



Civil Society Recommendations for the 13th ASEAN Forum on Migrant Labour

06 November 2020

Supporting migrant workers during the pandemic for a Cohesive and Responsive ASEAN Community

We, the national civil society representatives from the 10 ASEAN Member States (AMS), along with regional civil society representatives, make the below recommendations for the 13th AFML with the theme of “Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community”.

We noted that as of 5 November 2020, the number of COVID-19 cases in ASEAN is close to 1 million, and a total of 23,489 deaths. Most migrants in ASEAN (87%) are engaged in semi and low skilled jobs as low wage migrants and are vulnerable to exploitation. Many of them count among the 67% of informal workers in ASEAN who have no social protection and no employment contracts.

The COVID-19 pandemic has exacerbated the existing challenges faced by migrant workers in the region. They remain one of the most vulnerable groups, often lacking access to health services and left out of formal policy responses and social protection measures. The ASEAN civil society expresses solidarity with the Migrant Workers and calls on the AFML to develop Cohesive and Responsive recommendations that are respectful of fundamental labour and human rights to ensure decent work for all workers including migrant workers.

The TFAMW welcomes the ASEAN Labour Ministers (ALM) Joint Statement on the response to the impact of COVID-19, without discrimination, to provide support for the livelihood and health of all workers, including migrant workers, to facilitate access to essential health care services. The ASEAN Member States (AMS) need to, in the spirit of Solidarity, support migrant workers affected by the pandemic in each other’s country or in third countries, to effectively implement occupational safety and health standards and social protection systems. ASEAN Labour Ministers will enhance cooperation with tripartite partners, civil society, and international organisations to continue knowledge sharing and best practices and lessons learnt on measures and action taken to help at-risk workers. To reiterate, the ALMM’s 9-Point Action Plan include:

“Provide appropriate assistance and **support to ASEAN migrant workers affected by the pandemic in each other’s country or in third countries**, including effective implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, working towards their health, well-being and safety as well as facilitating their movement and reuniting them with their families;

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“Enhance cooperation with tripartite partners, **civil society, international organisations**, ASEAN Dialogue Partners and other stakeholders in mutually agreed areas such as knowledge sharing, research and development technical assistance and resource mobilisation to support rapid responses and post-pandemic recovery plan.”

Sub-theme 1: Impact of COVID-19 on migrant workers and responses in ASEAN

1. Promote cooperation amongst AMS to implement and monitor the nine action points from the Joint Statement of the ASEAN Labour Ministers Meeting on Response to the impact of Coronavirus Disease 2019 (Covid-19) on Labour and Employment. All workers are to be treated equally without discrimination. Decisions and actions taken are to be grounded in evidence-based and data sharing principles, in a transparent manner between all AMS.
2. Encourage measures to maintain documentation status and related social protections of regular migrants through job retention, renewal and extension of contracts, and regularization of undocumented workers, while increasing ease of changing employers without migrant workers bearing the cost or administrative burdens. Avoid criminalization of undocumented migrants and abstain from use of detention.
3. Strengthen enforcement of dispute and redress mechanisms in the context of COVID-19 period, making it more accessible to migrants through electronic platforms especially mobile phones, and incorporating cross-border “access to justice” mechanisms, to ensure migrant workers receive their full wages and proper compensation and remedy. Align unemployment benefits with the current situation, and ensure migrants who are enrolled in social security schemes are able to receive unemployment benefits.
4. Ensure that information on COVID-19, labour and social protections, including health services, and changes in migration policy, reach migrant workers in their own language using relevant channels and media, and that proper PPE is distributed to workers with a focus on jobs that have working or living conditions which increases vulnerability to coronavirus.
5. Strengthen cooperation and support amongst AMS to ensure effective distribution of emergency relief for stranded or struggling migrants and members of their families including provision of supplemental income and emergency housing, with increased leadership by foreign missions and facilitated by firewalls; and ensure safe repatriation and return of stranded migrant workers to their countries of origin, by providing subsidized transportation and support for basic needs like food and shelter during required quarantine periods.

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6. Make mental health support and services for addressing gender-based violence available and accessible as part of the standard health service package for migrant workers in all source and destination countries in ASEAN, with a special focus on domestic workers and returned migrants; and initiate campaigns in both origin and destination countries to fight stigmatization of migrants generally, and in relation to the coronavirus.

Sub-theme 2: Inclusive and Responsive Labor Migration Policy for Future Preparedness in ASEAN

1. Collect, utilize and share disaggregated data on migrant flows and labour market dynamics, while maintaining confidentiality of personal information, to facilitate and improve reskilling, upskilling and placement in local markets and abroad.
2. Strengthen basic social protections standards for migrants, including: the provision of a Living Wage, expediting the implementation of portable social security while expanding coverage to include informal sector workers such as agriculture, fishers and domestic workers, ensuring the provision of maternity and unemployment benefits, and making financial services accessible to their families.
3. Improve housing and safety at the workplace to meet OSH standards, so that migrant worker housing adheres to ILO standards (No. 115), and prevention measures to reduce the spread of the coronavirus are observed including standard provision of PPE for all workers, with strict penalties imposed on employers who violate safety codes. COVID-19 safety regulations should be made available in all languages of migrant employees; and COVID-19 should be included as an occupational disease to ensure better coverage of employment protection for all workers including migrant workers.
4. Review the recruitment and placement process considering the “new normal” during the period of the coronavirus pandemic, to ensure that additional cost burdens of testing, quarantine, and enhanced health insurance, do not fall on migrant workers.
5. Develop or revise national and regional pandemic and emergency preparedness plans to incorporate migrant workers and gender responsive solutions which include migrant workers’ families, with special consideration for domestic workers and other vulnerable workers.

The meeting was held online on 06 November 2020.