both regular and irregular migration channels when travelling abroad. Regular channels include government agencies, direct recruitment by employers, and licensed private recruitment agencies. The irregular channels utilized by migrant workers include unlicensed brokers, migrating with the assistance of friends and family, or migrating independently. Findings from an ILO and IOM (2017) study revealed that 74 per cent of migrant workers from Cambodia, the Lao People’s Democratic Republic, Myanmar, and Viet Nam used irregular migration channels.

The same study also examined the effectiveness of regular and irregular migration channels by comparing the time taken to migrate, the average cost of migration, and the extent to which migrant workers experienced problems during the migration process. Figure 3 below compares regular and irregular migration channels according to these three metrics. The results underline the need for regular migration channels to be made less cumbersome and costly.

Figure 3. Effectiveness of migration channels by country of origin and destination



Source: ILO and IOM, 2017.

2.2.1 Regulation of recruitment agencies and recruitment costs

The movement of the majority of documented migrant workers in the ASEAN region is intermediated by recruitment agencies. The AFML recommendations emphasize the importance of monitoring and regulating recruitment agencies through laws, practices, and policies to ensure the protection of the rights of migrant workers. Furthermore, the recommendations advocate for the ratification of the ILO Private Employment Agencies Convention, 1997 (No. 181), which inter-alia states that recruitment fees and costs should not be borne by workers. The AFML recommendations call for the introduction of set ceiling costs for recruitment and a clearly defined migration cost structure in order to reduce recruitment costs and increase transparency. See box 2 above for more on regular and irregular migration channels within the region.

In the **Philippines**, the monitoring and regulation of recruitment agencies was strengthened in 2016 when the POEA revised the rules and regulations governing the recruitment and employment of land-based OFWs. The revisions resulted in stricter procedures and protocols, an incentive system for recruitment agencies to engage in good practices, and an updated recruitment agency licensing fee. Additionally, foreign recruitment agencies are required to post a US\$10,000 escrow deposit to cover obligations and liabilities to workers.

The **Indonesian** Government introduced a revised National Law No. 18/2017 on the Placement and Protection of Indonesian Migrant Workers. The new law strengthens the protection of migrant workers and establishes a clearer division of labour between the MOM and BNP2TKI, which had overlapping responsibilities in the past. This demonstrates the Government's efforts to simplify and streamline the recruitment procedures and processes in Indonesia. Furthermore, the new law includes a provision on zero recruitment costs for migrant workers and mandates that all recruitment costs are to be covered by the employer. The MOM's efforts to revitalize the BLKs as well as the introduction of the LTSA and LTSD offices are all initiatives that were introduced in response to the new law. An additional new initiative is the establishment of a new website to monitor and review private recruitment agencies. The website is the result of a collaboration between the TIFA Foundation and the Centre for Migrant Workers Empowerment (PSD-BM). The website is used by various workers' organizations, such as the Indonesian Migrant Workers Union (SBMI), which encourages its members to rank the recruitment agencies online.

There are also a number of initiatives that have been introduced in ASEAN receiving countries. The **Malaysian** government amended the Private Employment Agencies Act 1981 in August 2017, which is a key change as the Act previously did not cover migrant workers. The amendment enables stricter monitoring of employment agencies, and the Government is now able to suspend and revoke agencies' licenses should they not act in accordance with the Act. Further, the recruitment fees imposed on migrant workers are capped to no more than one month of basic wages. The Malaysian Government also requires all employers hiring migrant workers to sign the Employers Undertaking, which was introduced in January 2018. The Employers Undertaking obliges employers to pay the full levy cost when employing a migrant worker, provide an employment contract in accordance with the Employment Act 1955; and comply with minimum wage requirements.

In **Singapore**, the MOM's Employment Agency directory helps prospective FDW employers select an employment agency that matches their needs. The Employment Agency directory contains information on employment agencies' experiences in the industry, their performance, and customer ratings on services rendered. A working group was also established by the Centre for Domestic Employees (CDE) in order to increase the transparency of recruitment costs and to break down the recruitment costs for both employers and employees. The process assisted in identifying whether recruitment costs were fair and whether they should be reduced (NTUC, 2016a).

In **Thailand**, the Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2560 (2017) came into force in 2018. This is the first law that combines recruitment and employment practices for all categories of migrant workers and introduces a number of key provisions in line with international labour standards. The Royal Ordinance includes a provision relating to the "zero fee" principle encouraged in Convention No. 181, which requires employers to pay recruitment fees related to documentation, transportation, food, and accommodation.² The licensing of recruitment agencies and monitoring procedures to ensure fair recruitment practices are also included in the Royal Ordinance. The Department of Employment is also preparing to launch an online electronic system for registering and processing migrant workers entering Thailand through the MOU process. This initiative will contribute to streamlining recruitment processes for migrant workers entering Thailand.

Lastly, in **Brunei Darussalam**, the Department of Labour published a list of all registered recruitment agencies and their recruitment costs online in March 2017. The publication of this information online has increased transparency of the recruitment process, as both employers and migrant workers are

² It is important to note that the "zero fee" principle is only applicable to inbound migrant workers, and does not apply for Thai workers migrating for work overseas.

better informed and less likely to be taken advantage of by recruitment agencies. In an effort to lower the recruitment costs borne by employers wishing to hire migrant domestic workers, the Department of Labour opened limited licensing registration for recruitment agencies willing to apply a flat rate cost of BND1,500 (US\$1,100) for recruitment of foreign domestic workers.

All the above policy developments – particularly in Thailand and Indonesia – point to important changes in laws towards fair recruitment. At the implementation level, work is still on-going in the development of rules and regulations, and moreover in enforcement. The ILO is conducting migration cost surveys in corridors to Malaysia and Thailand that will be completed in 2018. Prior to this, a survey using the ILO/World Bank KNOMAD methodology was conducted in 2015 on migration costs for 400 Vietnamese migrant workers. The mean migration cost incurred was US\$1,373, which is equal to 3.9 times the average monthly earnings in the destination country (ILO, Forthcoming–a).

At the international level, the ILO developed General Principles and Operational Guidelines for Fair Recruitment in 2016. These principles and guidelines have been disseminated throughout the region. In November this year there will be a tripartite experts meeting to provide guidance on the definition of “recruitment fees and related costs”. Further, “recruitment costs borne by employee as a proportion of yearly income earned in country of destination” is an indicator for Sustainable Development Goal (SDG) Target 10.7 (on orderly, safe and regular migration). The ILO and World Bank have proposed a methodology for data collection.

2.2.2 Self-regulation through Codes of Conduct

The previous section identified several initiatives that have been introduced by governments in ASEAN Member States to improve the monitoring and regulating of recruitment agencies to ensure the protection of migrant workers. The AFML recommendations also highlight the importance of involving a number of different stakeholders in monitoring recruitment agencies. One of the central stakeholders that emerged during the progress review were the recruitment agencies themselves, which have introduced self-regulation systems to monitor their adherence to ethical codes of conduct.

In **Viet Nam**, the Vietnamese Association of Manpower Supply (VAMAS) has successfully continued implementation of a monitoring mechanism to monitor recruitment agencies’ implementation of the VAMAS Code of Conduct (CoC). VAMAS engages the relevant government authorities, inspection agencies at the central level and provincial levels, the Department of Overseas Labour (DOLAB), labour management sections, as well as migrant workers in the monitoring of recruitment agencies. Furthermore, in April, VAMAS launched the 2018 Code of Conduct (CoC-VN). The 2018 CoC-VN is the result of a revision that considered gender issues and alignment with international standards and developments in the recruitment area, including the SDGs (in particular Goal 8 on decent work and economic growth as well as Goal 10 on reduced inequality), the ILO Fair Recruitment Initiative, and the Domestic Workers Convention, 2011 (No. 189). VAMAS is also developing an updated supervising and assessing mechanism for the CoC-VN with a set of criteria that implementing enterprises can use to assess transparency, fairness, and legal compliance as well as to improve operational efficiency. There are currently 125 recruitment agencies in Viet Nam that are ranked in terms of their compliance with the CoC-VN.

During 2017 a study tour to Viet Nam was organized for members from the ACRA and the Myanmar Overseas Employment Agencies (MOEAF) to learn about the VAMAS model for developing, ranking, and monitoring the CoC-VN for recruitment agencies. As a result of the study tour, **Cambodia** (via ACRA) is developing a new CoC and monitoring and evaluation mechanism for private recruitment

agencies. ACRA's development of the CoC and monitoring and evaluation mechanism has also been guided by the ILO General Principles and Operational Guidelines on Fair Recruitment, which was translated into Khmer in 2017. Furthermore, the MOLVT has worked together with the ILO and IOM as well as ACRA and MAC to develop a Self-Monitoring and Evaluation Checklist for private recruitment agencies. The checklist is designed to comply with IOM's International Recruitment Integrity System (IRIS), allow recruitment agencies to examine their performance and operations, and ensure that their operations are in accordance with national and international standards. The checklist was adopted in March 2017 and trainings were delivered to ensure the proper application of the checklist's tools and procedures.

In **Myanmar**, the Code Compliance and Monitoring Committee (CCMC) was established following the Viet Nam study tour. The CCMC comprises a representative from MOLIP, an anti-trafficking police officer, two labour experts, a representative from overseas employment agencies, and a workers' representative. The CCMC determines to what extent each agency has complied with the Code of Conduct and ranks them with stars accordingly: three stars for full compliance and one for weak compliance. Prospective migrants and employers will be able to check online to see how many stars a particular agency is rated, and it is hoped that in the future the monitoring will not only be done by the CCMC but also through migrants and employers voting online. The CCMC completed its first round of ranking in 2018 (ILO, 2018).

The MOEAF launched the CoC for recruitment agencies in August 2016, and currently 183 out of 258 licensed recruitment agencies in Myanmar have signed the CoC, which promotes fair and ethical recruitment practices. In early 2018, discussions were held with the representatives of the MOEAF regarding the implementation of the monitoring mechanism for the CoC for Overseas Recruitment Agencies. The TRIANGLE in ASEAN programme will assist in developing a country-specific monitoring mechanism and provide training on ILO Fair Recruitment Guidelines to improve ethical recruitment in Myanmar. The Myanmar Government also announced in January 2017 that the deposit fee for overseas employment agencies would be increased from 5 million kyat to 50 million kyat (US\$3,650 to US\$36,500).

Box 3 below covers another review and rating platform that extends beyond the ASEAN region to allow migrant workers to rate recruitment agencies across Asia and the Middle East.

Box 3

ITUC migrant worker "Recruitment Advisor" platform

A regional initiative that has been recently started to support the monitoring of recruitment agencies is "Recruitment Advisor", a new web platform developed by the International Trade Union Congress (ITUC) with support from the ILO Fair Recruitment Initiative. The Recruitment Advisor platform lists thousands of agencies in Hong Kong (China), Indonesia, Malaysia, Nepal, the Philippines, Qatar, Saudi Arabia, Singapore, and other countries. It is designed to protect migrant workers from abusive employment practices, by providing them with peer-to-peer reviews about recruitment agencies in both receiving and sending countries. Migrant workers are able to rate the recruitment agencies, describe their experiences, and learn about their rights. The governments of the participating countries provided a list of licensed agencies as well as a list of trade unions and CSOs that support the sustainability of the platform by conducting outreach activities to inform migrant workers of their rights.

Source: ILO, 2018a

2.2.3 Memoranda of Understanding (MOUs)

The regular migration channels for low skilled migrant workers in the ASEAN region are often governed by MOUs. The AFML recommendations advocate for the negotiation and implementation of bilateral or multilateral MOUs that are compatible with international labour standards. The inclusion of social protection, employment conditions, labour inspection, and the roles of labour attachés in the MOUs are also emphasized. Furthermore, the recommendations stress the importance of consulting relevant stakeholders and social partners during the negotiation of MOUs.

Since January 2016, a number of new memoranda of understanding have been signed by the ASEAN Member States. A list over these new MOUs is provided in Table 5.

Table 5. New Memoranda of Understanding signed by ASEAN Member States

MOU	Date	Content
Cambodia and Saudi Arabia	Feb., 2016	Recruitment of domestic workers and general workers
Cambodia and Hong Kong (China)	2017	Trial programme for sending domestic workers to Hong Kong
Cambodia and Bangladesh	2017	Concerning the cooperation in the Field of Labour and Vocational Training
Cambodia and Viet Nam	2017	Concerning the Cooperation in the Field of Labour
Cambodia and Timor-Leste	2016	Concerning the Cooperation in the Field of Labour
Cambodia and Philippines	2016	Concerning the Cooperation in the Field of Labour
Indonesia and Macau (China)	Feb., 2016	The facilitation and protection of Indonesian overseas workers in Macau
Lao PDR and Republic of Korea	Sep., 2016	Sending migrant workers to Korea
Lao PDR and Japan	Dec., 2017	Memorandum of Cooperation (MOC) on the Technical Intern Training Programme
Myanmar and Japan	Apr., 2018	Memorandum of Cooperation (MOC) on the Technical Intern Training Programme
Philippines and Kuwait	May, 2018	Protection of OFWs in Kuwait
Philippines and United Arab Emirates	Sep., 2017	Mutual cooperation on the recruitment and employment of migrant workers
Thailand and Myanmar	June, 2016	MOU covering labour cooperation
Thailand and Lao PDR	July, 2016	MOU covering labour cooperation
Viet Nam and Republic of Korea	May, 2016	MOU on supplying and receiving Vietnamese workers to the Republic of Korea under the Employment Permit System (EPS)
Viet Nam and Japan	June, 2017	Memorandum of Cooperation (MOC) on the Technical Intern Training Programme
Viet Nam and Japan	June, 2017	MOC on the Technical Intern Training Programme
Viet Nam and Republic of Korea	Mar., 2018	MOU on supplying and receiving Vietnamese workers to the Republic of Korea under the Employment Permit System (EPS)

2.3 Cluster C – Decent work

The recommendations in this cluster emphasize the importance of securing decent working conditions for migrant workers. Decent working conditions were in focus during the 7th AFML in 2014, however a number of recommendations targeting migrant workers' working conditions have been adopted both before and after this AFML. There are 40 recommendations included in this cluster. The extension of national labour laws to uncovered sectors, such as domestic work, and the alignment of national labour laws and legislation with international instruments are key recommendations. The recommendations also highlight the need to develop occupational safety and health (OSH) guidelines, promote an OSH prevention culture, and strengthen OSH policy implementation. Ensuring equitable access to social protection for migrant workers and the implementation of the ASEAN Declaration on Strengthening Social Protection and its regional framework and action plan are also highlighted. For a listing of recommendations grouped in this cluster, see Appendix II.

2.3.1 Extension of labour and social protection laws to uncovered sectors

Extending the coverage of labour law protection to previously uncovered sectors is key for ensuring decent working conditions for migrant workers. There are a number of migrant-dominant sectors of work – including agriculture, fisheries, and domestic work – that would benefit from the extension of labour law protection. The AFML recommendations encourage an alignment of national labour laws and legislation with international instruments, as well as the ratification of several international conventions such as the ILO Domestic Workers Convention, 2011 (No. 189), and ILO Private Employment Agencies Convention, 1997 (No. 181).

In 2018, the **Thai** Cabinet approved the Ministerial Regulation on Labour Protection in Sea Fishing Work (No. 2), B.E. 2561, which is an important first step towards the ratification of the ILO Work in Fishing Convention, 2007 (No. 188). The Ministerial Regulation requires that sea fishing workers are paid monthly wages via bank accounts and that employers provide satellite communication systems that allow workers to communicate with authorities or family members while out at sea. In addition, the Government is in the process of drafting the Labour Fisheries Act, which is in compliance with Convention No. 188 and will establish minimum labour standards for fishers employed on Thai fishing vessels.

The developments within the Thai fishing sector also include a new Regulation on Labour Inspection and Criminal Proceedings, introduced by the Department of Labour Protection and Welfare. The regulation is in accordance with the Ministerial Regulation on Labour Protection in Sea Fishing Work (No. 2), B.E. 2561, and enables labour inspections and criminal proceedings in sea fishing to be conducted in a swift and efficient manner, especially inspections of wage payment, working hours, and records for the provision of leisure times. The regulation also improved migrant workers' access to complaint mechanisms, which are operated by the public sector and NGOs.

The **Malaysian** Government is amending the Employment Act 1955 in order to further align the Act with international standards and legislation. One of the proposed revisions to the Employment Act is the change in nomenclature from “domestic servants” to “domestic employees”. This change in terminology is a positive first step towards recognizing domestic workers as workers through the removal of outdated terminology. Furthermore, the amendments allow domestic employees to enjoy the statutory benefit of one rest day per week in accordance with section 59(1) of the Act. Beyond the rest day, however, the labour law and social protections of domestic employees remain unchanged, which means that domestic workers continue to be disadvantaged compared to all other workers in Malaysia. The legal terms used to refer to domestic workers in the ASEAN Member States are provided in box 4.

Box 4

Recognition of domestic work as work in ASEAN Member States

The low social status and stigma often associated with domestic work is a contributing factor to the poor working conditions, abuse, and exploitation commonly experienced by domestic workers. The recognition of domestic work as work is therefore an important step towards improving the working conditions for domestic workers.

The 10th AFML established a number of recommendations to improve the labour rights and social protections of domestic workers. The first recommendation calls for ASEAN Member States to “recognize domestic workers as workers and remove outdated terminologies that diminish the dignity of domestic workers”. The introduction of more respectful terminology is an important first step towards improving the status of domestic workers. Table 6 below shows that the respectful term “domestic workers” is already used as a legal term in seven out of ten ASEAN Member States. Malaysia still uses legislation with the outdated reference to “domestic servants”.

However, a change in terminology is inadequate if it does not correspond with improved labour protections under national employment laws. Unfortunately, in many ASEAN Member States the legal protection enjoyed by domestic workers is still unequal and inadequate compared to other workers. Moreover, the recognition of domestic work as work is also strongly dependent on the promotion of a positive image of domestic workers and on changing employers’ attitudes.

Table 6. Legal terms used to refer to domestic workers in ASEAN Member States

Country	Legal term	Legislation
Brunei Darussalam	Domestic worker	Employment Order, 2009; Employment (Domestic Workers) Regulations, 2009
Cambodia	Domestic worker	Prakas No 235/18 on Working Conditions for Domestic Workers
Lao PDR	Household worker	Labour Law, 2013
Indonesia	Domestic worker “pekerja rumah tangga”	Minister Regulation on Protection for Domestic Worker No. 2/2015. In addition, a Draft Legislation (Law) on Domestic Workers is being prepared by the Indonesian Government.
Myanmar	Domestic worker	The Labour Organization Law, 2011; Settlement of Labour Disputes Law, 2012
Malaysia	Domestic servant	Employment Act 1955 (proposed revision to domestic employee has been suggested)
Philippines	Domestic worker “kasambahay”	Republic Act No. 10361, otherwise known as the Domestic Workers Act or Batas Kasambahay
Singapore	Foreign domestic worker (FDW)	Employment of Foreign Manpower Act
Thailand	Domestic worker	Ministerial Regulation No. 14 under the Labour Protection Act B.E. 2541 (1998)
Viet Nam	Domestic worker	Labour Code (amended), 2012

Source: ILO, 2010; 2018e

Many of the sectors in which migrant workers are employed in ASEAN countries continue to offer limited protection for labour rights and opportunities to obtain social protection benefits, particularly for women employed in the informal sector (ILO and IOM, 2017). Further work is needed to remove obstacles that prevent migrant workers' access to these protections and to progressively move towards the inclusion of these sectors in labour and social legislation.

The extension of labour and social protection laws is also important in order to bring these sectors under the purview of **labour inspection**. Recommendations from the 7th and 10th AFMLs have called for enhancing measures to conduct labour inspections in vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, and agriculture) and for progressively extending the coverage to include individual households of employers of domestic workers. Further efforts are needed to implement these recommendations in the ASEAN region.

2.3.2 Terms and conditions of employment

Securing decent working conditions through protecting and promoting the rights of vulnerable migrant workers is one of the fundamental objectives committed to under the Cebu Declaration and, more recently, through the ASEAN Consensus. Working conditions cover a broad range of issues, including working hours and rest periods, remuneration, physical conditions at the workplace, and mental demands at work.

A total of five recommendations from the 7th and 10th AFMLs stress the importance of **standard employment contracts or proper documentation** that are based on core labour standards and in line with Article 22 of the ILO's Migration for Employment Recommendation (Revised), 1949 (No. 86). The documentation should include terms and conditions of employment, rights and responsibilities of employers and migrant workers, and grievance mechanisms. Moreover, the documentation should adopt non-discriminatory, gender-sensitive language; be available in a language that the migrant understands; and be signed by both the employer and the worker prior to departure. Efforts have been made in many ASEAN Member States to implement these recommendations, but enforceability of such documentation still remains a challenge.

In **Thailand**, the Department of Employment introduced a new initiative to provide employment contracts in three languages at the newly established arrival and departure centres. The contracts are, however, only available to migrant workers who enter Thailand through the MOU process. **Viet Nam** and Thailand have agreed on a form of labour contract for Vietnamese workers working in the construction and fishing sectors in Thailand. In **Myanmar**, the MOLIP issued a "standard employment contract" in September 2015, which is used by recruitment agencies in Myanmar that send migrant workers to Japan, Singapore, and Thailand. In **Malaysia**, the Employers Undertaking requires that employers provide migrant workers with an employment contract in accordance with the Employment Act 1955 and comply with minimum wage requirements. The national minimum wage in Malaysia will be increased to 1,050 ringgit (US\$254) as of 1 January 2019, which migrant workers (excluding domestic workers) also benefit from, as their salaries are set according to the minimum wage standard. Furthermore, an amendment to the Workers' Minimum Standards of Housing and Amenities Act 1990 will require all employers in Malaysia to provide adequate housing for migrant workers in all sectors.

In the **Philippines**, domestic workers are not treated as regular employees under the Republic Act 10361, also known as the Domestic Workers Act. The Act requires employers to provide domestic workers with an employment contract that contains the domestic workers' duties and responsibilities, the period of employment, compensation and authorized deductions, and working hours.

Singapore requires all employers to send an In-Principle Approval letter to their foreign workers prior to their departure for Singapore. This ensures that foreign workers are aware of their employment rights and the employer's obligations prior to their arrival in Singapore. The In-Principal Approval contains important employment terms and conditions, such as the basic monthly salary (as declared by the employer) and the costs/fees that the employer is responsible for paying. This prevents overseas agents from over-promising salaries for workers or receiving unauthorized payments on the pretext of needing to make payments to Singapore authorities. In addition, the MOM will introduce a new Work Permit condition for FDWs from 1 January 2019, which entails that employers will no longer be allowed to keep any money belonging to their FDW, including paid salaries (MOM, 2018c).

Singapore has also introduced a number of amendments to the Employment Act that came into force on 1 April 2016. The amendments require all employers to keep employee records, provide written records of key employment terms, and provide itemized pay slips to employees covered by the Employment Act. The amendments aim to improve employees' understanding of how their salary is calculated, as well as their terms of employment and benefits. It is also hoped that the amendment will decrease miscommunication between employers and employees and thereby reduce workplace disputes. MOM has also established a framework to respond to less severe breaches of the Employment Act, and under this framework, employers will be issued with an administrative penalty (MOM, 2018).

In **Cambodia**, the MOLVT issued a *Prakas* on Working Conditions for Domestic Workers in June 2018. The *Prakas* is, however, only applicable for domestic workers working in Cambodia. Following the adoption of the *Prakas*, the MOLVT is developing an action plan that includes employment contracts and agreements as well as monitoring mechanisms for the implementation of the *Prakas*.

In summary, greater attention is now given to the issuance of written employment contracts. However, implementation gaps may still remain. A 2017 ILO and IOM joint study found that the majority of migrant workers in Cambodia, the Lao People's Democratic Republic, Myanmar, and Viet Nam did not recall having written employment contracts (with the exception being Viet Nam, where 53 per cent reported having a written employment contracts). Similarly, a survey conducted among workers in the fishing sector found that only 36 per cent of workers recalled signing a written contract (ILO, 2018f). This is, however, an improvement from an ILO study conducted in 2012, which revealed that 94 per cent of fishers did not sign an employment contract (ILO, 2013). Furthermore, even when migrant workers have signed written contracts this does not remove the risk of contract substitution, as one in five migrant workers surveyed in the 2017 study experienced contract substitution (ILO and IOM, 2017).

It is important to note that while past AFML discussions have devoted substantive attention to employment contracts, less attention has been devoted to the regulatory changes and practical measures needed in ASEAN Member States to guarantee appropriate **employment protection, payment of wages, and decent working and living conditions** for migrant workers in line with Article 8 of the Cebu Declaration. Future AFML discussions could be focused on these themes to give a push to full implementation of necessary measures at the country level. Critically important in this area will be the extension of minimum wage laws to all sectors of work employing migrant workers, including domestic workers and agricultural workers. Currently, the average migrant works long hours (10 hours/day), nearly every day (6.4 days/week) for pay that is below the minimum wage in Thailand (US\$264) and Malaysia (US\$286) if overtime is considered (ILO and IOM, 2017). Furthermore, reducing the major wage gap that exists between men and women migrant workers (14 per cent) is key to ensuring decent working conditions for women migrant workers (ILO and IOM, 2017).

2.3.3 Occupational safety and health

Safety in the work place is a key precondition for ensuring decent working conditions for all workers. The 8th AFML on “empowering the ASEAN community through the protection and promotion of the rights of migrant workers” focused on the central role that strong OSH practices and labour inspection play for ensuring the rights of workers. Several recommendations emphasizing the importance of OSH for ensuring that migrant workers are protected from sickness, disease, and injury were concluded at the 8th AFML. OSH trainings should be made available in languages understandable to migrant workers and personal protective equipment should be provided upon arrival at worksites.

In **Singapore**, the Government is currently developing a ten-year Workplace Safety and Health (WSH) plan, for which they formed a WSH2028 Tripartite Strategy Committee. The Committee is consulting with key stakeholders, including workers’ and employers’ organizations, as well as WSH professionals to develop the ten-year plan (MOM, 2018a). With approximately 38 per cent of Singapore’s labour force made up of migrant workers, they are also anticipated to benefit from the governments ambition to improve workplace safety and health standards (MOM, 2018b).

In **Thailand**, the Thai Cabinet approved the second National Master Plan on Occupational Safety, Health and Environment (2017–2021) and the National Agenda “Safe and Health Workforce” (2017–2026) to provide direction for the development of OSH in the country. The continued development and improvement of Thailand’s OSH practices is also applicable to migrant workers, as they are employed in many of the sectors covered by the Occupational Health and Environment Act B.E. 2554 (hereafter “OSH Act”). There are, however, some migrant-dominant sectors of work – such as fishing, agriculture, and domestic work – that are not covered by the OSH Act, and they do not benefit to the same extent from improvements to Thailand’s OSH practices.

Updates on OSH provided by stakeholders in the ten ASEAN Member States are quite limited, and the above few are not particularly focused on migrant workers or migrant-dominated sectors. Further efforts are therefore needed to give full effect to related AFML recommendations. Development of targeted measures for improving OSH protection for migrant workers will first require better analysis of the OSH risks they face. For this reason it is crucial to give priority to implementing 8th AFML recommendation 12, which calls for collection and sharing of disaggregated statistical data on OSH-related injuries, diseases, and casualties (e.g., by occupational area, type of injury, country of origin, age, and gender). Moreover, this recommendation is also in line with SDG Indicator 8.8.1, which measures frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status.

2.3.4 Social protection

Social protection is a basic human right and plays a central role in realizing sustainable development and promoting social justice (ILO, 2017b). The ASEAN Community Vision 2025 acknowledges the importance of respect for human rights and fundamental freedoms, and identifies migrant workers as being among a number of vulnerable groups in need of social protection. ASEAN’s commitment to social protection is further emphasized in the ASEAN Declaration on Strengthening Social Protection, which recognizes the need for the gradual extension of social protection coverage to vulnerable groups and the implementation of strategies that strengthen the coverage, availability, quality, equitability, and sustainability of social protection (ASEAN, 2013).

The 9th AFML on “Better quality of life for ASEAN migrant workers through strengthened social protection” concluded with a number of recommendations that advocate for the **extension of social protection** for migrant workers and their families, including those in hard-to-reach sectors like

domestic work. The recommendations call for equal treatment between nationals and non-nationals in accessing nationally defined social protection, adopting a progressive plan towards this end; and removing discriminatory practices and administrative obstacles to migrant workers' access to social benefits.

Implementation of these recommendations at the country level remains a challenge, and no new initiatives have been reported in this area. Instead, seven out of the ten ASEAN Member States have introduced measures to extend social security benefits to their own overseas workers. However, these benefits schemes commonly provide social security benefits that are inferior to those provided for workers employed in the country of origin. Similarly, several ASEAN receiving states are maintaining separate inferior social security schemes for migrant workers, which are less beneficial in comparison to the schemes available for national workers (ILO, Forthcoming). An example is **Malaysia's** Foreign Workers Compensation Scheme, which offers migrant workers fewer benefits than the social security scheme for nationals. This scheme exists despite Malaysia's ratification of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), which requires the provision of equal compensation to migrant workers and nationals who have suffered workplace accidents. The ILO's Committee of Experts on the Application of Conventions and Recommendations has issued several observations that Malaysia is not upholding its obligations under Convention No. 19 and has requested Malaysia review its social protection legislation. The mentioned limitations highlight that there are a number of challenges that remain before equitable access to social protection is achieved in the ASEAN region.

Recommendations from the 8th AFML also advocate for exploring and assessing the feasibility of bilateral or regional agreements on **portability of social protection**. Such an assessment is currently being done through a Thailand-led ACMW study on portability of social security for migrant workers. The study is being conducted by the Thai Department of Social Security, and it assesses feasibility of negotiating bilateral social security assessments in specific intra-ASEAN corridors, including the readiness of administrative and banking systems for making periodic payments for beneficiaries.

One new initiative at the regional level that is expected to facilitate implementation of social protection-related recommendations at the national level is the first Network Meeting of Social Security focal points, which was convened by the ILO in July 2017 to discuss bilateral options for improving social protections. The institutionalization of this network into a regular Technical Working Group could help in identifying strategies and practices and in developing a framework to facilitate both the extension of social protection for migrant workers and the implementation of portability of social security benefits.

Overall, a large proportion of migrant workers are left without access to social protection in the ASEAN region. ILO and IOM (2017) research highlights that enrolment in any type of social protection scheme is low among migrant workers from the region (28 per cent overall), and lower still for women (25 per cent). Many of the eligibility requirements for social protection benefits either explicitly exclude or create significant obstacles for migrants to claim their rights, such as documentation requirements, minimum qualifying periods, and sectoral exclusions. The gap is more significant among women migrants, as much of the work they do within the region is in informal sector jobs, which are commonly disqualified from coverage (e.g., agricultural and domestic work).

2.3.5 Freedom of association and organizing

Freedom of association is a basic human right and is enshrined in the ILO Constitution, the ILO Declaration of Philadelphia, and the ILO Declaration on Fundamental Principles and Rights at Work (1998) (ILO, 2018b). The AFML recommendations emphasize the importance of facilitating access for men and women migrant workers into trade unions and associations, as well as fostering the opportunity for migrant workers' voices to be heard through migrant associations. The 10th AFML also highlighted that freedom of association was especially important for migrant domestic workers in order for their voices to be heard in receiving countries.

In **Thailand**, the Network of Domestic Workers (NDWT) is a membership-based organization established in 2011, with its own constitution and organizational structure. The NDWT is divided into two networks: the Thai Domestic Workers network and the Migrant Domestic Workers network. The Migrant Domestic Workers network have developed their own rules and elected leaders from each ethnic group: Karen, Shan, Burmese, Pa-O. As of December 2017, the NDWT had a total of 591 members (W588:M3) – 395 in the Thai Domestic Workers network, and 196 in the Migrant Domestic Workers network (all from Myanmar). The NDWT has two main functions: 1) to organize domestic workers in Thailand; and 2) advocate for increased legal and social protection for domestic workers in Thailand. Furthermore, the network also conducts information dissemination on immigration policy, work permits, health insurance, and reproductive health to its members. In 2017, the NDWT initiated its contributions-based “Justice Fund” to assist members who have filed a complaint and taken their employers to court. Also in Thailand, the Global Transport and Maritime Workers Union launched the Fishers Rights Network in Songkhla and two other ports this year.

In **Malaysia**, MRC officers in Penang have been working with migrant workers to encourage trade union membership, which has resulted in 971 (W726:M245) migrant workers joining trade unions. The MRC has been organizing migrant workers for networking and union recognition purposes and currently has 302 (W145:M157) organizing migrant workers. The MRC officers often face challenges in organizing migrant workers for union recognition, as employers often discourage migrant workers from participating in organizing activities and some employment contracts prohibit migrant workers from joining a union or association. A number of migrant workers have also been dismissed and repatriated when they have participated in union activities. Attempts to officially register a domestic workers' association in Malaysia have already been denied twice by the Government (ILO, 2016).

The operating environment for trade unions remains challenging in many ASEAN Member States, and more work needs to be done to give full effect to AFML recommendations. Research by the ILO and IOM (2017) shows that fewer than one in ten migrant workers surveyed had joined a trade union or association (9 per cent). Participation was highest among migrant workers from Viet Nam, with approximately one in six Vietnamese migrant workers (16 per cent) having joined a union or association. Cambodian workers were the least likely to organize (3 per cent).

One obstacle to union membership among migrant workers is that they often work in informal sectors that do not have a significant history of organizing in Thailand or Malaysia, such as agricultural work, domestic work, and fishing. Migrants are prohibited from forming their own unions to fill these gaps or from serving in leadership roles in existing unions, which may limit their ability to voice their specific concerns (ILO and IOM, 2017).

2.3.6 Capacity building of employers

The AFML recommendations advocate for capacitating employers of migrant workers through capacity-building trainings, awareness raising, and educational programmes to improve employers' ability to manage migrant workers. Though the number of trainings for employers of migrant workers remains low in the ASEAN region, there are some initiatives by local CSOs and employers' federations to capacitate employers in receiving countries. The Foundation for Labour Employment and Promotion (FLEP) in Bangkok, for example, has organized seminars with employers of domestic workers on employment contracts and discussed the development of a Code of Conduct for the employment of domestic workers. Employers responded well to the information shared during the seminar, and it was an important step in securing the protection and labour rights of migrant domestic workers in Thailand. While the CoC remains under development, FLEP has finalized a standard employment contract for domestic work.

In **Malaysia**, the Malaysian Employers Federation (MEF) launched a new survey, the MEF Survey on Foreign Workers Employment in SME Sector in Malaysia 2018. The Survey aims to identify current issues and challenges of the employment and management of foreign workers faced by employers in small and medium enterprises (SMEs) in Malaysia. The findings from the survey will support the development of practical guidelines for employers on managing foreign workers and will promote best practices in SMEs. Furthermore, the MEF has also published a survey on the Management of Foreign Workers, which is a replication of a previous survey conducted with the support of the ILO. The survey collected information on multiple aspects of companies' management of foreign workers, including recruitment, placement, employment, and repatriation. The findings provided employers with a greater understanding of the Government's policy changes and the increasing costs of hiring migrant workers. The surveys also allow the MEF to organize member workshops on the management of foreign workers.

In **Thailand**, the ILO Good Labour Practices programme was rebuilt to include accountability principles for the seafood industry labour programmes and was launched by the Minister of Labour at Thaifex – the annual food industry conference – in May 2017.

The 10th AFML concluded with a number of recommendations towards achieving decent work for domestic workers. Recommendation 11 calls on receiving states to deliver pre-employment orientation to employers of migrant domestic workers. **Singapore** is currently the only ASEAN Member State that requires all first-time would-be employers of foreign domestic workers (as well as employers who have changed their FDWs frequently) to attend the Employers Orientation Program before submitting a work pass application for a FDW. The Employers Orientation Program helps employers understand their roles and responsibilities as an employer of an FDW. An Employers Guide, which covers information on the employer's responsibilities, such as salary guidelines, rest days, and worker well-being, is available to all employers.

At the **regional level**, the ASEAN Confederation of Employers has developed a concept for establishing a Resource Centre for ASEAN employers. A series of employer guides have been developed to assist employers with the multi-layered and interconnected issues related to the employment of migrant workers. In August 2017, a meeting was organized to discuss the establishment of the Resource Centre and the draft products that will be available through the Centre.

2.4 Cluster D – Complaint mechanisms and legal support

There are 22 recommendations in this cluster that highlight the importance of providing access to legal support services for migrant workers and their families. Particular emphasis was given to legal support and complaint mechanisms during the 6th AFML in 2013, which adopted several recommendations to promote the continued enhancement of legal support services for migrant workers. ASEAN Member States should provide accessible channels for women and men migrant workers to report and seek redress for violations and ensure that complaint mechanisms are gender-sensitive. The recommendations also emphasize the need to develop one-stop service centres for migrant workers that facilitate access to complaint mechanisms and assistance, including interpretation and free legal counseling and referral. Further, the recommendations advocate for strengthening the role of labour attachés, embassies, and consular officials as well as promoting inter-country collaborations between trade unions and CSOs in handling complaints cases. For a listing of recommendations grouped in this cluster, see Appendix II.

2.4.1 Access to complaint mechanisms

Since the 3rd AFML in 2010, several recommendations have been adopted that address the need to establish effective complaint mechanisms for migrant workers. The complaint mechanisms should be transparent, accessible, and simplified during recruitment, employment, and in case of termination and deportation to ensure that the integrity of the complaints can be carefully examined. Furthermore, the recommendations advocate for the right of migrant workers to stay and work until legal or labour cases are settled and for the protection of migrant workers from employer reprisals while filing complaints. Box 5 below showcases the types of complaints commonly filed by migrant workers.

In **Cambodia**, a Dispute Resolution Guidelines for Resolving Migrant Workers Grievances has been developed, following the delivery of a training on ethical recruitment and gender-sensitive protection of women migrant workers for ACRA, MAC, and private recruitment agencies. The purpose of the Guideline is to clarify the processes for resolving migrant worker grievances as defined in *Prakas* No. 249. The Guideline includes key definitions and implementation principles and clarifies the different steps of the dispute resolution process. Further, the Guideline also clarifies the roles and responsibilities of key stakeholders, including the MOLVT, the Provincial Departments of Labour and Vocational Training, the complainant, MRCs or other service providers, and the respondent or private recruitment agency. The Guideline will be launched during International Migrant’s Day 2018. Furthermore, since 2016 the MOLVT has resolved 1,171 migrant worker complaint cases (W501:M670) and rewarded a total of US\$350,507 in compensation to migrant workers and their families.

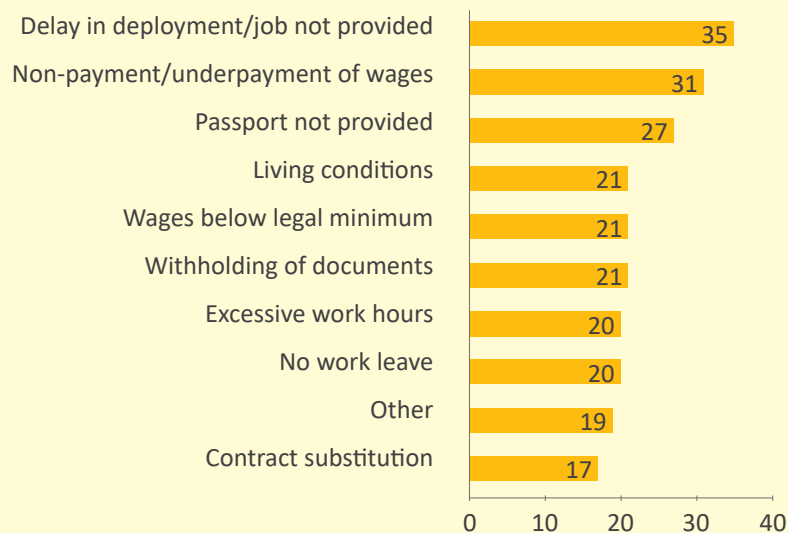
In **the Philippines**, the OWWA operates the e-CARES System, which is an electronic case registry and response system where migrant workers can register their complaints. The e-CARES system classifies the nature of a migrant worker's complaint, assigns the case to the specific overseas post concerned, and allows migrant to track the progress of their case online. In addition, the Philippines Department of Foreign Affairs has introduced new guidelines for the use of the Assistance to Nationals Fund and the Legal Assistance Fund after Congress approved an increase in funding for both funds. The budget increase will allow the Department of Foreign Affairs to expand the scope and improve the quality of their services to overseas Filipinos. The Assistance to Nationals Fund increased from 400 million pesos (PHP) to PHP1 billion, and the Legal Assistance Fund increased from PHP100 million to PHP200 million in 2018 (Department of Foreign Affairs, 2017).

Box 5 Types of complaints filed by migrant workers

A recent ILO study on migrant workers' access to justice in South-East Asia revealed that "progress has been achieved during the last few years in increasing access to justice for migrant workers in some of the countries of South-East Asia" (ILO, 2017, p. 41). However, despite this progress, migrant workers continue to face a number of challenges accessing complaint mechanisms and resolving disputes in sending and receiving countries. The challenges include the fact that only the most severe violations tend to receive attention, while everyday abuses such as the overcharging of recruitment fees remain unchallenged. Furthermore, the situation for migrant workers in receiving countries is similar; however, their inability to access justice is exacerbated by language barriers and employer-tied work permits and visas.

Figure 4 shows the ten most common types of complaints for migrant workers, with "delay in deployment or job not provided as promised" being the most common subject of complaint.

Figure 4. Ten most common types of complaints regionally (n=1,014) (%)



Note: Complaints could have more than one subject.
Source: ILO, 2017.

The Department of Labour in **Brunei Darussalam** launched an online complaints service. The complaints service allows migrant workers, employers, and the public to file complaints 24-hours a day. The Department of Employment in **Thailand** also launched an online complaint handling platform called "Help Me", which is available in six different languages (Thai, English, Khmer, Lao, Burmese, and Vietnamese). The website allows migrant workers and other individuals to register complaints with the Department of Employment. The Foundation for Labour Employment and Promotion (FLEP) also organized a policy dialogue seminar on complaint mechanisms for migrant domestic workers in Bangkok. The seminar supported information dissemination on complaint mechanisms to domestic workers. The Government of **Viet Nam** has issued Decree No. 24/2018/ND-CP dated 27 February 2018 regulating the settlement of complaints and denunciations related to contracts, jobs, safety, and labour hygiene in the field of labour, vocational education, and activities related to sending Vietnamese workers abroad (replacing Decree No. 119/2014 / ND-CP).

The **Malaysian** Government also made an amendment in 2015 to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (2007), which addresses several of the shortcomings raised by NGOs and the international community. The changes include granting permission for trafficking victims to move freely and work after a protection order has been granted and the requirement that a court order for payment of due wages must be issued in cases of non-conviction. This allows NGOs and other parties to provide protection services to victims and it also enables the establishment of a high-level inter-ministerial committee to improve government coordination on combatting trafficking. Allowing migrant workers to remain in country and work while their cases are being resolved is an important measure to increase their opportunities to seek redress (ILO, 2017) and should be made available to all migrant workers complainants, not just trafficking victims.

2.4.2 Legal support services and one-stop centres in receiving countries

Recommendations from the 4th and 6th AFMLs support the development of one-stop service centres for migrant workers and the provision of interpretation, free counseling, and referral services to facilitate migrant workers' access to complaints mechanisms and assistance. Additionally, information on the availability of such services should be disseminated to migrant workers and their families through appropriate communication channels. There are a number of initiatives that have been implemented across the ASEAN region to provide assistance for migrant workers. (For information on hotlines, one-stop services, and MRCs in ASEAN sending countries, see section 2.1.3 above.)

In **Brunei Darussalam**, the Brunei Council on Social Welfare (MKM) operates a Legal Advice and Advisory Clinic that provides free advice and assistance to vulnerable groups, including migrant workers. The Clinic provides free legal advice and legal services at a subsidized rate or on a pro bono basis. The MKM also operates a community outreach programme that aims to promote and protect the rights of socially and economically disadvantaged groups in society and improve their access to justice.

In **Thailand**, the Department of Employment has established five arrival and departure centres in Sraokeaw, Tak, Nongkai, Mukdahan, and Ranong provinces. The centres provide migrant workers entering Thailand through the MOU process with training courses that inform them of labour laws, rights, and social protection. Table 7 shows the total number of migrant workers that have received assistance in each of the five arrival and departure centres. The arrival and departure centres provide employment contracts in three languages: Thai, English, and in a language understood by the migrant worker. Furthermore, the Ministry of Labour has developed handbooks in six languages to support the post-arrival orientation of migrant workers.

Table 7. Number of migrant workers who have received assistance at arrival and departure centres in Thailand, by province (August 2016 – 10 August 2018)

Province	No. of migrant workers assisted
Sraokeaw	198 872
Tak	292 527
Nongkai	115 765
Mukdahan	1 161 (established 2018)
Ranong	N.A. (established 20 August 2018)

Source: Department of Employment.

In addition, the Ministry of Labour set up ten Migrant Worker Assistance Centres (MWACs) in multiple locations with large migrant worker populations. The MWACs are located in Chiang Mai, Samut Sakhon, Surat Thani, Songkhla, Samut Prakarn, Chon Buri, Nakhon Ratchasima, Khon Kaen, Tak, and Ranong. The MWACs were set up to strengthen coordination and cooperation amongst the Ministry's departments: the Department of Employment; Department of Labour Protection and Welfare; Social Security Office; and Provincial Labour Offices. Migrant workers are able to file complaints directly with an MWAC, rather than travelling to the relevant Ministry of Labour department to access redress mechanisms. Furthermore, as of mid-2017, 87 language coordinators have been hired for the Port In – Port Out Controlling Centre (PIPO) to support investigations involving migrant fishers and the provision of legal services to migrant workers.

In addition, FLEP and the Network of Domestic Workers in Thailand (NDWT) implemented a new initiative called "Hello Volunteers" that provides domestic workers with information related to labour rights and laws (in particular Ministerial Regulation No. 14) and information on social protection and immigration policies. There are 25 migrant domestic workers and 25 Thai domestic workers who have been trained to be "Hello Volunteers" in Bangkok. The volunteers are trained on legal protection, health insurance, OSH, reproductive health, and immigration regulations, and they provide information on all of these areas to NDWT members. Furthermore, about 250 migrant domestic workers have attended trainings on Ministerial Regulation No. 14 and social protection. FLEP and NDWT have also developed a mobile application called "Smart Domestic Workers", through which domestic workers can access information on the topics covered during the trainings. The information on the mobile app is available in three languages: Thai, Burmese, and English. As of 29 August 2018, 293,304 persons had accessed information using the Smart Domestic Workers app.

In **Singapore**, the Migrant Workers' Centre (MWC) set up the MWC "FAIR" Network Grassroots Movement in 2013. The MWC increased the number of ambassadors that are part of the MWC Grassroots Network to about 3,000 by the end of 2018, which is a significant increase from the 700 ambassadors that were part of the network as of May 2017. The ambassadors disseminate information to migrant workers, identify migrant worker grievance cases that require assistance from the MWC, and provide on-the-ground monitoring of workplaces to identify unfair employment practices and potential incidents so that MWC can intervene to prevent an escalation of the identified problem (NTUC, 2017). Furthermore, the MWC launched its second mobile unit under the FREIDA initiative during 2017. FREIDA was launched in February 2015 and stands for "Forward Response, Engagement and Intel Deployment Asset", and this mobile initiative allows the MWC to increase the reach of their support services for migrant workers in Singapore. Following the launch of the first mobile unit in 2015, the MWC reached over 50,000 migrant workers across Singapore by December 2016 (NTUC, 2016).

The 9th AFML background paper identified that the National Trade Unions Congress (NTUC) in Singapore set up the Centre of Domestic Employees in January 2016. During the CDE's first year of operation it attended to 517 domestic worker dispute cases, of which 83 per cent were resolved, and provided shelter for 249 domestic workers while their cases were undergoing investigation. The most common issues experienced by domestic workers were salary disputes, physical injury, and difficulty changing employers. Furthermore, in November 2017, the CDE launched satellite offices to increase the organization's outreach to migrant domestic workers (NTUC, 2017a; CDE, 2017). The CDE had a total of three satellite offices in City Plaza, Peninsula Plaza, and Lucky Plaza as of the end of 2018.

2.4.3 Labour attachés and consular support services

The AFML has adopted a number of recommendations acknowledging the important role labour attachés and consular officials play in providing migrant workers access to redress mechanisms and support services. These recommendations also highlight the need to strengthen labour attachés' and consular officials' capacity to respond to rights violations and provide on-site assistance.

The appointment of labour attachés and consular officials in receiving countries is a key protection mechanism employed by sending countries to enhance the protection of their migrant workers. The role of labour attachés and consular officials in the protection of migrant workers includes vetting would-be employers and contracts, assisting with workplace disputes and complaints, providing legal counseling and other support services, and monitoring employment conditions to ensure they are fair and just (ILO, 2015). The number of labour attachés posted by ASEAN Member States can be seen in table 8. Box 6 below provides an example of good practice in this area, highlighting the Philippine Overseas Labor Offices (POLOs).

Table 8. ASEAN countries with labour attachés

Country	No. of labour attachés	Countries/territories of assignment
Cambodia*	4	Japan, Republic of Korea, Malaysia, and Thailand
Indonesia	11	Brunei Darussalam, Hong Kong (China), Jordan, the Republic of Korea, Kuwait, Malaysia, Qatar, Saudi Arabia (2), Singapore, the Syrian Arab Republic, and the United Arab Emirates
Lao PDR	1	Thailand
Malaysia	4	India, Indonesia, Singapore, and Switzerland
Myanmar	10	The Republic of Korea, Malaysia (2), and Thailand (5)
Philippines	26	Australia, Bahrain, Brunei Darussalam, Cyprus, Greece, Hong Kong (China), Israel, Italy, Jordan, the Republic of Korea, Kuwait, Lebanon, Libya, Macau (China), Malaysia, Oman, Qatar, Saudi Arabia (3), Spain, Switzerland, Taiwan (China), the United Arab Emirates (2), and the United Kingdom.
Thailand	13	Brunei Darussalam, Germany, Hong Kong (China), Israel, Japan, Malaysia, the Philippines, Saudi Arabia (2), Singapore, Switzerland, Taiwan (China)(2), and the United Arab Emirates
Viet Nam	6	Japan, the Republic of Korea, Malaysia, Taiwan (China), Saudi Arabia, and the United Arab Emirates.

*Cambodia's labour counselors are a new initiative

Source: ILO, 2015 (updated 2018).

Since 2012, the **Malaysian** Bar Council, in partnership with the ILO, has supported a series of dialogues with labour attachés and consular officials from sending countries to build their knowledge and skills, establish coordination in the provision of services to migrant workers, and encourage better interaction with the relevant host government entities, employers, and workers' organizations. The dialogues aim to increase knowledge among labour attachés and consular officials, increasing knowledge sharing and good practices among the different countries' consular support services. Topics covered include labour laws and the role of labour attachés, anti-trafficking, law enforcement and deportation of

undocumented workers, access to the judicial system, occupational safety and health, immigration detention, protection of women migrant workers, and forced labour.

Box 6

Philippine Overseas Labour Office (POLO)

An example of good practice in the ASEAN region are the Philippine Overseas Labour Offices (POLOs). Established as an on-site protection mechanism for OFWs in receiving countries, POLOs are the operating arm of the Philippine Department of Labor and Employment in countries of destination. There are currently a total of 26 POLOs strategically located throughout the world (see table 8).

The POLOs provide support services and conduct post-arrival orientation seminars (PAOS) with OFWs when they arrive in their country of destination. The seminars cover the receiving country's labour laws and working environment, cultural and social norms, social protection, and access to remedies and support services. There are also PAOS that specifically target domestic workers in Malaysia. The PAOS are provided in addition to the PEOS and PDOS sessions that are described in section 2.1.2 above. The combination of both the PDOS and the PAOS increases the likelihood that women and men OFWs are aware of their rights as migrant workers and are provided with the tools and knowledge to have a positive overseas employment experience.

2.5 Cluster E – Return and reintegration

The recommendations in this cluster advocate for the implementation of effective return and reintegration strategies such as support programmes, job counselling, market-oriented skills development, and entrepreneurship training for returning migrants. Over the years, 12 AFML recommendations have been adopted that address return and reintegration programmes and policies. The recommendations encourage recognition of the skills of migrant workers through certification or testimonials of employment. Setting up ASEAN Guidelines on Effective Return and Reintegration to outline the responsibilities of sending and receiving countries is also highlighted in the recommendations. For a listing of recommendations grouped in this cluster, see Appendix II.

2.5.1 Effective return and reintegration strategies

The AFML recommendations highlight the need to set up sustainable economic reintegration policies that are evidence-based, gender-sensitive, and rights-based. Follow-up and monitoring of returnees, particularly of their livelihoods and reintegration, are also emphasized in the recommendations. Further, recognition of the skills of migrant workers through certification or testimonials of employment is also recognized as key for the successful reintegration of migrant workers.

The presence of established reintegration programmes in ASEAN sending countries remains limited; however, an exception exists in the form of the National Reintegration Centre for OFWs (NRCO) in the **Philippines**. The NRCO was established in 2010 with the aim to support returning OFWs' reintegration into society and their employment in the local labour market. The reintegration services and programmes in the Philippines fall under the Comprehensive OFW Reintegration Program (CORP), which serves as a guide for national and local government units, CSOs, and development partners that provide reintegration services. The CORP master plan outlines the reintegration services and programmes that are available to returned OFWs and identifies reintegration pathways for different occupational groups, such as seafarers, domestic workers, skilled workers, and professionals. In May 2018, it was announced that for the purposes of policy and programme coordination, the NRCO was to be transferred from the Department of Labor and Employment to the OWWA.

A new reintegration initiative under the CORP is the partnership between the Philippine Embassy in Bahrain and the Filipino company Mama Sita's Mixes and Sauces, which established a pilot programme to support the Filipino Government's reintegration programme. Under the initiative, Mama Sita's will provide "*kabuhayan*" [livelihood] packages to OFWs upon their return to the Philippines if they had to leave their workplace in Bahrain under circumstances that resulted in their being housed at the Embassy shelter prior to return. The *kabuhayan* packages will include Mama Sita's products, as well as a barbeque and other relevant equipment the OFWs may need to start a small business. It is hoped that the package will allow the OFWs to start new lives and have an alternative means of livelihood once they return to the Philippines (Embassy of the Philippines, 2018). The OWWA-NRCO also signed an MOU with Coca-Cola Philippines in 2018 that aims to strengthen the livelihood and entrepreneurship pathway for returned women OFWs (OWWA, 2018).

An additional NRCO initiative is the "Sa Pinas, Ikaw and Ma'am/Sir" project, which aims to re-train domestic workers on the skills required to obtain a Teacher 1 Position and find employment in their hometown. Under the programme, domestic workers are provided assistance to pass the Licensure Examination for Teachers and thereby support their reintegration upon return to the Philippines. The project is available for domestic workers and other OFWs in Abu Dhabi (United Arab Emirates), Hong Kong (China), Israel, Qatar, Saudi Arabia, and Thailand (NRCO, 2017).

The **Indonesian** Government has invested in strengthening information dissemination to migrant workers across the country. The MOM launched the "Migrant Productive Village Programme" (DESMIGRATIF) in September 2017, which is being implemented in migrant workers' home provinces. The DESMIGRATIF aims to provide safe migration and to engage with returning migrant workers and their family members to increase their capacity to effectively manage their own livelihood options. To date, the programme has been established in 250 villages, with the MOM aiming to extend the programme to a total of 400 villages by 2019.

While the number of comprehensive reintegration initiatives in ASEAN is limited, there are a number of smaller scale initiatives to support the reintegration of returned migrant workers in ASEAN sending countries. For example, in **Myanmar** the "Happy Return Programme" matches returned migrant workers from the Republic of Korea with Korean factories in Myanmar. In **Viet Nam**, The Asia Foundation has been helping three ILO-supported MRCs in Phu Tho, Thanh Hoa, and Quang Ngai provinces to improve and strengthen their existing job information and matching services for returnee migrant workers. The initiative established a collaboration between the Viet Nam General Confederation of Labour (VGCL) and the MRCs, and The Asia Foundation also assisted the MRCs with establishing databases on the returnee migrants, with the initial database containing profiles of over 2,000 returnees in the targeted provinces. The database allowed the MRCs to plan job counselling and job-matching sessions according to the returnees' location and skills acquired while employed overseas. Further, The Asia Foundation worked to increase the MRCs' outreach to returnee migrants through improved promotion of MRC job fairs and events. As of the end of June 2018, approximately 400 returnee migrants had found jobs through the job-matching events organized by the MRCs.

Certifying migrant workers' skills and experiences through assessments, or recognition of prior learning (RPL), in receiving countries and in home countries upon return is an area that requires more attention in the ASEAN region. One good practice in the region are the assessment programmes implemented by the TESDA in **the Philippines**. The TESDA also offers an Onsite Assessment Program, which assesses the current knowledge and skills of OFWs and assists OFWs in acquiring Philippine National Certification of their skills. The process of recognizing and certifying OFWs' skills helps prepare them for reintegration into the Filipino labour force.

2.6 Cluster F – Information campaigns

The 4th AFML focused on the importance of promoting a positive image of migrant workers as well as promoting increased understanding of the rights of migrant workers. There are four recommendations included in this cluster that emphasize the importance of campaigns that recognize the contribution of migrant workers and promote respect for migrant workers, including domestic workers. For a listing of recommendations grouped in this cluster, see Appendix II.

2.6.1 Public education campaigns

Following the adoption of recommendations on the importance of information campaigns at the 4th AFML in 2011, a number of successful education campaigns targeting the general public have been implemented in the ASEAN region. Notable examples from the previous AFML background paper include the “Migration Works” campaign that promoted positive attitudes and behavioural change towards migrants in Malaysia and the “Saphan Siang” campaign that used Youth Ambassadors to foster greater understanding and awareness of migrant workers’ situations in Thailand (ILO, 2017a).

Collaboration in **Malaysia** between the Migration Workers Empowerment and Advocacy project and Liber8 has secured the continuation of the successful “Migration Works” campaign. The social media activities of the campaign will include quizzes, regular scheduled social media events, pledge campaigns, and special online coverage of events and United Nations (UN) observance days. The campaign will also involve awareness events on campuses and in other public spaces.

In the **Philippines**, every December is the Month of Overseas Filipinos. In celebration of this occasion the Inter-Agency Committee, co-chaired by the Committee of Filipinos Overseas, organizes a number of projects and activities to recognize the contribution of OFWs. The theme for the Month of Overseas Filipinos in 2017 was “Enhancing Reintegration: Leaving No Migrants and Their Families Behind”. The Month of Overseas Filipinos is a positive public campaign that engages with the Filipino general public and brings attention to a number of issues faced by OFWs.

An additional **regional level** initiative is IOM X, which supports social resilience to human exploitation and trafficking in persons by applying Communication for Development (C4D) strategies. The strategy uses communication tools and activities to help create social and behavioural change with regard to human trafficking and exploitation among individuals and communities in origin, transit, and destination countries within ASEAN. Between 2014 and 2018, the IOM X campaign has reached over 505 million people in Asia and the Pacific and accumulated a total of 442,658 social media followers. At an individual level, it has increased positive attitudes among young migrant populations as well as among youths who are likely to become migrants. IOM X has also contributed to developments at a community level, as it has increased the number of public and state institutions engaging with private sector actors to adapt, develop, and use innovative approaches to address trafficking in persons.

Key ongoing activities at the regional level include preparations for the launch of the ASEAN public campaign on safe migration in December 2018. The campaign is an ACMW activity led by Indonesia and the Philippines, with support from the ILO’s TRIANGLE in ASEAN programme and the Enhanced Regional EU-ASEAN Dialogue Instrument (E-READI). Further, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children is planning a regional workshop on the development of a campaign to combat violence against women in the workplace. This workshop, which is being coordinated with IOM X and UN Women support, will target ASEAN country representatives and key partners in the region to build their understanding of the current situation of trafficking in persons and violence against women, while also building capacity on the application of Communication for Development. The workshop is scheduled to be organized in late November 2018.

2.7 Cluster G – Data collection

The recommendations in this cluster highlight the need to collect, share, and analyse labour migration data within the ASEAN region. In total there are 14 recommendations in this cluster, with the majority adopted during the 6th AFML, which focus on enhancing both policy and the protection of migrant workers through data collection and sharing. The development of guidelines and a compendium of good practices on data collection, analysis, and sharing should also be considered. The recommendations also advocate for improving the collection of data on non-compliance with employment standards and on social protection programmes as well as collecting disaggregated data on OSH-related injuries, diseases, and casualties. For a listing of recommendations grouped in this cluster, see Appendix II.

2.7.1 International labour migration statistics

Recommendations from the 6th AFML were instrumental in institutionalizing the International Labour Migration Statistics (ILMS) Database in ASEAN. Each year, the ILO facilitates collection of ILMS through a network of ILMS Focal Experts in relevant ministries and National Statistical Offices in each ASEAN Member State. Data compiled for the ILMS Database in ASEAN is collected using a questionnaire developed by the ILO, which covers countries' stocks of international migrants and international migrant workers, the corresponding annual inflows of these, and countries' stocks and outflows of nationals abroad. This data is presented in 19 tables that are separated into three modules: (A) International Migrant Stock, (B) International Migrant Flow, and (C) Nationals Abroad (See Appendix III). The fifth round of ILMS collection was completed in 2017 and the sixth round will occur in mid-2018.

Regular meetings among a network of ILMS Focal Experts from all ASEAN Member States have proved to be a good forum for sharing good practices in data collection and harmonizing definitions to improve comparability of data. The 4th Meeting of ILMS Focal Experts organized in February 2018 helped build the capacity of the ILMS Focal Experts, identified areas for improving statistical methods and the quality of administrative data on labour migration, and strengthened the process of data sharing in ASEAN.

At the national level, the **Philippines** Statistical Authority is conducting its first National Migration Survey in 2018. The survey will aim to provide baseline data on migration in the Philippines, and data will be collected on both internal and international migration. The data will be used to estimate international and inter-regional migration flows and identify major migration streams; examine different types of migration and migrant characteristics; determine migration numbers, patterns, and processes; and identify factors that affect migration processes. The results of the survey are expected to be released in May 2019.

In **Viet Nam**, the MOLISA issued Circular 35/2017/TT-BLĐTBXH on Management, Operation and Utilization of the Database of Vietnamese Labourers Working Abroad under Contract in December 2017. The new policy includes procedures for the operationalization and utilization of the database of overseas Vietnamese workers and outlines the reporting mechanisms of Vietnamese overseas workers. The Circular, which came into effect in February 2018, allows for improved management and monitoring of overseas workers.

In the **Lao People's Democratic Republic**, the MOLSW developed a computer system in 2016 to store information and data about outbound migrant workers. The database will be used by the MOLSW, the Department of Skills Development and Employment, employment service centres, and recruitment agencies. It is intended to help with issuing work permit cards for Lao migrant workers quickly

and transparently. The system will also track recruitment agencies and link workers to particular agencies, as well as identify which workers' contracts are due to expire. The database also collects administrative data on Lao migrant workers, such as gender, age, and working sector, which can assist the MOLSW to design evidence-based systems for management and protection of Lao migrant workers. To operationalize the database, a training of 24 recruitment agencies was recently organized with support from the TRIANGLE in ASEAN programme.

While progress has been made in the collection and sharing of ILMS, more work needs to be done in improving data collection at the national level in ASEAN Member States to give full effect to related AFML recommendations. In some ASEAN Member States, migration-related questions are missing in national labour force surveys and census questionnaires, which makes disaggregation of data by migratory status impossible. Data also needs to be disaggregated by gender and occupation. The ongoing challenges in the collection of gender-disaggregated data were highlighted in a 2017 study on women migrant workers in the ASEAN region (UN Women, 2017). Further, collection of disaggregated data on access to social protection and OSH-related injuries, diseases, and casualties needs to be improved.

2.7.2 Assessing demand and supply for migrant labour

The 6th AFML recommendations also called for the collection of labour market information in order to allow for assessment of the supply and demand of migrant labour in the ASEAN region, and there is increasing interest among ASEAN Member States to implement these recommendations in practice.

The **Philippines** and **Viet Nam** are co-coordinating an ASEAN activity under the SLOM-WG and ACMW 2016–2020 work plans focused on using labour market information to assess demand for migrant workers, and **Indonesia** has also expressed an interest in this area of work. The TRIANGLE in ASEAN programme is supporting the development of a methodology to assess and forecast the gap in labour supply and demand between sending and receiving countries. The methodology will be piloted in **Thailand** to assess the demand for workers in selected sectors, including but not limited to care work. The new methodology will be finalized by early 2019, and the pilot study is expected to be completed during 2019.

In order to successfully assess the demand and supply of migrant labour in the ASEAN region, more work is needed in addressing data collection gaps at the national level. An area that requires particular attention is the collection of gender-disaggregated data on women migrant workers. There is a significant need for comprehensive ASEAN-wide gender-disaggregated data on the number of women migrating through regular channels, on wages, and on occupational sectors of employment. Data available in ASEAN Member States does not always disaggregate by gender, particularly across occupations and sectors of employment (UN Women, 2017).

2.8 Cluster H – Regional initiatives

There are 10 recommendations in this cluster that promote cooperation among governments, employers' organizations, workers' organizations, and CSOs at the bilateral and regional levels towards achieving decent work for migrant workers. The recommendations also encourage the adoption of progressive national plans that include feasibility studies and gap analyses to support the ratification of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the ILO Private Employment Agencies Convention, 1997 (No. 181); the ILO Domestic Workers Convention, 2011 (No. 189); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. For a listing of recommendations grouped in this cluster, see Appendix II.

2.8.1 Adoption of the ASEAN Consensus

One key commitment by ASEAN agreed upon in Cebu Declaration in 2007 was to “task the relevant ASEAN bodies to follow up on the Declaration and to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers” (Article 22). “Speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers” was also encouraged in the 4th AFML recommendation 13. This recommendation further encouraged the ASEAN instrument to include the family members of all migrant workers in its coverage and states that “[t]he instrument shall comply with the international human rights and labour standards and be legally binding”. The commitment made in the Cebu Declaration was realized in 2017 with the signing of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers by ASEAN leaders at the 31st ASEAN Summit in Manila on 14 November 2017. The signing of the ASEAN Consensus marks a key milestone for ASEAN in the promotion and protection of the rights of migrant workers. Adopted a decade after the 2007 Cebu Declaration, it concludes the first ten-year cycle of ASEAN cooperation on the protection of migrant workers’ rights and marks the start of a new era. Most importantly, the Consensus proves the renewed political commitment of ASEAN to work together as a region on the protection and promotion of migrant workers.

The ASEAN Consensus builds on the 2007 Cebu Declaration. While the Cebu Declaration only defined the obligations of ASEAN Member States, the Consensus establishes the rights of migrant workers and members of their families. These include, among others, the right of migrant workers to an employment contract or proper documentation to file a complaint; to join a trade union; to fair treatment; to hold personal documents; to be visited by family members; and to rights no less favorable than those applied to nationals during imprisonment, custody, or detention. In addition, the Consensus increases the obligations of ASEAN Member States and includes new obligations related to passport issuance, recruitment fees, pre-departure orientation programmes, provision of employer education programmes, medical and health care, promotion of better local employment, provision of interpretation, and remuneration. It also expands on obligations included in the Cebu Declaration related to recruitment, repatriation, and reintegration.

One key aspect in which the ASEAN Consensus falls short of the expectations of 4th AFML recommendation 13 is that it is not legally binding. Further, as all commitments and obligations set out in the ASEAN Consensus are subject to the national laws of ASEAN Member States, it does not succeed in establishing a regional mechanism for implementation of the commitments. The responsibility for implementation and enforcement remains with the individual ASEAN Member States.

The ASEAN Consensus tasks the ACMW to develop an action plan to protect and promote the rights of migrant workers as reflected in the ASEAN Consensus and to report the progress of implementation of the Consensus and its action plan. Any disputes concerning its interpretation are also resolved through the ACMW.

How introduction of these new commitments and processes will interact with the AFML process in the future remains to be seen. The ACMW recommends that the AFML be held annually with the objective of advancing the principles contained in the Cebu Declaration. Due to the complementary nature of the Cebu Declaration and the ASEAN Consensus, it may be beneficial to reassign the AFML to advance the principles contained in both these instruments as one body of ASEAN principles on the protection and promotion of the rights of migrant workers.

2.8.2 ACMW activities and technical level collaboration

The AFML recommendations advocate for the engagement and consultation of stakeholders from government, employers' and workers' organizations, and CSOs for the development, implementation, amendment, and/or monitoring of labour migration programmes and policies in ASEAN Member States. Inputs received from governments, employers' organizations, workers' organizations, and CSOs highlight regional cooperation within each of these stakeholder groups and in multi-stakeholder events involving all groups.

An important platform for intergovernmental and multi-stakeholder engagement and consultation is activities under the ACMW Work Plan 2016–2020 (ASEAN, 2016). In addition to the major achievement of finalizing the ASEAN Consensus (see section 2.8.1 above), key activities completed in 2017 include a workshop on investigation and prosecution related to the labour dimensions of trafficking in persons in ASEAN held in July 2017 in the Philippines and the launch of the compendium of safe migration information materials from ASEAN Member States, led by the Philippines, at the 10th AFML in October 2017. Ongoing activities include a study led by Thailand on the portability of social security for migrant workers across ASEAN Member States and research led by Indonesia on migrant workers' standard employment contracts (or proper documentation). The ACMW's public campaign on safe migration led by Indonesia and the Philippines will be launched in December 2018.

Further, the AFML itself continues to be valued as the key ASEAN platform for multilateral and multi-stakeholder dialogue. Institutionalization of this annual forum with unique tripartite-plus participation – involving governments, employers' organizations, workers' organizations, and civil society organizations – as part of the ACMW work plan is valued by the stakeholders themselves and has also been cited as a good practice by observers outside the region.

One important platform for cooperation is regular meetings of technical working groups of focal experts in specific technical fields. The fourth meeting of the International Labour Migration Statistics (ILMS) Focal Experts took place in February 2018 and the third and fourth Regional Skills Technical Working Group Meetings were organized in July 2017 and July 2018 respectively, with support from the ILO. These technical working group meetings proved to be useful for the mutual sharing of experiences and networking among technical experts and in harmonizing definitions and improving the comparability of methodologies across the region. Setting up a similar technical working group on social protection has been suggested to facilitate expansion of social protection coverage and portability of benefits.

2.8.3 Cross-border cooperation among trade unions and CSOs

The AFML recommendations promote inter-country collaboration between trade unions and CSOs to support migrant workers in case complaints. There are a number of emerging inter-country collaborations between trade unions across the ASEAN region. The Malaysian Trade Unions Congress (MTUC) has concluded an MOU with the Vietnamese General Council of Labour (VGCL). The agreement focuses on outreach and training activities to enhance the protection of Vietnamese migrant workers in Malaysia. In February 2018, a meeting to develop the work plan to implement the VGCL–MTUC MOU was held in Kuala Lumpur, and a detailed plan of action and nomination letters of focal units with clear responsibilities and tasks were signed by both parties at the meeting. The VGCL also organized a consultation workshop on the role of trade unions in promoting fair recruitment and decent work for Vietnamese overseas migrant workers in June 2018. Furthermore, the MTUC renewed its partnerships with the General Federation of Nepalese Trade Unions and is also negotiating a partnership with the Confederation of All Indonesian Workers' Union (KSPSI).

In addition, there is an emerging relationship between the Lao Federation of Trade Unions and the Japan International Labour Foundation, which allows staff to share good practices on multiple levels. The Myanmar Embassy in Thailand has a migrant worker protection committee, which cooperates with a number of CSOs in Thailand to support labour dispute cases, negotiate with employers, and provide assistance during emergencies.

While there are a number of emerging cross-border collaborations between trade unions and CSOs in the ASEAN region, the majority of collaborations exist on an informal basis. The formalization of these relationships would strengthen trade unions' and CSOs' ability to provide support to migrant workers in case of complaints. Furthermore, Malaysia is currently the only country that has an established policy allowing migrant workers to remain in the receiving country while legal cases are settled. Securing migrant workers' right to stay and work in receiving countries requires further attention, as the majority of the ASEAN receiving countries have not taken steps to implement policies targeting this recommendation.

2.8.4 Ratification of international conventions

The AFML recommendations advocate for the ratification of international conventions and the alignment of national labour laws and legislations with international instruments. Furthermore, ASEAN Member States are encouraged to conduct feasibility studies and gap analyses to support the ratification process of ILO Conventions. Refer to Appendix IV for further details on the ratification of select international instruments in ASEAN.

In June 2018, **Thailand** became the 24th country in the world and the first in Asia to ratify the Protocol of 2014 to the Forced Labour Convention, 1930 (P 29). Protocol No. 29 reinforces the existing international legal framework for combatting all forms of forced labour and calls on ratifying States to take effective measures to prevent forced labour and provide victims protection and access to remedies such as compensation. The ratification of Protocol No. 29 demonstrates the Thai Government's commitment to strengthening and aligning its national legislative framework on forced labour with international labour standards. At the national level, the Government has taken a number of concrete steps to combat forced labour, including the amendment to the Anti-Trafficking Act No. 2 B.E. 2558; strengthening law enforcement bodies and their capacity to identify trafficking victims; and the establishment of complaint mechanisms for trafficking victims (ILO, 2018d).

Furthermore, Thailand has committed to ratifying the ILO Work in Fishing Convention, 2007 (No. 188) by the end of 2018. The Convention establishes minimum labour standards for those employed on fishing vessels and identifies a number of minimum requirements for work on board, such as accommodation and food, OSH, employment contracts, and social security.

The Thai Government is also conducting a gap analysis to determine the extent to which the national laws, regulations, and other measures as well as existing practices in the sector, complement the requirements for the Domestic Workers Convention, 2011 (No. 189).

In **Viet Nam**, the MOLISA has completed an internal dossier that will be submitted to the Government as part of a proposal to ratify the ILO Organization of Employment Services Convention, 1948 (No. 88), and the ILO Occupational Rehabilitation and Employment for Persons with Disabilities Convention, 1983 (No. 159).

In the **Philippines**, the Department of Labour and Employment has proposed the ratification of the ILO Private Employment Agencies Convention, 1997 (No. 181). The motion is currently with the Ministry of Foreign Affairs awaiting next steps.

In **Cambodia**, the MOLVT, with support from UN Women and the ILO, convened a tripartite consultation process to initiate the development of a roadmap for the implementation of Convention No. 189. A *Prakas* on Conditions for Domestic Workers was finalized in December 2016 that includes key elements of ILO Convention No. 189, including specifications on work hours, terms and conditions of employment, and standardized contracts for domestic workers.

Box 7 below moves beyond the region to present a global look at migration governance policy through a brief summary of the Global Compact for Safe, Orderly and Regular Migration.

Box 7

Global Compact for Safe, Orderly and Regular Migration

In the area of migration governance, pursuant to UN General Assembly Resolution 71/1 of September 19, 2016, following inter-governmental negotiations from early 2018 to July, the text on a Global Compact for Safe, Orderly and Regular Migration was agreed by participating States and will be adopted in an international conference in Marrakesh on 10–11 December. Although non-binding and having text that calls for signatory States to “draw” from recommended actions, it is the first document of its kind in the UN and offers comprehensive guidelines in its 23 objectives, with a strong link to the 2030 Agenda for Sustainable Development and having a number of references to Decent Work.

The Global Compact for Safe, Orderly and Regular Migration also includes specific commitments for children and their families.

A coming priority going forward will be the Framing Conference of the UN Network on Migration. The UN Network on Migration will be coordinated by the IOM and is expected to link in with regional- and national-level activities and align with the ongoing UN Development System reform.



3. Conclusion

3.1 Successes and challenges in implementing AFML recommendations

Reviewing the inputs and updates received from governments, employers' organizations, workers' organizations, and CSOs in ten ASEAN Member States highlights that progress has been made in implementing AFML recommendations in all Clusters A–H. Key findings can be drawn from the updates provided.

As regards information dissemination, pre-departure orientations, service provision to potential migrant workers, and post-arrival orientation (Cluster A), it can be noted that interventions are being implemented by a broad range of stakeholders, including governments, workers' organizations, employers' organizations, and CSOs. Various communication channels and media are being used for wide dissemination, including the use of online platforms, messaging apps, and social media. Challenges in this area relate to reaching the most vulnerable and ensuring the accuracy and comprehensiveness of the information provided. Data from a 2016 ILO and IOM survey of returnees indicate that there is wide variation among countries on the coverage achieved with regard to pre-employment information dissemination and pre-departure orientation. This ILO and IOM review also indicates there has been more uptake than earlier on post-arrival orientation. Hotlines, one stop services, and MRCs in countries of origin and destination have increased in number and are an important source for information and advice. Skills training in countries of origin is getting more attention than previously through a number of new initiatives. However, so far it appears in Greater

Mekong Subregion countries, skills training still mainly takes the form of on the job training during migration.

Inputs received show that progress has also been made in the area of fair recruitment (Cluster B), especially as relates to the regulation of recruitment agencies and the self-regulation of recruitment agencies through Codes of Conduct (CoC). Laws or mechanisms were introduced or improved in 2016–2018 in a number of countries, including Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. One encouraging example of intra-ASEAN learning was VAMAS sharing its experience in implementing its CoC and accompanying monitoring mechanism in Viet Nam so as to inform the development of similar initiatives by ACRA in Cambodia and the MOEAF in Myanmar. Ensuring the transparency of recruitment agency rankings requires continuous effort. More work remains to be done on simplifying and streamlining recruitment and emigration procedures as well as reducing recruitment costs and the time needed for migration through regular channels. Roll-out and implementation of new laws in Thailand and Indonesia are a priority to ensure their fair recruitment provisions.

In the area of providing decent working conditions (Cluster C), several ASEAN Member States have made progress in regulating work conditions for migrant workers and in issuing standard employment contracts or proper documentation. More regulatory work is needed, however, to ensure adequate protection of migrant workers in all economic sectors, including non-discriminatory access to social protection, health care, and workers' compensation for occupational injuries, diseases, disabilities, and casualties. Domestic workers' protection has improved in some Member States, but the full inclusion of domestic workers in labour and social laws remains unfulfilled. Overall, women remain less able to access social protection. There is increasing interest in portability of the social security benefits, but the development of bilateral agreements to enable portability is at its infancy. Further efforts are also needed in facilitating men and women migrant workers' access into trade unions and associations.

Inputs and updates reported by governments, workers' organizations, employers' organizations, and CSOs highlight that many interventions are being implemented to facilitate migrant workers' access to complaint mechanisms and legal support (Cluster D). Many challenges remain, however, in ensuring that existing complaint mechanisms are accessible, effective, gender-sensitive, and gender-responsive, as recommended by past AFMLs. This could be achieved through improved linking of CSO and trade union support services to official complaint mechanisms. One encouraging development is increasing cross-border cooperation between trade unions and CSOs in the provision of support services, which in some cases has been done with the involvement of labour attachés or consular staff.

Return and reintegration (Cluster E) is an area where more policy work is needed to give full effect to the related AFML recommendations. While programmes and services have been set up in some ASEAN Member States, no country in the region has reportedly established a comprehensive state policy or strategy on reintegration. Such policies, as envisioned by past AFMLs, should include recognizing the skills of migrant workers through certification and testimonials (i.e. recognition of prior learning, or RPL), ensuring that compensation and benefits are duly paid and providing support and training programmes for returning migrant workers.

Only a few public education campaigns on the contributions of migrant workers to society and the economy (Cluster F) have been reported in ASEAN Member States. Further efforts in these areas could be beneficial to increase public awareness and strengthen the commitment of relevant parties to protecting the rights of migrant workers.

One key effort in collecting, sharing, and analysing labour migration data (Cluster G) is the annual collection of International Labour Migration Statistics (ILMS) in ASEAN led by the ILO. Regular meetings among a network of ILMS Focal Experts from all ASEAN Member States – which was set up to implement a related AFML recommendation – have proved to be a useful forum for sharing good practices in data collection and harmonizing definitions to improve comparability of data. The sixth round of ILMS collection in ASEAN was completed and the 4th Meeting of ILMS Focal Experts organized in 2018. Further attention is required, however, for the collection of gender-disaggregated data by ASEAN Member States, particularly on sectors of employment and wages. A new area of interest for many ASEAN Member States is assessing and forecasting gaps in labour supply and demand between countries of origin and destination.

In the area of multilateral and multi-stakeholders cooperation (Cluster H), a major achievement was the signing of the ASEAN Consensus in November 2017. The ASEAN Consensus marks a step forward from the Cebu Declaration, as it establishes the rights of migrant workers in ASEAN and expands the obligations of sending and receiving States. Some countries in the region have also made progress in ratification of relevant ILO Conventions. The sharing of good practices, experiences, and information among ASEAN Member States takes place regularly during various ACMW Work Plan activities and other regional events. Most importantly, the AFML itself continues to be valued as the key ASEAN platform for multilateral and multi-stakeholder dialogue. Further, regular meetings of technical focal points – such as the above-mentioned ILMS Focal Experts Meeting or the annual Regional Skills Technical Working Group Meeting – have proved to be useful in harmonizing definitions and improving comparability of methodologies across the region.

3.2 Next steps for the AFML?

After 11 years of AFML discussions covering various policy and intervention areas related to protection and promotion of the rights of migrant workers, it seems relevant to consider what is next for the AFML. What are some policy and intervention areas not yet discussed at the AFML? What new angles could be considered in the selection of AFML themes? What new themes from the ASEAN Consensus could be brought to the AFML table?

Some areas previously touched upon in AFML recommendations that could benefit from more detailed discussion include, for example, skills recognition and recruitment costs. Discussion on skills recognition, covering both mutual recognition of skills before departure and recognition of prior learning upon return, would be helpful in maximizing the benefits of migration for low- and medium-skilled workers in ASEAN. Further discussions would also be useful to prompt data collection. Particular attention should be paid to collecting data on recruitment costs in accordance with the SDG Indicator 10.7.1 (which could help to reduce recruitment costs in the region) and also OSH data disaggregated by migratory status (as linked to SDG Target 8.8 on protection of labour rights). More attention also needs to be devoted to the regulatory changes and practical measures needed in ASEAN Member States to guarantee appropriate employment protection, payment of wages, and decent working and living conditions for migrant workers in line with Article 8 of the Cebu Declaration. Critically important in this area will be extending minimum wage laws to all sectors that employ migrant workers, including domestic work and agriculture, and reducing the major wage gap that exists between men and women migrant workers.

Analysis of the inputs and updates received from governments, employers' organizations, workers' organization, and CSOs have identified above some areas where implementation of past AFML recommendations remains a work in progress (see section 3.1). To prompt national implementation

of these recommendations, further sharing of good practices or joint piloting could be facilitated through specific ACMW activities (see section 2.8.2), technical level working group meetings (see section 2.8.3), or through future AFML discussions.

As noted above, the scope of the ASEAN Consensus is broader than the Cebu Declaration, as it defines the rights of migrant workers and expands the obligations of sending and receiving States. New themes for AFML discussions selected from the ASEAN Consensus could include the implementation of fundamental and specific rights of migrant workers; sexual harassment and violence against women in the workplace, remittances, the rights of migrant workers' family members, and protection of undocumented workers – especially those who have become undocumented through no fault of their own.

The themes of the latest two AFMLs – the 10th and 11th – represented a new and meaningful approach to choosing an AFML theme, as they cut across various policy and intervention areas covered in the Cebu Declaration. The 10th AFML theme on migrant domestic workers was the first time the forum has focused on a specific group of workers. Similar discussions could be organized in the future with a focus on sectors such as agriculture, construction, or fishing. The 11th AFML theme is innovative with its focus on the application of specific kinds of tools – in this case digital tools – across different policy and intervention areas covered in the Cebu Declaration and past AFML discussions.

In view of global frameworks, such as the 2030 Agenda for Sustainable Development and the Global Compact on Migration, and their convergence with a number of AFML recommendations (for example on fair recruitment, decent work, and data collection), progress reported in the AFML can also contribute to regional reporting on the progress towards various targets and goals under the global processes.

Overall, it can be noted that the AFML continues to be valued as an important platform for broad-based dialogue on protection and promotion of the rights of migrant workers in ASEAN. Institutionalization of this annual forum with a unique tripartite-plus participation – involving governments, employers' organizations, workers' organizations, and civil society organizations – as part of the ACMW work plan is valued by the stakeholders themselves and has also been cited as a good practice by observers outside the region.

References

Asian Development Bank (ADB). 2018. *Cambodia's new Technical and Vocational Education and Training Policy*, ADB Briefs, No. 89. Available at: <https://www.adb.org/sites/default/files/publication/401691/adb-brief-089-cambodia-new-tvet-policy.pdf> [11 Sep. 2018].

Association of Southeast Asian Nations (ASEAN). 2008. *Charter of the Association of Southeast Nations*. Available at: <https://www.asean.org/storage/images/archive/21069.pdf> [17 Oct. 2018].

—. 2009. *ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW): Work plan*. Available at: <https://asean.org/storage/images/archive/23062.pdf> [17 Oct. 2018].

—. 2013. *ASEAN Declaration on Strengthening Social Protection*. Available at: http://www.fao.org/fileadmin/templates/rap/files/meetings/2014/141208_4_ASEAN_Declaration_on_SP.pdf [10 Oct. 2018].

—. 2015. *ASEAN Economic Community Blueprint 2025*. Available at: http://www.asean.org/storage/2016/03/AECBP_2025r_FINAL.pdf [4 Sep. 2018].

—. 2016. *ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) Work plan 2016-2020*. Available at: https://asean.org/storage/2012/05/ACMW-Work-Plan-2016-2020_adopted-by-the-24th-ALMM_FINAL.pdf [7 May 2019].

—. 2017. *ASEAN statistical leaflet – Selected key indicators 2017* (Jakarta). Available at: https://www.aseanstats.org/wp-content/uploads/2017/11/ASEAN-Statistical-Leaflet-2017_Final.pdf [3 Sep. 2018].

—. 2017a. *Compendium on migrant workers' education and safe migration programmes* (Jakarta). Available at: <https://asean.org/storage/2012/05/ASEAN-Compendium-on-Workers-Education-and-Safe-Migration-Programmes.pdf> [15 Oct. 2018].

Centre for Domestic Employees (CDE). 2017. *CDE launches satellite offices and urges FDWs to adopt e-payment of salaries*, 17 Dec. Available at: http://cde.org.sg/wps/portal/cde/home/news/newsdetails?WCM_GLOBAL_CONTEXT=/content_library/cde/home/news/32b6ca80-fbf1-4487-9f01-0acb743d8c25 [25 Sep. 2018].

Department of Foreign Affairs, Philippines. 2017. *DFA assures OFWs of quicker response, improved services with signing of new guidelines on use of P1-B in ATN funds*, 18 Dec. Available at: <https://dfa.gov.ph/dfa-news/dfa-releasesupdate/15069-dfa-assures-ofws-of-quicker-response-improved-services-with-signing-of-new-guidelines-on-use-of-p1-b-in-atn-funds> [14 Sep. 2018].

Embassy of the Philippines, Bahrain. 2018. *Mama Sita's partners with the PHL Embassy for pilot program to assist OFWs in Embassy shelter*, PR-AAV-025-2018, 7 Sep. Available at: <http://manamape.dfa.gov.ph/index.php/embassynews/612-aav-25> [9 Sep. 2018].

International Labour Migration Statistics Database in ASEAN (ILMS). 2017. *ASEAN Labour Migration Statistics: International Migration Statistics (ILMS) Database in ASEAN* [data file]. Retrieved from: http://apmigration.ilo.org/copy_of_2017ILMSDatabaseinASEAN.xlsx [18 Oct. 2018].

International Labour Organization (ILO). 2010. *Moving towards decent work for domestic workers: An overview of the ILO's work* (Geneva). Available at: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_142905.pdf [11 Oct. 2018].

- . 2012. *International Standard Classification of Occupations: ISCO-08* (Geneva).
 - . 2013. *Employment practices and working conditions in Thailand's fishing sector* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_220596.pdf [23 Oct. 2018].
 - . 2015. *The role of ASEAN labour attachés in the protection of migrant workers* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/projectdocumentation/wcms_417372.pdf [6 Oct. 2018].
 - . 2016. *Review of labour migration policy in Malaysia* (Bangkok). Available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_447687.pdf [27 Oct. 2016].
 - . 2017. *Access to justice for migrant workers in South-East Asia* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_565877.pdf [6 Oct. 2018].
 - . 2017a. *Progress of the implementation of recommendations adopted at the 3rd – 8th ASEAN Forums on Migrant Labour* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_548377.pdf [6 Oct. 2017].
 - . 2017b. *World Social Protection Report 2017-19* (Geneva). Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf [7 Oct. 2018].
 - . 2018. *Myanmar: 66 more overseas employment agencies sign up to the Code of Conduct for fairer migration*, 22 Mar. Available at: https://www.ilo.org/yangon/press/WCMS_622783/lang--en/index.htm [12 Sep. 2018].
 - . 2018a. *New online ratings help migrant workers avoid unscrupulous recruiters*, 11 Apr. Available at: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_625204/lang--en/index.htm [12 Sep. 2018].
 - . 2018b. *Freedom of association*. Available at: https://www.ilo.org/empent/areas/business-helpdesk/WCMS_DOC_ENT_HLP_FOA_EN/lang--en/index.htm [7 Oct. 2018].
 - . 2018c. *TRIANGLE in ASEAN Migrant Workers Resource Centres*. Available at: https://www.ilo.org/asia/projects/WCMS_629153/lang--en/index.htm [4 Oct. 2018].
 - . 2018d. *Thailand joins the global movement to combat forced labour*, 4 Jun. Available at: https://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_631435/lang--en/index.htm [8 Oct. 2018].
 - . 2018e. *Towards achieving decent work for domestic workers in ASEAN: 10th ASEAN Forum on Migrant Labour (AFML) – Thematic background paper* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_631089.pdf [10 Oct. 2018].
 - . 2018f. *Ship to shore: Baseline research findings on fishers and seafood workers in Thailand* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_619727.pdf [22 Oct. 2018].
 - . Forthcoming. *Social protection for migrant workers in ASEAN: Developments, challenges, and prospects*.
 - . Forthcoming–a. *Work-paid migration costs in the Viet Nam – Malaysia corridor* (Bangkok).
- International Labour Organization (ILO); International Organization for Migration (IOM). 2017. *Risks and rewards: Outcomes of labour migration in South-East Asia* (Bangkok). Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_613815.pdf [4 Sep. 2018].

Livelihoods and Food Security Trust Fund (LIFT). 2017. *Garment Skills Training Centre MOU signed with Government*, 25 Aug. Available at: <https://www.lift-fund.org/event/stories-event/garment-skills-training-centre-mou-signed-government> [11 Sep. 2018].

Malaysian Employers Federation (MEF). 2016. *MEF Survey on Management of Foreign Workers* (Kuala Lumpur).

Ministry of Manpower (MOM), Singapore. 2016. *Initiatives to raise standards in foreign domestic worker-placing employment agencies*, 9 Mar. Available at: <https://www.mom.gov.sg/newsroom/press-releases/2016/0309-initiatives-to-raise-standards-in-foreign-domestic-worker-placing-employment-agencies> [26 Sep. 2018].

—. 2018. *Amendments to the Employment Act*. Available at: <https://www.mom.gov.sg/employment-practices/employment-act/amendments-to-the-act> [25 Sep. 2018].

—. 2018a. *Closing address at the Singapore Workplace Safety and Health Conference 2018*, 30 Aug. Available at: <https://www.mom.gov.sg/newsroom/speeches/2018/0830-speech-by-mr-zaqy-mohamad-minister-of-state-at-wsh-conference-2018> [25 Sep. 2018].

—. 2018b. *Summary table: Labour force*. Available at: <http://stats.mom.gov.sg/Pages/Labour-Force-Summary-Table.aspx> [7 Oct. 2018].

—. 2018c. *New work permit condition to protect both employers and foreign domestic workers from money-related disputes*, 7 Oct. Available at: <https://www.mom.gov.sg/newsroom/press-releases/2018/1007-new-work-permit-condition-to-protect-both-employers-and-foreign-domestic-workers-from-money-related-disputes> [11 Oct. 2018].

National Reintegration Centre for OFWs (NRCO). 2017. *Sa 'Pinas, Ikaw Ang Ma'am/Sir!*, 12 Jan. Available at: <http://www.nrco.dole.gov.ph/index.php/programs-and-services/sa-pinas-ikaw-ang-ma-am-sir-program> [18 Sep. 2018].

National Trades Union Congress (NTUC). 2016. *Migrant Workers' Centre expands outreach*, 23 Dec. Available at: https://www.ntuc.org.sg/wps/portal/up2/home/news/article/articledetails?WCM_GLOBAL_CONTEXT=/Content_Library/ntuc/home/working%20for%20u/10483441-8084-4de2-a3e3-ae458d56310 [25 Sep. 2018].

—. 2016a. *Centre for Domestic Employees calls for more transparency in costs*, 14 Nov. Available at: https://www.ntuc.org.sg/wps/portal/up2/home/news/article/articledetails?WCM_GLOBAL_CONTEXT=/Content_Library/ntuc/home/working%20for%20u/e328e320-151d-48e6-a15f-ff767caa5f7c [25 Sep. 2018].

—. 2017. *Labour Movement celebrates May Day with 10,000 migrant workers*, 21 May. Available at: https://www.ntuc.org.sg/wps/portal/up2/home/news/article/articledetails?WCM_GLOBAL_CONTEXT=/Content_Library/ntuc/home/about%20ntuc/newsroom/media%20releases/92630b60-5d46-4f07-89fe-9450c9898ddd [25 Sep. 2018]

—. 2017a. *On the domestic front*, 7 Feb. Available at: https://www.ntuc.org.sg/wps/portal/up2/home/news/article/articledetails?WCM_GLOBAL_CONTEXT=/Content_Library/ntuc/home/working%20for%20u/fc5bf0e0-51a3-4628-a250-f1f8400dd288 [25 Sep. 2018].

—. 2018. *MWC launches Foreign Workers Settling-in Programme*, 23 Sep. Available at: https://www.ntuc.org.sg/wps/portal/up2/home/news/article/articledetails?WCM_GLOBAL_CONTEXT=/Content_Library/ntuc/home/working%20for%20u/47af9091-5f2d-4bef-ab64-545894518f6c [25 Sep. 2018].

Orbeta, A. 2013. *Enhancing labour mobility in ASEAN: Focus on lower skilled workers*, Discussion Paper Series No. 2013-17 (Manila, PIDS). Available at: www.pids.gov.ph/dp.php?id=5153&pubyear=2013 [3 Sep. 2017].

Overseas Workers Welfare Administration (OWWA). 2018. *OWWA highlights entrepreneurship & digital literacy*

for stakeholders on 2018 Migrant Workers' Day, news. Available at: <http://www.owwa.gov.ph/news/central/29-owwa-highlights-entrepreneurship-digital-literacy-for-stakeholders-on-2018-migrant-workers-day> [6 Oct. 2018].

—. n.d. *Education and training assistance*. Available at: <http://www.owwa.gov.ph/programs-services/education-training> [10 Sep. 2018].

Philippine Overseas Employment Administration (POEA). 2016. *One-top Service Center for OFWs opens August 15*, 14 Aug. Available at: <http://www.poea.gov.ph/news/2016/08-5.pdf> [11 Sep. 2018].

Thai Union. 2015. *Thai Union joins hands with MWRN to promote migrant worker rights in Thai facilities*, 8 Oct. Available at: <http://www.thaiunion.com/en/newsroom/press-release/98/thai-union-joins-hands-with-mwrn-to-promote-migrant-worker-rights-in-thai-facilities> [7 Sep. 2018].

—. 2016. *Thai Union at International Organization for Migration Seminar on Ethical Recruitment of Migrant Workers*, 19 Dec. Available at: <http://www.thaiunion.com/en/newsroom/press-release/435/thai-union-at-international-organization-for-migration-seminar-on-ethical-recruitment-of-migrant-workers> [7 Sep. 2018].

—. 2017. *Thai Union and MWRN continue to team up to promote labour rights*, 24 Feb. Available at: <http://www.thaiunion.com/en/newsroom/press-release/459/thai-union-and-mwrn-continue-to-team-up-to-promote-labor-rights> [7 Sep. 2018].

Undercurrent News. 2016. *Migrant Rights NGO, Thai Union team up for a new project*, 20 Jan. Available at: <http://www.thaiunion.com/en/newsroom/press-release/154/migrant-rights-ngo-thai-union-team-up-for-new-project> [7 Sep. 2018].

United Nations, Department of Economic and Social Affairs (UNDESA), Population Division. 2017. *International Migration Report 2017: Highlights* (New York). Available at: http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf [3 Sep. 2018].

UN Women. 2017. *Women migrant workers in the ASEAN Economic Community* (Bangkok). Available at: <http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/06/aec-women-migration-study.pdf?la=en&vs=4122> [23 Oct. 2018].

Appendix

Appendix I. List of respondents

Country	Name of respondent
Brunei Darussalam	<ul style="list-style-type: none">• National Chamber of Commerce and Industry• Brunei Council on Social Welfare• Department of Labour
Cambodia	<ul style="list-style-type: none">• Ministry of Labour and Vocational Training (MOLVT)• Cambodian Federation of Trade Unions (CCTU)• Legal Support for Children and Women (LSCW)
Indonesia	<ul style="list-style-type: none">• Ministry of Manpower (MOM)• Confederation of Indonesian Prosperity Trade Unions (KSBSI)• Confederation of Indonesian Trade Unions (KSPI - CITU)
Lao People's Democratic Republic	<ul style="list-style-type: none">• Ministry of Labour and Social Welfare (MOLSW)• Lao National Chamber of Commerce and Industry (LNCCI)• Lao Federation of Trade Unions (LFTU)• Association for Development of Women and legal Education (ADWLE)
Malaysia	<ul style="list-style-type: none">• Malaysian Employers Federation (MEF)• Malaysian Trade Unions Congress (MTUC)• Migrant Working Group
Myanmar	<ul style="list-style-type: none">• Ministry of Labour, Immigration and Population (MOLIP)• Myanmar Overseas Employment Agencies Federation (MOEAF)• Confederation of Trade Unions in Myanmar (CTUM)• Rakhine Women's Union• Tavoyan Women's Union• Mawk Kon Local Development Organization• Agency for Basic Community
The Philippines	<ul style="list-style-type: none">• Overseas Workers Welfare Administration (OWWA)• Employers Confederation of the Philippines (ECOP)• Philippines Migrant Rights Watch (PMRW)
Singapore	<ul style="list-style-type: none">• Singapore National Trades Union Council (NTUC)
Thailand	<ul style="list-style-type: none">• Department of Employment (DOE)• Department of Skills Development (DSD)• Department of Labour Protection and Welfare (DLPW)• Social Security Office (SSO)• Employers Confederation of Thailand (ECOT)• Foundation for Labour and Employment (FLEP)
Viet Nam	<ul style="list-style-type: none">• Ministry of Labour, Invalids and Social Affairs (MOLISA)• Viet Nam Chamber of Commerce and Industry (VCCI)• Viet Nam General Confederation of Labour (VGCL)• Rosa Luxemburg Stiftung Southeast Asia• The Asia Foundation• Research Centre for Gender, Family and Community Development (GFCD)

Appendix II. Clustering for the 3rd – 10th AFML Recommendations

AFML #	Recommendation number	Narrative
A. Information dissemination, pre-departure orientation, post-arrival orientation and support services targeting migrant workers, potential migrant workers and their families		
3rd	1	Strengthen information and services to better protect women and men migrant workers and ensure decent and productive work in conditions of freedom, equity, security and human dignity. Provide opportunities for migrants to realize their labour rights in line with legislation of the ASEAN Member States, the ILO Fundamental Principles and Rights at Work, and their basic human rights protected by the UN and international Conventions, particularly CEDAW and CRC, and in the spirit of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.
3rd	2	Ensure that information services are more accessible to women and men migrants and reflect their specific and diverse needs. Pursue the use of varied delivery channels for pre-employment, pre-departure and on-site information, including schools and training institutions, migrant community representatives, the media and public information campaigns. Continually assess the quality and reach of information services for migrant workers and the capacity of service providers to meet these needs.
3rd	5	Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle.
4th	1	Deliver comprehensive pre-departure education in sending countries, not only about culture and social norms , but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others;
4th	2	Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society, that adopts a rights based approach in orientating both migrant workers, employers and government – to understand what their rights and responsibilities are;
4th	6	Undertake a regional study on the programmes of skills training, pre-departure and post-arrival orientations , and return and/or reintegration support offered by ASEAN Member States
5th	8	Ensure availability of information to the public on recruitment and emigration procedures and costs (such as fees, visa, passport, work permit, health examination, and pre-departure and post-arrival trainings/orientation) as well as the costs that should be shouldered by migrant workers and recruitment agencies in order to raise the awareness of potential migrant workers and communities, especially those in the rural areas and among women;
5th	9	Ensure that information of recruitment and emigration procedures and costs is regularly updated and widely disseminated to and accessible by the public through the appropriate media (such as TV, radio, newspapers, mobile phones, and internet) and with the involvement of returned migrant workers, tripartite partners and civil society;
5th	10	Develop affordable “one-stop-centre” services , such as online portal, in sending countries that are widely informed to and accessible by migrant workers;
5th	12	Disseminate information to the public on various recruitment options that are available in the country (such as private and public recruitment agencies, direct recruitment where applicable, and list of registered/ licensed recruitment agencies

AFML #	Recommendation number	Narrative
5th	19	Optimize the potential and role of returning migrant workers in information sharing with the communities on gender differential migration experiences, recruitment costs, agencies and practices, and emigration procedures;
6th	12	Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
7th	7	One-stop services and migrants resource centres should be set up in all ASEAN Member States and integrated at local, national and regional levels to ensure better protection mechanisms for men and women migrant workers. In this regard, hotline numbers should be attended 24 hours, available in languages understood by migrant workers, and should provide referral systems to other services required by migrant workers. Migrants resource centres operated by the governments, employers' organizations, workers' organizations and civil society organizations should provide support services and on-site protection for migrant workers and be well coordinated among all stakeholders
7th	14	National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers , workers' organizations, employers' organizations, and other stakeholders. In particular, immigration information and visa application procedure should be widely disseminated to migrant workers with the support of Labour Attachés and Embassies
7th	15	Recruitment policies and procedures should be streamlined and well informed to migrant workers and stakeholders, including through one-stop services and migrants resource centres at national and local levels
7th	16	The pre-employment, pre-departure and post-arrival orientation programmes should be conducted, mandatory and free of charge for all men and women migrant workers, involve stakeholders, and the quality of curriculum should continuously be improved and include cultural orientation and rights and obligations of men and women migrant workers and employers
7th	17	Briefings for and assistance to the families of migrant workers should be provided to enable them in coping with the challenges of overseas employment
8th	1	Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner
8th	7	Raise awareness of migrant workers on the role and purpose of labour inspection through information in languages understandable to migrant workers to ease their fear of reporting or making complaints, and provide contact information in relevant government departments and embassies
9th	9	Provide information on social protection including available schemes, rights and obligation, to migrant workers during pre-employment, pre-departure, post-arrival orientation seminars and during the employment, in a language understandable to migrant workers.

AFML #	Recommendation number	Narrative
10th	10	Provide standardized education and information on safe migration, including pre-employment, pre-departure, on-site and return orientation, at no cost to the migrant domestic workers and their families, including essential information on labour laws, social protection, and access to remedies regarding compensation for occupational injuries, death or exploitation;
10th	14	Promote the establishment of skills training programmes and certification systems to promote professionalisation and upward mobility of domestic workers. Likewise, competency standards should be developed for different domestic work roles, such as cook, cleaner, gardener, child and eldercare providers. In this regard, the ILO Regional Model Competency Standard for Domestic Workers could be promoted in the region;

B. Fair recruitment

4th	3	Raise awareness and build capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers' rights;
5th	2	Develop transparent, standardized and simplified recruitment procedures and set ceiling costs , including those that should be covered by employers and job seekers, with regard to recruitment and emigration costs in ASEAN Member States that should be widely disseminated to the public, especially those in the rural areas, with the participation of recruitment agencies and other stakeholders, which would promote the use of regular channels by migrant workers;
5th	3	Promote close coordination and dialogues of the Ministry of Labour/Manpower with other relevant line agencies towards coherent procedures, clearances and processes with the view to simplifying and streamlining these to reduce time and costs to migrant workers;
5th	4	Regulation of recruitment procedures and costs and streamlining of emigration procedures should be considered as part of bilateral agreements between sending and receiving countries which should be publicized to and accessible by the public, recruitment agencies and other stakeholders;
5th	6	Initiate a regional compendium of existing good practices of measures among ASEAN Member States to reduce recruitment costs and implement effective recruitment and emigration procedures and monitoring;
5th	11	Abolish intermediaries in recruitment practices other than registered/licensed recruitment agencies in ASEAN Member States which would contribute to the affordability of recruitment costs and elimination of malpractices
5th	13	Regulate recruitment agencies and practices by laws, regulations and policies that clearly define the migration cost structures in ASEAN Member States;
5th	14	Effectively monitor recruitment agencies and practices in ASEAN Member States with clear mechanisms, heavy penalties for infringements and positive ratings for ethical recruitment agencies. In this regard, communities, tripartite partners, civil society and other stakeholders should be involved towards effective monitoring;
5th	15	Develop and implement a licensing system of recruitment agencies and, where applicable, an accreditation system of foreign employers of direct recruitment agencies to effectively monitor their practices in ASEAN Member States;

AFML #	Recommendation number	Narrative
5th	16	Enhance the functions of labour attachés and consular officials in ASEAN Member States to verify information of job offers and employment contracts , as feasible, in receiving countries;
5th	6	Initiate a regional compendium of existing good practices of measures among ASEAN Member States to reduce recruitment costs and implement effective recruitment and emigration procedures and monitoring;
5th	18	Promote meaningful involvement of and partnerships with tripartite partners, the private sector (such as transport companies medical clinics, and commercial banks), civil society and communities at national and regional levels towards reducing recruitment costs and in monitoring recruitment agencies and practices
5th	21	Encourage continuous discussions on specific issues of reducing recruitment costs and streamlining emigration procedures at all levels where possible with the involvement of governments, tripartite partners and civil society and with the ASEAN Inter-Parliamentary Assembly (AIPA).
6th	17	Ensure, where possible, the joint accountability of employers and recruitment agencies in case of migrant workers' complaints when the recruitment agencies are responsible for recruiting and placing workers abroad;
7th	10	Recruitment agencies should be capacitated , where relevant, in securing better package of remunerations and benefits of migrant workers including minimizing or eliminating fees to be charged to migrant workers
7th	15	Recruitment policies and procedures should be streamlined and well informed to migrant workers and stakeholders, including through one-stop services and migrants resource centres at national and local levels
8th	11	Ensure the inclusion of OSH, employment conditions and, where possible, roles of labour inspection and labour attaché in bilateral and multilateral memorandum of understanding (MOU) concerning migrant workers to promote OSH preventive measures and to ensure legal protection of migrant workers in time of OSH and employment conditions violation
10th	4	Promote the negotiation for bilateral memorandum of understanding and/or labour and social security agreements for migrant workers, including domestic workers, that are compatible with international labour standards in consultation with relevant stakeholders and social partners;
10th	12	Promote fair recruitment practices and simplify the recruitment and placement processes through measures such as a standard recruitment agreement, reduction of recruitment fees, transparency and effective regulation of recruitment agencies. In this regard, private recruitment agencies should adhere to ethical codes of conduct.

C. Providing decent working conditions

4th	15	Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes;
5th	5	Encourage the ratification of the ILO Private Employment Agencies Convention, 1997 (No.181) and ILO Domestic Work Convention, 2011 (No. 189) and alignment of national labour laws and legislations with international instruments by all ASEAN Member States;

AFML #	Recommendation number	Narrative
7th	1	Employment contracts should be standardized by the national labour laws, based on core labour standards and in line with Article 22 of the ILO's Migration for Employment Recommendation (Revised). 1949 (No. 86)
7th	2	Standard employment contracts should stipulate clear terms and conditions of employment, rights and responsibilities of men and women workers and employers, including in vulnerable and hard-to-reach sectors such as fishing, domestic work and construction work, and grievance mechanisms including contact information and legal systems to file complaints. Employment contracts should be written in language understood by migrant workers, and signed by employers and workers prior to departure. Copies of employment contracts should be provided to migrant workers;
7th	3	ASEAN guidelines/framework of standard employment contracts should be developed with inputs from the countries of origin and destination, social partners, CSOs and migrant workers associations and by taking into account the prevailing national labour laws of ASEAN Member States
7th	4	Substitution of employment contracts and issuance of sub-standard employment contracts should be eliminated. Non-compliance by employers should be duly penalized and recorded in the databases of ASEAN Member States in accordance with the national laws and regulations. Where employment contracts are issued by a third party, as permitted by laws, they should be closely monitored to ensure meeting the required standards
7th	5	Governments should take and enhance measures and allocate resources to protect and promote the rights of migrant workers including regularly conduct labour inspection , including in vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work), training for labour inspectors and set up multi-sectoral joint task forces for labour inspection. The ILO Convention No. 189 and its accompanying Recommendation No. 201 provide guidance on labour inspection for domestic workers
7th	6	Occupational safety and health (OSH) should be improved through OSH trainings and provision of personal protective equipment, where applicable, by employers at the worksite upon arrival of migrant workers and on a regular basis thereafter, as well as availability of disaggregated OSH data and analysis
7th	11	Measures should be taken to facilitate access of men and women migrant workers into trade unions and associations , particularly those in sectors where workers are not organized
8th	1	Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner
8th	2	Develop OSH guidelines , including on access to employment injury benefits, which should be available in languages understandable to employers and migrant workers, and ensure implementation by employers

AFML #	Recommendation number	Narrative
8th	3	Promote OSH prevention culture in the workplace through continuous improvement on OSH trainings and equipment, provision of OSH guidelines; information materials and instructions in languages understandable to employers and migrant workers; sensitivity to women workers' needs; positive encouragement through awards to employers with inclusive OSH programmes; awareness raising through conventional and social media and other means by civil society, trade unions, and employers' organizations; and promotion of hotline number to migrant workers;
8th	4	Strengthen OSH policy implementation through awareness-raising on OSH among stakeholders, including governments, employers and workers, and clear actions taken for non-compliance by employers including on the provision of OSH training and measures to minimize OSH risks, statutory working hours, working environment and employment conditions and, where applicable, accommodation for migrant workers
8th	5	Encourage the formation of an OSH committee and/or management system at enterprise level with the involvement of migrant workers or trade union;
8th	6	Strengthen OSH policy implementation by the labour department in coordination with other relevant government agencies (health and foreign affairs) and stakeholders (embassies/labour attaché, trade unions, employers' organizations, overseas placement agencies, civil society organizations) within and across ASEAN Member States
8th	8	Strengthen labour inspection for decent employment and working conditions and OSH through capacity building and enhanced number of labour inspectors including women labour inspectors, setting up gender responsive and multidisciplinary teams for labour inspection, adequate resources for periodic inspections to vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work); and cooperation with employers' organizations, trade unions, civil society organizations and other relevant entities in hard-to-reach sectors
8th	9	Strengthen the role of labour attaché by providing them with OSH trainings, and promoting their gender responsiveness, access to information, referral systems with the labour inspection and relevant authorities of the Receiving States, and regular dialogue platforms with migrant workers
8th	14	Encourage non-discrimination on access to health care and provision of workers' compensation for occupational injuries, diseases, disabilities and casualties irrespective of occupational areas, nationality and status of migrant workers;
9th	1	Promote equal treatment between nationals and non-nationals in accessing nationally defined social protection in ASEAN Member States.
9th	2	Take measures as appropriate to adopt and implement in each ASEAN Member State a progressive plan, with a clear timeframe, towards ensuring equitable access to social protection for migrant workers keeping in mind the following priorities: working injury insurance, medical care, sickness and maternity benefits, old-age, invalidity and survivors' pensions and death benefits.
9th	3	Take into account the need to provide social protection to migrant workers' families, including but not limited to migrant workers' children's access to education.
9th	4	Provide all migrant workers and their family members access to emergency health care .
9th	5	Review relevant national laws in view to extend access to social protection to migrant workers.

AFML #	Recommendation number	Narrative
9th	6	Remove discriminatory practices in labour and social protection laws, immigration policies, and administrative obstacles that prevent migrant workers' access to social protection benefits (e.g. with regard to domestic workers).
9th	8	Include applicable and gender-responsive social protection provisions in written employment contracts or other appropriate written document in a language understandable to migrant workers.
9th	10	Strengthen capacity building, awareness and education programmes for policy makers and other stakeholders as well as sharing of knowledge and good practices among ASEAN Member States on social protection for migrant workers.
9th	12	Explore and assess the feasibility of developing bilateral or regional agreements or arrangements on portability of social protection for migrant workers between Sending States and Receiving States, either as a specific agreement and/or include in Memorandum of Understanding or Bilateral Labour Agreement.
9th	13	Support implementation of ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan particularly with reference to extending social protection coverage to all migrant workers through inter-sectoral cooperation of SLOM and Senior Officials Meeting on Social Welfare and Development (SOMSWD). Recommendations of the 9th AFML should be submitted by SLOM to SOMSWD as the focal point for inter-sectoral cooperation on social protection at ASEAN level.
9th	14	Engage multi- and cross-sectoral stakeholders including governments, employers' organisations, workers' organisations, civil society organisations, private sectors and migrant communities in raising awareness and implementing social protection for migrant workers as relevant.
9th	15	Ensure timely remittance of social protection contributions and benefits to migrant workers and their families that are due to them.
9th	16	Promote and support exchange of information and good practices on social protection and portability of social security for migrant workers within ASEAN as well as other regions.
10th	1	Recognise domestic workers as workers and remove outdated terminologies that diminish the dignity of domestic workers. Towards this end, ASEAN Member States should progressively move towards inclusion of domestic workers in their labour and social legislations ;
10th	3	Align national laws and policies with international instruments related to labour migration and domestic work , taking into account different contexts of ASEAN Member States;
10th	4	Promote the negotiation for bilateral memorandum of understanding and/or labour and social security agreements for migrant workers, including domestic workers , that are compatible with international labour standards in consultation with relevant stakeholders and social partners;
10th	5	Promote the adoption of a standard national employment contract or proper documentation, with clear terms of employment for migrant domestic workers, consistent with international labour standards, that is recognised and enforceable in both the Sending and Receiving States, and made available in the language of the migrant domestic worker. The standard contract should clearly specify the rights and responsibilities of both migrant domestic workers and their employers, job description, and work conditions; and adopt non-discriminatory gender-sensitive language;

AFML #	Recommendation number	Narrative
10th	6	Strengthen labour inspection and other compliance mechanisms to progressively extend the coverage to include individual households of the employers of domestic workers. Likewise, migrant domestic workers' access to complaint mechanisms should be ensured;
10th	7	National policies of the Receiving States concerning migrant domestic workers should allow for greater flexibility in changing employers ;
10th	9	Strengthen social protection legislations to extend the coverage of social security and health insurance for domestic workers ;
10th	11	The Receiving States to ensure pre-employment orientation to employers of migrant domestic workers, and promote good practices in the employment of domestic workers;
10th	17	Foster opportunities and an enabling environment for migrant domestic workers' voices to be heard through migrants' associations, workers' organisations , and civil society organisations in accordance with national laws and regulations;

D. Facilitating access to redress mechanisms and support services

3rd	3	Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments.
3rd	4	Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.
4th	16	Provide access to legal support and essential services , including consular services , for migrant workers and members of their families;
5th	17	Establish effective complaint mechanisms in ASEAN Member States that should be widely disseminated to and accessible by migrant workers with legal aid and assistance;
6th	9	Develop and strengthen the existing complaint mechanisms for migrant workers in ASEAN Member States that are transparent, accessible and simplified during recruitment, employment and in case of termination and deportation. In this regard, it is important to ensure that the integrity of complaints be carefully examined
6th	10	Ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers
6th	11	Support the development of "one-stop" service centre for migrant workers that among others, facilitate access to complaint mechanisms and assistance , including interpretation and free legal counselling/referral , in collaboration with all stakeholders including migrant communities, workers' and employers' organizations, and CSOs to ensure that the service are accessible to migrant workers
6th	12	Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
6th	13	Ensure and strengthen the roles of labour attachés, embassies, and consular officials to include support services on availing of complaint mechanisms for migrant workers;

AFML #	Recommendation number	Narrative
6th	14	Dispute resolutions, mediation, and other alternative dispute settlement mechanisms should be fully explored before administrative or judicial litigation processes
6th	15	Ensure timely notification and communication between the countries of destination and origin on judicial cases of migrant workers and extend cooperation to provide access to migrant workers to file cases for violation of rights in the country that the violation took place
6th	20	Consider developing regional guidelines and tools on the establishment of key aspects and standards of complaint mechanisms for migrant workers
7th	8	Referral systems between countries of origin and destination should be set up and function well and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin
7th	9	Labour attachés should be well trained and adequately supported to provide effective on-site protection . Gender balance amongst labour attachés should be by and large proportionate to the composition of male and female migrant workers
7th	12	Workers filing complaints should be given support to stay within the country of destination while complaints are being processed . In this regard, migrant workers and migrant workers' representatives should be provided with appropriate and timely assistance including protection from employers' reprisal while filing complaints.
7th	14	National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers, workers' organizations, employers' organizations, and other stakeholders. In particular, immigration information and visa application procedure should be widely disseminated to migrant workers with the support of Labour Attachés and Embassies
7th	19	Cooperation between the countries of origin and destination in providing assistance to migrant workers with health concerns should be strengthened in order to ensure access to treatment and relevant social welfare services
8th	10	Strengthen complaint mechanisms on OSH and employment conditions violation to include improved accessibility of the mechanisms, speedy settlement process, confidentiality of the source of information, protection from employers' reprisal, support to stay and, where applicable, work in the Receiving States while complaints are being processed, and investigation without the presence of employers, in language understandable to migrant workers, and preferably by women labour inspectors in cases of women migrant workers;
8th	15	Improve mechanisms of claiming and payment of workers' compensation benefits in a timely manner, even after returning to their countries of origin, through effective procedure to verify the beneficiaries; assistance of embassies/ labour attaché, trade unions and civil society organizations; and provision of clear information on OSH protection, workers' compensation, and the beneficiaries, for example through an employment contract.
10th	8	In case of legal dispute, migrant domestic workers should have the right to stay and work in the Receiving States until the legal or labour cases are settled in accordance with national laws and regulations;

AFML #	Recommendation number	Narrative
10th	13	Improve capacity and provide adequate human and financial resources for consular and labour services of embassies or foreign missions and migrant resource centres to support migrant domestic workers including access to complaint mechanism, justice and redress;

E. Effective return and reintegration strategies

4th	7	Improve the availability of employment services to the returned migrant workers , including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/ translation service. These services should be made available/extended to the family members of migrant workers left behind;
4th	8	Provide incentives to the returned migrant workers , e.g. the absence of penalty for the irregular migrants, tax exemption of import duties for tools and equipment to be used by migrant workers;
4th	9	Ensure as much as possible that mass/group deportation will not take place
4th	10	In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/contingency funds which cover repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organizations;
4th	11	Ensure that sustainable economic reintegration policies and strategies are evidence-based, market-demanded, need-based and gender sensitive;
4th	12	Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organizations
4th	14	Set up of ASEAN Guidelines on Effective Return and Reintegration ;
4th	17	<p>Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers:</p> <p>(a) Responsibilities of sending countries:</p> <ul style="list-style-type: none"> • Policies and strategies should be established to look after the return of migrant workers, e.g. “State Policy on the Reintegration of Migrant Workers”; • Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and • Follow up / monitoring system of the returnees, particularly on their livelihood and reintegration. <p>(b) Responsibilities of receiving countries:</p> <ul style="list-style-type: none"> • Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others; • Provision of proof of employment by the employers; and • Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards
5th	20	Encourage the recognition of the skills of migrant workers through certification / testimonial of employment , including employment history, experiences, skills and language, by employers and other entities where applicable;

AFML #	Recommendation number	Narrative
6th	18	Ensure adequate arrangements in case of return and repatriation to be shouldered by the employers;
7th	8	Referral systems between countries of origin and destination should be set up and function well and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin
7th	18	Support programmes, including job counselling, market-oriented skills development and/or entrepreneurship training , should be provided for returning migrant workers, and documentation of acquired competencies and experiences provided by employers should be introduced where feasible to support better career opportunities of men and women migrant workers in their countries of origin

F. Public education campaigns

4th	4	Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries
4th	5	Carry out joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders e.g. migrant workers and their associations, academia, youth and student groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances , and the commemoration of International Migrants Day;
10th	1	Recognise domestic workers as workers and remove outdated terminologies that diminish the dignity of domestic workers . Towards this end, ASEAN Member States should progressively move towards inclusion of domestic workers in their labour and social legislations;
10th	15	Increase public awareness and strengthen commitment of relevant parties to protect the rights of migrant domestic workers and recognize their contributions;

G. Collecting, sharing and analysing labour migration data

5th	7	Sharing existing sex-desegregated data and information on labour migration, job availabilities and employment conditions in accordance with the labour laws of ASEAN Member States that are useful to facilitate effective deployment of migrant workers;
6th	1	Encourage development and strengthening of inter-agency collaboration efforts, including the designation of a lead agency, to collect, analyse, share and harmonize labour migration data at the national level;
6th	2	A regional and updated database on labour migration is called for ASEAN Member States, social partners and CSOs recognize the importance of sharing labour migration data and support the development of a labour migration database to be piloted in ASEAN with the technical and financial assistance, including capacity building, of international and other organizations;
6th	3	Consider developing an ASEAN Framework on Labour Migration Statistics with common definitions to ensure the comparability of data within ASEAN ;
6th	4	Promote regular exchange and updating of labour market information, analysis of trends and patterns ;

AFML #	Recommendation number	Narrative
6th	5	With reference to the Technical Meeting on ASEAN International Labour Migration Statistics Database organized by the ILO on 4 November 2013 in Bangkok, Thailand, the Forum supports the initiative for setting up a Working Group on International Labour Migration Statistics , which should meet on a regular basis;
6th	6	Endeavour to have a regular exchange of labour migration data between countries of destination and origin to ensure coherence of such data
6th	7	<ul style="list-style-type: none"> • Consider the following data sets, among others, for the collection, analysis, and sharing to include: • Inflows, outflows and stocks of migrant workers, disaggregated, where possible, by sex, country of origin, age, level of qualification, industry, occupation • Data on remittances • Information on recruitment channels, licensed agencies, fees and costs • Labour market information, including available and in-demand jobs and skills • Data on occupational safety and health • Data on salaries and benefits of migrant workers • Data on returning migrants • Bilateral labour migration flows in ASEAN (to monitor implementation of AEC) • Data on the families of migrant workers in the countries of origin and destination • Nature and incidence of complaints filed • Data on irregular migrants and trafficking of persons, where possible.
6th	8	Develop guidelines and a compendium of good practices on data collection, analysis and sharing
8th	12	Improve collection and sharing, where available, on disaggregated statistical data on OSH related injuries, diseases and casualties (e.g. occupational areas, types of injury, country of origin, age and gender), share best practices, and undertake research on causes of injuries and casualties for improved OSH policies, training, and enforcement
8th	13	Improve data collection on reported cases on non-compliance with employment standards such as contract substitution and non-payment of salaries. Efforts should be made for timely access to information on the progress of complaints filed
9th	7	Strengthen national and regional database on social protection programmes , including data on migrant workers, disaggregated by gender and migration status as needed.
9th	11	Identify knowledge gaps on portability of social protection for migrant workers from existing studies to be addressed in future studies. Ensure that findings and recommendations of the studies are widely disseminated to all relevant stakeholders and sectors.
10th	16	Promote collection and sharing of standardised labour migration data disaggregated by sex and occupations including migrant domestic work ;

H. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: regional, subregional, and cross-sectoral interventions

3rd	5	Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle.
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AFML #	Recommendation number	Narrative
3rd	6	The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the provision of information and services, promote the development and use of user-friendly information materials between and among ASEAN states and increase migrant workers' ease of access to and understanding of publicly available information on laws, guidelines and other information materials produced by governments of sending and receiving states. The ASEAN Member States, the ASEAN Secretariat, stakeholders, the UN and international organizations should continue to cooperate in providing opportunities for capacity building and confidence building of stakeholders at national and regional levels.
4th	13	Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage. The instrument shall comply with the international human rights and labour standards and be legally binding;
5th	5	Encourage the ratification of the ILO Private Employment Agencies Convention, 1997 (No.181) and ILO Domestic Work Convention, 2011 (No. 189) and alignment of national labour laws and legislations with international instruments by all ASEAN Member States;
6th	16	Promote inter-country trade unions collaboration to support migrant workers in case of complaints
6th	19	Promote sharing of experiences and information among ASEAN Member States in implementing their respective complaint mechanisms through stock taking of the processes in handling grievances of migrant workers
7th	13	Employers' and workers' organizations in close cooperation with civil society organizations should be engaged through institutionalized dialogues in the development, implementation, amendment, and/or monitoring of gender responsive labour migration policies and programmes in ASEAN Member States
7th	20	Workers' organizations in ASEAN Member States should strengthen their cooperation for effective protection mechanisms for migrant workers
10th	2	Adopt progressive national plans which include feasibility study and gap analysis to support the ratification process of the ILO Conventions No. 189 (domestic workers), 97 (migration for employment), 143 (migrant workers (supplementary provision)), 181 (private employment agencies), and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and subsequently ensure effective implementation and monitoring of the compliance of the ratified Conventions;
10th	18	Continue and strengthen the practices of tripartism and social dialogue at national level in formulation and review of laws and policies on protection of domestic workers;
10th	19	Promote cooperation among governments, employers' organisations, workers' organisations, and civil society organisations at bilateral and regional levels towards achieving decent work for migrant domestic workers in ASEAN.

Appendix III. List of tables included in the ILMS Database in ASEAN

MODULE A. International migrant stock

- Table 1. Resident population by sex, age and labour market status, total & migrants
- Table 2. Working age population by sex and education, total & migrants
- Table 3. Migrants by country of origin
- Table 4. Employed migrants by country of origin
- Table 5. Employed persons by economic activity, total & migrants
- Table 6. Employed persons by occupation, total & migrants
- Table 7. Employed persons by sex and by status in employment, total & migrants
- Table 8. Average monthly employment-related income of employed persons by sex, total & migrants

MODULE B. International migrant flow

- Table 9. Inflows of migrants by sex and by country of origin
- Table 10. Inflows of migrants by sex and education
- Table 11. Inflows of employed migrants by economic activity
- Table 12. Inflows of employed migrants by occupation

MODULE C. Nationals abroad

- Table 13. Stock of nationals abroad by sex and country of residence
- Table 14. Outflows of nationals by sex and country of destination
- Table 15. Outflows of nationals for employment by sex and country of destination
- Table 16. Outflows of nationals for employment by sex and education
- Table 17. Outflows of nationals for employment by economic activity
- Table 18. Outflows of nationals for employment by occupation
- Table 19. Inflows of return migrants by sex and previous country of residence

Appendix IV. Ratification of selected international instruments in the ASEAN region

	Brunei Darussalam	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
ILO C.19	–	–	1950	–	–	1927	1994	1965	1968	–
ILO C.29	–	1969	1950	1964	1957	1995	2005	1965	1969	2007
ILO P.29	–	–	–	–	–	–	–	–	2018 (s)	–
ILO C.81	–	–	2004	–	1963	–	–	1965	–	1994
ILO C.87	–	1999	1998	–	–	1955	1953	–	–	–
ILO C.97	–	–	–	–	1964*	–	2009	–	–	–
ILO C.98	–	1999	1957	–	1961	–	1953	1965	–	–
ILO C.100	–	1999	1958	2008	1997	–	1953	2002	1999	1997
ILO C.105	–	1999	1999	–	1958 (d)	–	1960	1965 (d)	1969	–
ILO C.111	–	1999	1999	2008	–	–	1960	–	2017	1997
ILO C.118	–	–	–	–	–	–	1994	–	–	–
ILO C.138	2011	1999	1999	2005	1997	–	1998	2005	2004	2003
ILO C.143	–	–	–	–	–	–	2006	–	–	–
ILO C.181	–	–	–	–	–	–	–	–	–	–
ILO C.182	2008	2006	2000	2005	2000	2013	2000	2001	2001	2000
ILO C.187	–	–	2015	–	2012	–	–	2012	2016	2014
ILO C.189	–	–	–	–	–	–	2012	–	–	–
CEDAW	2006 (a)	1992 (a)	1984	1981	1995 (a)	1997 (a)	1981	1995 (a)	1985 (a)	1982
CRC	1995 (a)	1992 (a)	1990	1991 (a)	1995 (a)	1991 (a)	1990	1995 (a)	1992 (a)	1990
MLC 2006	–	–	2017	–	2013	2016	2012	2011	2016	2013
Palermo	–	2007	2009	2003 (a)	2009 (a)	2004 (a)	2002	2015 (a)	2013	2012 (a)
UNMWC	–	2004 (s)	2012	–	–	–	1995	–	–	–

Note:

– = not ratified, signed, or denounced

(s) = signed; (a) = ratified/accession; (d) = denounced

*denotes ratification by Sabah

C.19 – ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

C.29 – ILO Forced Labour Convention, 1930 (No. 29)

P.29 – Protocol of 2014 to the Forced Labour Convention, 1930

C.81 – ILO Labour Inspection Convention, 1947 (No. 81)

C.87 – ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

C.97 – ILO Migration for Employment Convention (Revised), 1949 (No. 97)

C.98 – ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

C.100 – ILO Equal Remuneration Convention, 1951 (No. 100)

C.111 – ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

C.105 – ILO Abolition of Forced Labour Convention, 1957 (No. 105)

C.118 – ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118)

C.138 – ILO Minimum Age Convention, 1973 (No. 138)

C.143 – ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

C.181 – ILO Private Employment Agencies Convention, 1997 (No. 181)

C.182 – ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

C.187 – Promotional Framework for Occupational Safety and Health Convention, 2006

C.189 – ILO Domestic Workers Convention, 2011 (No. 189)

CEDAW – Convention on the Elimination of all forms of Discrimination against Women, 1979

CRC – Convention on the Rights of the Child, 1989

MLC 2006 – Maritime Labour Convention, 2006

Palermo – Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, 2000

UNMWC – UN Convention on the Rights of All Migrants and Members of Their Families, 1990

Sources: ILO. NORMLEX: Ratifications by country,

<https://www.ilo.org/dyn/normlex/en/f?p=1000:11001::NO:::> [accessed 22 Oct. 2018];

UN. Treaty collections. Available at: https://treaties.un.org/pages/ParticipationStatus.aspx?clang=_en [22 October 2018];

OHCHR. Status of Ratification Interactive Dashboard, <http://indicators.ohchr.org/> [22 Oct. 2018].

Implementation of recommendations from the 3rd to 10th ASEAN Forum on Migrant Labour (AFML)

Progress review background paper for the 11th ASEAN Forum on Migrant Labour (AFML)

The AFML is an open platform for the review, discussion, and exchange of ideas and best practices among governments, workers', and employers' organizations, and civil society actors on key issues facing migrant workers in ASEAN. Participants of the AFML develop recommendations to advance the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

This document is the fourth in a series of background papers, biennially prepared by the ILO TRIANGLE in ASEAN programme, that track the progress of ASEAN stakeholders in implementing recommendations adopted at previous AFMLs. This paper was presented at the 11th AFML held from 29 - 30 October 2018 in Singapore. The first, second, and third background papers were presented respectively at the 5th, 7th, and 9th AFMLs.

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Decent Work