



Regional Multi-Stakeholder Forum: Responsible Business Conduct for Safe Labour Migration in ASEAN

19-20 September 2018, Pasay City, Manila, the Philippines

RECOMMENDATIONS

The Regional Multi-Stakeholder Forum: Responsible Business Conduct for Safe Labour Migration in ASEAN was convened on 19-20 September 2018 in Pasay City, Manila, the Philippines.

It was attended by participants representing the ASEAN Senior Labour Officials Meeting (SLOM) / ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), Senior Officials Meeting on Transnational Crime (SOMTC), ASEAN Inter-Governmental Commission on Human Rights (AICHR), ASEAN Secretariat, civil society organizations (CSOs), employers' organisations, workers' organisations, recruitment agencies, migrant workers' associations, think tanks, and UN Agencies namely International Organization for Migration (IOM), International Labour Organization (ILO) and UN Women. The list of participants is enclosed.

The Forum acknowledged the complementarity and mutual reinforcement of ASEAN frameworks (notably the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus), ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP), and ASEAN Guidelines for Corporate Social Responsibility on Labour) and global agendas of the Sustainable Development Goals and the Global Compact for Safe, Orderly and Regular Migration in promoting responsible business conduct for safe labour migration in the region. The Forum emphasized the importance of ensuring synchronisation of actions taken at local and national levels with ASEAN Member States' commitments, both legally and non-legally binding, at regional and international levels.

The Forum agreed to recommend the following concrete actions that governments and stakeholders should consider to improve labour migration governance and responsible business conduct:

Promoting Safe Labour Migration

- **Pre-Departure**

1. Strengthen pre-employment and pre-departure orientation and training programmes in the Sending States in collaboration with the Receiving States in order to promote better

understanding among migrant workers on the labour markets and policies of the Receiving States, taking into account the specific needs of women migrant workers;

2. Require employers to undergo pre-recruitment orientation prior to hiring migrant workers;
3. Develop mechanisms to ensure the integrity of health examinations of migrant workers conducted in the Sending States, such as accreditation and auditing of medical facilities and medical professionals issuing health certificates;
4. Promote bilateral agreements or platforms between the Sending and Receiving States, where relevant, which could include issues such as portability of social security arrangements, facilitation of remittance, provision of access to means of communications with families and government offices, allowing workers' organisations to visit worksites, and mandating recruitment agencies to regularly report the conditions of migrant workers;
5. Encourage the creation of a model employment contract or proper documentation that protects and promote the rights of migrant workers, including issues such as provisions of contribution of employers to medical insurance;
6. Consider the development of a model three-party agreement between the employer, recruitment agency and worker in both the Sending and Receiving States;

- **Journey to the Receiving State**

7. Promote close collaboration between civil society and national or local government units in establishing migrant worker service desks in the Sending and Receiving States. A directory of hotline crisis numbers in ASEAN Member States should be developed. Likewise, help desks for migrant workers at airports or points of entry/exit should be established by the Sending and Receiving States in collaboration with civil society;
8. Employers and recruitment agencies, in collaboration with civil society and governments, to provide liaison assistance to migrant workers at airports or points of entry/exit for timely immigration clearance, and provide most direct route for migrant workers going to the Receiving States;
9. Require employers and recruitment agencies to be guarantors of safe return of migrant workers to their home countries;

- **Post-Arrival and Life Abroad**

10. Enhance post-arrival orientation programme for migrant workers to be gender sensitive, country specific and occupation specific;
11. Review and consider the Philippines' model of Common Solidary Liability (CSL) in employment contracts to be replicated to other ASEAN Member States;

12. Consider providing social security to migrant workers including pension, medical insurance and unemployment insurance;
13. Ensure financial inclusion of migrant workers including employers' assistance to migrant workers in opening a bank account, educating migrant workers on money saving options and financial services, exempting migrant workers from maintenance minimum balance of bank account, and reducing remittance costs. In this regard, dialogue with the ASEAN Bankers Association should be initiated;
14. Migrant workers who fall sick and obtain work-related injuries while employed should be allowed to seek timely medical treatments;
15. Embassies of the Sending States to maintain regular communications with migrant workers on site through hosting of events/activities, skilling/re-skilling activities, and organising or coordinating migrant workers' associations;
16. Promote the use of ICT to improve migrant workers' access to justice, reporting mechanism of complaints and access to information;

- **Return and Reintegration**

17. Promote sharing of information among migrant workers by providing them with a means to document their experiences throughout the entire migration cycle, using information verified by the Receiving States;
18. Promote strengthening of reintegration programmes for returning migrant workers with possible inclusion of recruitment agencies, and re-skilling and certification of skills acquired, in line with the ASEAN Qualification Reference Framework (AQRf), where appropriate;
19. Share and replicate good practices on private sector fund matching of migrant worker reintegration programmes (e.g. Tres per Uno from Mexico for remittance investments);
20. Collaborate with the Chamber of Commerce and private institutions in the absorption of returning migrant workers to local industries needing their skills acquired abroad. In this regard, labour market information of industry demands and registry of returning migrant workers should be developed;

Strengthening Social Dialogue

21. Undertaking capacity building measures to support multi-stakeholder dialogues by ensuring inclusivity, the appropriate representation of tripartite partners and other stakeholders, effective collective bargaining where everyone's voice is heard, gender lens in responding to women migrant workers' issues, and monitoring mechanism of follow-up actions to agreements;

22. Conduct mapping of social dialogue platforms at regional, national, local and corporate levels, and promote their effectiveness by monitoring follow-up actions to the agreements or recommendations, promoting social dialogue at local level, and engaging relevant ministries (e.g. social welfare, health) in social dialogue;
23. Include reporting on the implementation of the ASEAN Consensus in the existing social dialogue platforms at regional and national levels, where appropriate;
24. Evaluate the ASEAN Forum on Migrant Labour to continue improvement;
25. Promote the use of ICT in social dialogue mechanisms for effectiveness without compromising its objective, delivery and results;

Enhancing Meaningful Engagement of Stakeholders and CSR

26. Promote safe and regular migration by enhancing understanding of the policy makers, technocrats, legislators and local government officials on the current issues of migration, pitfalls of irregular channels of migration and realities of livelihood in rural areas, borders and sea in order to address them effectively;
27. Promote holistic approach in labour migration governance by integrating it to national development plans and engaging relevant ministries, civil society, migrant workers' associations and workers' organisations;
28. Study the possibility of involving workers' representatives in the labor inspection process and bilateral labour agreement negotiations, implementation and monitoring and evaluation;
29. Engage private sector meaningfully in promoting safe labour migration and leverage the multinational companies which are already committed to end slavery and recognize fundamental freedom and rights of migrant workers. Knowledge of the private sector on ways to ensure safe labour migration and promote the right of migrant workers, including women migrant workers, should be enhanced;
30. Encourage proactive participation of traditional and social media, in collaboration with civil society and government, in promoting positive image of migrant workers by promoting narratives of migrant heroism and success stories. For this purpose, trainings and dialogue should be promoted to enhance the media awareness of the migration process;
31. Consider developing monitoring mechanisms of the implementation of the Action Plan 2018-2020 to implement the ASEAN Consensus to Protect and Promote the Rights of Migrant Workers and Bohol Trafficking in Persons Work Plan 2017-2020 of ACTIP;
32. Consider, at the appropriate platform, adopting the proposed regional strategy on CSR and human rights developed by AICHR and ASEAN CSR Network, and a regional strategy to implement the ASEAN Guidelines for CSR on Labour developed by SLOM;

33. Consider further multi-stakeholder regional collaboration and public private partnerships to discuss issues related to safe migration, such as following up with these recommendations. For this purpose, a list of multi-stakeholder focal points including employers' organisations, recruitment agencies, workers' organisations, migrant workers' associations, and civil society organisations from ASEAN Member States may be developed. A joint mechanism of collaboration may be considered as necessary.

The participants extended their appreciation to the Government of the Philippines, particularly the Department of Labor and Employment, for the excellent arrangements of the Forum and warm hospitality accorded to them. The participants also extended their appreciation to the ASEAN Secretariat, Swiss Development Cooperation – Global Programme Migration and Development (SDC GPMD), IOM, ILO, UN Women and ASEAN CSR Network for the support to the Forum.
