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## ▶ The ASEAN Forum on Migrant Labour

A review of the implementation of  
Recommendations (3rd to 14th Forums)

Supported by





# ▶ **The ASEAN Forum on Migrant Labour**

A review of the implementation of Recommendations  
(3rd to 14th Forums)

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# Foreword


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Supporting the ASEAN Committee on Migrant Workers (ACMW) in hosting the annual ASEAN Forum on Migrant Labour (AFML) is an important part of the ILO's labour migration programme in the ASEAN region. The AFML is a tripartite meeting that brings together governments, employers' and workers' organizations and civil society to discuss migration governance issues and the protection and promotion of migrant workers' rights across the ASEAN region. In 2022, the 15th AFML was hosted by the Government of Cambodia with the theme "Resumption of labour migration and regional cooperation."

The AFML recommendations address all aspects of labour migration governance, ranging from pre- departure training and fair recruitment to labour protection, access to justice and reintegration. Therefore, a review of their implementation provides a unique and comprehensive insight into the state of labour migration governance in the ASEAN region. This report – the sixth edition in a series of biennial progress review reports that the ILO has developed since 2013 – summarizes legal and policy measures implemented by governments, and practical actions taken by governments, employers' and workers' organizations and civil society to improve protection of migrant workers in ASEAN countries from January 2020 until mid-2022.

What makes this edition of the AFML review report special is the review period that covers the duration of the acute COVID-19 pandemic and related control measures in the ASEAN region. The review looks into migrant workers' access to health care, social protection, support services and justice during the pandemic, policies to freeze and reopen regular labour migration, migrant workers' housing, occupational safety and health and many other areas where critical protection gaps emerged and actions were taken.

I hope that this review inspires the tripartite-plus AFML stakeholders and the broader development community to take stock of how far the region has come in improving labour migration governance and how much further it has to go in realizing decent work for ASEAN migrant workers. I also wish future AFMLs success in continuing its vanguard work in exploring new and topical labour migration issues through regional and inclusive social dialogue.



**Chihoko Asada-Miyakawa**

Assistant Director-General and Regional  
Director for Asia and the Pacific

**International Labour Organization**

# Table of contents

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► Foreword	iii
► Acknowledgements	viii
► Abbreviations	ix
► 1. Introduction	1
1.1 ASEAN normative and institutional frameworks on the rights of migrant workers	2
1.2 Labour migration in ASEAN	3
1.3 ASEAN Forum on Migrant Labour	4
1.4 Objectives, scope and methodology for reviewing implementation of AFML recommendations	7
► 2. Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations	8
2.1 Cluster A – Information dissemination and campaigns	8
2.2 Cluster B – Pre-departure and post-arrival orientation, skills training and recognition	11
2.2.1 Pre-departure and post-arrival orientation	11
2.2.2 Skills training and recognition	15
2.3 Cluster C – Access to complaint mechanisms and legal support	18
2.3.1 Access to complaint mechanisms	18
2.3.2 Legal support services	20
2.4 Cluster D – Other support services	26
2.4.1 Service Centres (Migrant Worker Resource Centres)	26
2.4.2 Labour attachés and consular services	28
2.5 Cluster E - Effective labour migration policies and fair recruitment	30
2.5.1 Freeze, retention and reopening policies during COVID-19	30
2.5.2 Memorandums of Understanding on labour migration	33
2.5.3 Gender and rights-based labour migration policies	34
2.5.4 Regulation of recruitment agencies and enforcement of recruitment procedures and costs	37
2.6 Cluster F - Equal labour protection and decent conditions of work	41
2.6.1 Strengthen labour laws and extension of coverage	42
2.6.2 Adequate housing and living conditions	44
2.6.3 Occupational safety and health compliance and enforcement	47
2.6.4 Network building and trade union organizing	48
2.7 Cluster G - Equal access to health care and social protection	50
2.7.1 Equal access to health care	50
2.7.2 Extending migrant workers social protection	53
2.7.3 Portability of social security benefits	55
2.8 Cluster H - Inclusive return and reintegration policies and programmes	56
2.8.1 Return and reintegration policies, services and programmes	56
2.9 Cluster I - Collecting, sharing and analysing labour migration data	60
2.9.1 International labour migration statistics	60

2.10 Cluster J - Multi-stakeholder cooperation	62
2.10.1 ACMW activities under the ASEAN Consensus Action Plan	62
2.10.2 Ratification of international instruments	64
2.10.3 Strengthening tripartite-plus dialogue through partnership	65
► 3. Successes and challenges in implementing AFML recommendations	66
► 4. Next steps for the AFML	70
► Bibliography	72
► Appendix I : List of respondents	77
► Appendix II : Clustering and sub-categories for the 3rd - 14th AFML Recommendations	79



## List of boxes

Box 1.	MAP radio: Disseminating information in migrant worker languages	10
Box 2.	Recognition of prior learning	17
Box 3.	Legal support to migrant workers during COVID-19	24
Box 4.	Migrant Worker Assistance Centres in Thailand	24
Box 5.	Monitoring and regulating recruitment	39
Box 6.	Wage protection for migrant workers	41
Box 7.	Migrant worker employment contracts	44
Box 8.	COVID-19 vaccine perceptions among Myanmar and Cambodian migrant workers in Thailand	51
Box 9.	Country of origin funds to protect migrant workers	54
Box 10.	Support needed to successfully reintegrate migrant workers	59
Box 11.	International Labour Migration Statistics (ILMS)	61

## List of figures

Figure 1.	ILO supported MRCs (as of 1 January 2022)	25
Figure 2.	Main reasons for COVID-19 vaccine hesitancy and refusal	51
Figure 3.	Support needed to successfully reintegrate into the community by origin country	59
Figure 4.	Completeness of data percentages submitted to the ILMS database	60





## List of tables

Table 1.	AFML themes	4
Table 2.	Pre-departure training programme in countries of origin (non-exhaustive)	12
Table 3.	Post-arrival orientation programmes for migrant workers in countries of destination	14
Table 4.	Migrant workers' access to skills training and recognition in countries of destination	15
Table 5.	Migrant workers access to skills training and recognition in countries of origin	16
Table 6.	Complaints mechanisms for migrant workers in ASEAN	18
Table 7.	Legal support to migrant workers in ASEAN (non-exhaustive)	21
Table 8.	Examples of hotlines in ASEAN countries of origin and destination (non-exhaustive)	27
Table 9.	ASEAN countries with labour attachés	29
Table 10.	Border closure and reopening dates in ASEAN	30
Table 11.	New Memoranda of Understanding signed by ASEAN Member States since January 2020	33
Table 12.	Labour migration policies in the ASEAN region	34
Table 13.	Legislation to license and regulate recruitment agencies and recruitment costs in ASEAN	37
Table 14.	Codes of conduct for recruitment agencies in ASEAN	38
Table 15.	Comparative size of personnel assigned to inspect/monitor recruitment	40
Table 16.	Housing standards for migrant workers in Malaysia and Singapore	45
Table 17.	Migrant workers' access to trade unions in ASEAN countries of destination	48
Table 18.	Reintegration legislation, programmes and services, by ASEAN country of origin	57
Table 19.	Completed, ongoing and recurring ACMW activities under the Action Plan 2018-25 to implement the ASEAN Consensus	63
Table 20.	Ratification of International Conventions since January 2020	64

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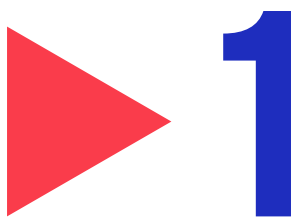
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# Abbreviations

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<b>ACMW</b>	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
<b>AFML</b>	ASEAN Forum on Migrant Labour
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ASEAN Consensus</b>	ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers
<b>Cebu Declaration</b>	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
<b>COC</b>	code of conduct
<b>COVID-19</b>	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)
<b>CSO</b>	civil society organization
<b>DAWN</b>	Development Action for Women Network
<b>DLPW</b>	Department of Labour Protection and Welfare (Thailand)
<b>DMW</b>	Department of Migrant Workers (Philippines)
<b>DOE</b>	Department of Employment (Thailand)
<b>FLEP</b>	Foundation for Labour and Employment Promotion
<b>GADC</b>	Gender and Development for Cambodia
<b>IDWF</b>	International Domestic Workers Federation
<b>ILMS</b>	International Labour Migration Statistics Database in ASEAN
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>IP2MI</b>	Ikatan Persaudaraan Pekerja Migran Indonesia
<b>LSCW</b>	Legal Support for Children and Women
<b>MLVT</b>	Ministry of Labour and Vocational Training (Cambodia)
<b>MOLISA</b>	Ministry of Labour, Invalids and Social Affairs (Viet Nam)
<b>MOLSW</b>	Ministry of Labour and Social Welfare (Lao People's Democratic Republic)
<b>MOM Indonesia</b>	Ministry of Manpower (Indonesia)
<b>MOM Singapore</b>	Ministry of Manpower (Singapore)
<b>MOU</b>	memorandum of understanding
<b>MRC</b>	Migrant Worker Resource Centre

<b>MTUC</b>	Malaysian Trade Union Congress
<b>MWAC</b>	Migrant Worker Assistance Centre (Thailand)
<b>MWC</b>	Migrant Workers Centre
<b>OFW</b>	Overseas Filipino Workers
<b>OSH</b>	occupational safety and health
<b>OSSC</b>	One-stop service centre
<b>OWWA</b>	Overseas Worker Welfare Administration
<b>PERTIMIG</b>	Persatuan Pekerja Rumah Tangga Indonesia Migran
<b>PPE</b>	personal protective equipment
<b>RPL</b>	recognition of prior learning
<b>TESDA</b>	Technical Education and Skills Development Authority
<b>TPQI</b>	Thailand Professional Qualification Institute
<b>TVET</b>	technical and vocational education and training



# Introduction

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This paper was prepared as the progress review background paper for the 15th ASEAN Forum on Migrant Labour (AFML) held on 19-20 October 2022 in Cambodia. The AFML is a multi-stakeholder open forum held annually by the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) under the Action Plan 2018-25 to implement the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. It serves to provide 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 good practices on issues relating to migrant workers in the Association of Southeast Asian Nations (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 15th AFML focused on the theme “Resumption of labour migration and regional cooperation.”

Since 2012, progress on the implementation of AFML recommendations has been monitored through biennial progress review papers prepared by the ILO. The current paper is the sixth in this series, following the development of previous progress review background papers for the 5th, 7th, 9th, 11th and 13th AFMLs.<sup>1</sup> These are presented at the regional AFML meetings for comments and discussions by ASEAN Member States, and prepared with tripartite plus inputs, asking all stakeholders to reflect on progress and challenges.

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<sup>1</sup> Previous publications in the series include:

ILO, 2021. Progress of the Implementation of Recommendations Adopted at the 3rd – 12th ASEAN Forum on Migrant Labour: Progress Review Background Paper for the 11th ASEAN Forum on Migrant Labour.

ILO, 2019. Progress of the Implementation of Recommendations Adopted at the 3rd – 10th ASEAN Forum on Migrant Labour: Progress Review Background Paper for the 11th ASEAN Forum on Migrant Labour.

ILO, 2017. Progress of the Implementation of Recommendations Adopted at the 3rd – 8th ASEAN Forums on Migrant Labour: Background Paper to the 9th AFML.

ILO, 2015. Progress of the Implementation of Recommendations Adopted at the 3rd – 6th ASEAN Forum on Migrant Labour Meetings: Background Paper to the 7th AFML.

ILO, 2013. Background Paper: Progress on the Implementation of the Recommendations Adopted at the 3rd and 4th ASEAN Forum on Migrant Labour.

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

The Association of Southeast Asian Nations is an intergovernmental organization established in 1967 with the signing of the ASEAN Declaration. The organization today comprises ten Member States from Southeast Asia that have committed to the establishment of an ASEAN Community to build a stable, resilient, and peaceful region.<sup>2</sup> The ASEAN Community consists of three pillars, namely, the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-cultural Community (ASEAN 2020).

Labour migration is an integrated part of the ASEAN Community and its contribution to the region is recognized in the three ASEAN Blueprints.<sup>3</sup> The ASEAN Economic Community calls for the facilitation of the movement of skilled labour in the region, and the ASEAN Socio-Cultural Community advocates for the protection and promotion of human rights, especially for vulnerable groups including migrant workers (ASEAN 2015; ASEAN 2016a). The ASEAN Political-Security Community also advocates for the strong cooperation of sectoral bodies – while maintaining respective reporting lines – during the ACMW's work on developing the ASEAN Consensus 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 (ASEAN 2016b).

ASEAN Member States commitment to protect and promote the rights of migrant workers led to the adoption of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) in 2007. The ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) is the sectoral body responsible for the implementation of the Cebu Declaration and its work supports the advancements of the principles contained within.

The ACMW also guided the development of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (hereafter, ASEAN Consensus) adopted in November, 2017. The ASEAN Consensus is the outcome of a key commitment in the Cebu Declaration to “develop an ASEAN instrument on the protection and promotion of the rights of migrant workers” (Article 22). The ASEAN Consensus elaborates the rights of migrant workers and members of their families and expands the obligations of ASEAN Member States. The implementation of the ASEAN Consensus is guided by the Action Plan 2018-25 which defines five broad categories of work: education and information, protection, enforcement, recourse, and reintegration.

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

3 ASEAN, 2022. ASEAN Economic Community Blueprint 2025; ASEAN Political-Security Community Blueprint 2025; and ASEAN Socio-Cultural Community Blueprint 2025.

## 1.2 Labour migration in ASEAN

The ASEAN is a dynamic region with a population of approximately 650 million people (ILO 2022a). Across the region labour migration has been a key driver of economic growth and development, and a primary source of income for millions of families that depend on remittances sent home from family members working abroad.

According to the United Nations Department of Economic and Social Affairs (UNDESA), there are a total of 9.7 million international migrants living in ASEAN's four net countries of destination – Brunei Darussalam, Malaysia, Singapore and Thailand – with the majority of international migrants (6.8 million) originating from Southeast Asian countries (UNDESA 2020).<sup>4</sup> It should be noted that much of the intra-ASEAN migration is irregular and therefore not fully captured by official data and that the COVID-19 pandemic has heavily impacted labour migration since the publication of the UNDESA figures.

The COVID-19 pandemic resulted in a steep decrease in the number of migrant workers who migrated within the ASEAN region, primarily due to border closures introduced to limit the spread of infections (ILO 2021b). Across the ASEAN region, deployment of migrant workers from the five net origin countries for which data is available – Cambodia, Indonesia, Myanmar, the Philippines, and Viet Nam – declined by 72 per cent between 2019 and 2020. The pandemic also influenced migration numbers in 2021, with departures remaining below 2019 levels for Indonesia and the Philippines, the two ASEAN countries from which data are available (ADB, OECD, and ILO 2022).<sup>5</sup>

Throughout the ASEAN region, migrant workers were disproportionately impacted by the pandemic (ILO 2021b). Migrant workers experienced high infection rates, and outbreaks amongst migrant worker communities were reported in key destination countries, including Thailand, Malaysia, and Singapore (APHR 2021; Illmer 2020). The already precarious situation for migrant workers was exacerbated during the pandemic because of limited access to healthcare and vaccines, a lack of adequate and overcrowded housing, and employment in informal sector jobs or jobs without social distancing opportunities (ADB, OECD, and ILO 2022).

Many migrant workers continued to work throughout the pandemic as they make up a large number of workers employed in “essential” sectors of work such as public services, transport, agriculture and, care and healthcare work (ADB, OECD, and ILO 2022). These workers were thus at greater risk of contracting the virus due to limited social distancing opportunities and many lacked adequate access to personal protective equipment (PPE), needed to limit the spread of the virus. According to an ILO survey, women were disproportionately impacted, as many were employed in workplaces without sufficient space to socially distance such as domestic work (ILO 2021c).

At the other end of the spectrum, migrant workers in the ASEAN region are also overrepresented in sectors of work, such as manufacturing and hospitality, that suffered economically during the pandemic, and are commonly the first to be laid off in times of crisis (ILO 2021b). In many countries in the region, migrant workers have been excluded from social protection mechanisms, including unemployment benefits and COVID-19 income relief packages in countries of destination, particularly migrant workers in informal employment (ADB, OECD, and ILO 2022).

With demand for migrant workers starting to return to pre-pandemic levels and increasing vaccination levels, labour migration rates are starting to pick up across the ASEAN region (ADB, OECD, and ILO 2022). As labour migration resumes, it is essential that the needs of migrant workers are addressed in a human-centred and inclusive way to ensure a sustainable post-pandemic future. The past two AFMLs, the 13th and 14th, adopted several recommendations towards this end and their implementation would support the advancement of migrant workers' rights and protections throughout the ASEAN region, and would also benefit the continued socio-economic development of migrant workers, their families, and the region more generally.

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4 It is important to note the difference between an international migrant and an international migrant worker. An international migrant is defined as “any person who changes his or her country of usual residence” (UNDESA, 1998), while an international migrant worker is defined (ILO, 2015a) as “all international migrants who are currently employed or unemployed and seeking employment in their present country of residence.”

5 Statistics for the Philippines are based on preliminary data provided to ILO by the Philippines Overseas Employment Administration.

## 1.3 ASEAN Forum on Migrant Labour

The ASEAN Forum on Migrant Labour (AFML) is a multi-stakeholder open forum held annually as part of the ASEAN Consensus Action Plan, institutionalized following the adoption of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (known as the Cebu Declaration). The participants of the AFML meetings are key stakeholders from the ASEAN region, including representatives of governments, employers' and workers' organizations, civil society organizations (CSOs), representatives from international organizations, as well as selected observers decided by consensus of the ASEAN Member States. The AFML is the only regular tripartite-plus forum on migration in the Asian region. 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 countries of origin and destination; 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 countries of origin and destination in ASEAN. During the AFML meetings the participants agree upon and adopt a set of recommendations that aim to promote and protect the rights of migrant workers in ASEAN Member States and to facilitate the formulation of evidence-based migration policies. The recommendations adopted at the end of each AFML meeting are gender sensitive and developed jointly by governments, social partners and CSOs. Table 1 lists the themes of previous AFML meetings.

► **Table 1. AFML themes**

AFML	Thematic focus	Location	Date
1	Institutionalization of the ASEAN Forum on Migrant Labour.	Manila, Philippines	April 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"> <li>► Promotion of a positive image, and the rights and dignity of migrant workers.</li> <li>► Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers.</li> </ul>	Bali, Indonesia	October 2011
5	The protection and promotion of the rights of migrant workers: Towards effective recruitment practices and regulations.	Siem Reap, Cambodia	October 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"> <li>▶ Enhancing policy and the protection of migrant workers through data collection and sharing.</li> <li>▶ 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.</li> </ul>	Bandar Seri Bagawan, Brunei Darussalam	November 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"> <li>▶ Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers.</li> <li>▶ 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.</li> </ul>	Naypyidaw, Myanmar	November 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"> <li>▶ Occupational safety and health to foster a safe and health working environment.</li> <li>▶ Labour inspection to ensure workplaces provide minimum employment rights.</li> </ul>	Kuala Lumpur, Malaysia	October 2015
9	<p>Better quality of life for ASEAN migrant workers through strengthened social protection:</p> <ul style="list-style-type: none"> <li>▶ Current situation of social protection for migrant workers in ASEAN.</li> <li>▶ Working towards the portability of social security of migrant workers in ASEAN.</li> </ul>	Vientiane, Lao PDR	November 2016
10	<p>Towards achieving decent work for domestic workers in ASEAN:</p> <ul style="list-style-type: none"> <li>▶ International and national standards for the protection of migrant domestic workers.</li> <li>▶ Implementation of policies and support services.</li> </ul>	Manila, Philippines	October 2017

AFML	Thematic focus	Location	Date
11	Digitalization to promote decent work for migrant workers in ASEAN: <ul style="list-style-type: none"> <li>▶ Digitalization of migrant labour management.</li> <li>▶ Digital services to migrant workers.</li> </ul>	Singapore	October 2018
12	Future of work and migration: <ul style="list-style-type: none"> <li>▶ Challenges on sustainable, fair and equal protection.</li> <li>▶ Challenges on migrant worker employability.</li> </ul>	Bangkok, Thailand	September 2019
13	Supporting migrant workers during the pandemic for a cohesive and responsive ASEAN Community <ul style="list-style-type: none"> <li>▶ Impact of COVID-19 on migrant workers and responses in ASEAN.</li> <li>▶ Cohesive and responsive labour migration policy for future preparedness in ASEAN.</li> </ul>	Hanoi, Viet Nam	November 2020
14	Recovery and Labour Migration in the Post-Pandemic Future in ASEAN: <ul style="list-style-type: none"> <li>▶ Protection of migrant workers during the COVID-19 pandemic: Current situation.</li> <li>▶ Recovery and the post pandemic future.</li> </ul>	Bandar Seri Bagawan, Brunei Darussalam	September 2021
15	Resumption of labour migration and regional cooperation: <ul style="list-style-type: none"> <li>▶ Economic recovery and labour migration.</li> <li>▶ Rights protection to maximize development impacts of labour migration.</li> </ul>	Phnom Penh, Cambodia	October 2022

Lao PDR = Lao People's Democratic Republic.  
 Source: ILO, 2022.

## 1.4 Objectives, scope and methodology for reviewing implementation of AFML recommendations

Since 2012, progress towards implementing the AFML recommendations has been monitored through biennial progress review papers prepared by the ILO. The current paper is the sixth in this series, following the development of previous progress review background papers for the 5th, 7th, 9th, 11th and 13th AFMLs.<sup>6</sup> This progress review paper covers the 3rd to the 14th AFMLs, from which there are a total of 189 recommendations. The paper focuses on new initiatives implemented after January 2020. This ILO process supplements the ACMW internal review mechanism of AFML recommendations, which regularly takes place at ACMW meetings. In 2022 for the first time, the ASEAN Secretariat (ASEC) also developed a progress review paper. Taken together, it is hoped both the ILO and ASEC efforts will provide impetus for ASEAN Member States' continued efforts to implement AFML Recommendations.

The 189 recommendations from the 3rd to the 14th 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 ten clusters (Clusters A-J):

- A. Information dissemination and campaigns.
- B. Pre-departure and post-arrival orientation, skills training and recognition.
- C. Access to complaint mechanisms and legal support.
- D. Other support services.
- E. Effective labour migration policies and fair recruitment.
- F. Equal labour protection and decent conditions of work.
- G. Equal access to health care and social protection.
- H. Inclusive return and reintegration policies and programmes.
- I. Collecting, sharing and analysing labour migration data.
- J. Multi-stakeholder cooperation.

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

The purpose of the progress review is to consolidate and summarize the activities, experiences, good practices, as well as gaps and challenges of various tripartite-plus 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 from a questionnaire survey, a literature review, and the national preparatory meetings for the 15th AFML.

Data for the report were 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 a list of respondents); and
- Literature review of surveys, studies and ILO project reports in the ASEAN region; 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.

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6 See note 1 above for publication details.



# ▶ 2

## Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

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As noted in section 1.4, this review of ASEAN Member States' efforts to implement the body of AFML recommendations is done through an analysis of efforts under clustered thematic headings. The clusters move through the labour migration cycle, starting from information dissemination and campaigns, and ending with inclusive return and reintegration. In addition to migration cycle specific recommendations, are two additional clusters covering labour migration data and multi-stakeholder cooperation.

### 2.1 Cluster A – Information dissemination and campaigns

Information dissemination, as a mechanism to empower migrant workers to protect themselves, has been a common theme across all AFML discussions. Since 2010, past AFML's have adopted 21 recommendations in total, that highlight the importance of ensuring information is more accessible to women and men migrant workers throughout the entire migration cycle (see recommendations listed in Appendix II). Information disseminated should be available in a language understood by migrant workers and cover a variety of topics (for example,

recruitment possibilities, national labour laws and legislation, migrant workers' rights, and the access to remedies and support services). Recent AFMLs have also highlighted the importance of disseminating COVID-19-related information to migrant workers. This cluster of recommendations centred on information also recognizes the importance of promoting a positive image of migrant workers among various stakeholders. Campaigns that promote respect for migrant workers, including domestic workers, and recognize their contribution to countries of destination and origin are key recommendations.

Initiatives reported by ASEAN stakeholders indicate that information dissemination to migrant workers and their families continued throughout the pandemic. Information dissemination is conducted through various means and by various actors across the ASEAN countries, including government agencies, employers' and workers' organizations, as well as CSOs and recruitment agencies.

Information has covered a wide range of topics such as access to support and legal services, recruitment options, social protection, national legislation, and international labour standards. Dissemination of COVID-19-related information has also been a dominant topic during the past two years, with information covering both preventive measures and care for COVID-19. Initiatives have specifically targeted women migrant workers. For example, the Development Action for Women Network (DAWN) in the **Philippines**, in partnership with the British Embassy in Manila, conducted a series of webinars on psychosocial and economic interventions for approximately 8,000 women migrant returnees, migrants in countries of destination and their families. Topics discussed in the webinars were mental health, gender-based violence, migrants rights, access to essential services and livelihood opportunities.

Traditional information dissemination methods, such as the distribution of leaflets and community engagement, were utilized, although on a smaller scale during the pandemic period. For example, in **Lao People's Democratic Republic**, the Ministry of Labour and Social Welfare developed a pocketbook that contains key facts, emergency contacts in countries of destination and recruitment costs and fees. Various stakeholders contributed to the pocketbook including government ministries, recruitment agencies, and CSOs (ILO 2020a). In **Singapore**, the Migrant Workers Centre (MWC), through its Grassroots Network ambassadors, disseminated information to migrant workers. The ambassadors established and maintained contact with migrant workers residing in both purpose-built dormitories and other migrant housing, which was crucial during the pandemic when many migrant workers were confined to their accommodation. In early 2020, the network had more than 5,000 ambassadors dedicated to disseminating information and engaging with migrant workers (MWC 2020). Nationals' direct engagement with migrant workers has been shown to significantly improve public attitudes to migration, perhaps a positive side effect of the information dissemination (ILO and UN Women 2019).

During the COVID-19 pandemic, when social mobilization and interactions were limited, stakeholders increasingly came to rely on digital platforms to disseminate information. Examples of platforms include social media such as Facebook, Instagram and Telegram, official government websites, and radio. Some examples include the MAP Foundation in **Thailand** that disseminates information in migrant worker languages, broadcasting in Burmese and Shan on its own community FM radio stations, which are also simulcast via Facebook pages (see box 1). In **Cambodia**, a radio talk show series aired via Facebook reached 20,423 people on topics including migration procedures, violence against women migrant workers, available support services, and COVID-19 migration specific information. In **Myanmar**, BBC Media Action's Yay Kyi Yar Facebook page produced 35 original videos and infographics on safe migration and labour rights in the fishing, seafood processing and domestic work sectors. The page is followed by more than 1.2 million Myanmar people across ten countries. In **Lao People's Democratic Republic**, a series of radio programme campaigns were organized by the Youth Radio Programme in partnership with the Lao Federation of Trade Unions reaching 15,615 listeners. The programmes discussed the contribution of domestic workers and the challenges they face while abroad, as well as raising awareness on support services available to women migrant workers.

Mobile applications for migrant workers are another common information dissemination medium used in the region. In 2021, the My Journey app designed to support safe migration for women migrant workers was launched in **Cambodia**. The app provides access to essential and practical information and services for women migrant

workers to ensure they are aware of their rights while employed in countries of destination. It is user-friendly, catering to all literacy levels, with animation, video, and audio information available (Yalirozy 2021). In August 2022, the Smart Domestic Workers app was launched in **Thailand**, the outcome of a collaboration between Thai CSOs and UN Women. The app provides information on violence against women in four languages (Thai, English, Burmese and Khmer). Women can search for nearby hospitals, police stations and other agencies where they can receive support, as well as hotlines they can call (The Nation, Thailand 2022b). The SaverAsia website and mobile app were supported by the ILO to help migrant workers to compare remittance costs and to find financial information was disseminated in **Cambodia, Malaysia, Myanmar** and **Thailand**. The website had 131,264 individual users from September 2020 to August 2022 and the app was downloaded 8,260 times. In Cambodia, in-person outreach activities implemented in partnership with the National Employment Agency reached a total of 669 potential migrants (M: 419, W: 250) in 2021. This app and website are available in several migrant worker languages including Bahasa Indonesia, Burmese, Khmer and English.

With millions of migrant workers residing in countries of destination at the outbreak of the COVID-19 pandemic, disseminating information on COVID-19 and health and safety policies in migrant languages was essential. It should be noted that the provision of information in a language understandable to migrant workers is a key AFML recommendation and should apply to all information provision. In **Thailand**, the Department of Employment (DOE) developed video materials on COVID-19 prevention and healthcare for migrant workers and employers, with subtitles in three languages (Khmer, Lao and Burmese) to enhance awareness among migrant workers and employers.

Lastly, labour attachés and consular staff and country of origin overseas missions also played an important role engaging with migrant workers in countries of destination. During the pandemic, **Indonesian** overseas missions, for instance, played a proactive role circulating information on temporary placement suspension and border closures, as well as distributing personal protective equipment and food aid to migrant workers.

#### ► **Box 1. MAP radio: Disseminating information in migrant worker languages**

For a number of years, the MAP Foundation in Thailand has been disseminating information in migrant workers languages via two FM radio stations – FM99 Chiang Mai primarily in Shan language, and FM 102.5 Mae Sot primarily in Burmese. These two stations are also simulcast via Facebook pages, and listeners can access previous episodes via the MAP Foundation website.

The MAP Foundation estimates that annually there are over 70,000 radio listeners, for the two FM radio stations. Additional listeners also tune in via the MAP Radio Facebook fan page, with 54,000 followers, and the separate fan pages for the two radio stations. There is a monthly average of around 50,000 listeners tuning in via the internet, with a daily average of around 2,000 listeners. An estimated 60 per cent of the listeners are women.

MAP Radio's volunteer DJs and MAP staff broadcast 110.5 hours per week with 50 programmes over its two radio stations. The topics covered in the programmes include labour rights and labour law, social security information and worker's compensation, occupational safety and health, and women's rights and empowerment. During the pandemic, COVID-19 information ranging from restrictions on mobility, visa extensions, school closures and information explaining vaccination and how to access it were shared via the radio channels.

An important dimension of MAP Radio is that it is interactive, allowing migrant listeners to call into the station during broadcasts, write comments on the Facebook page, and send personal messages to request assistance or share their story. The radio is an important first step in raising awareness amongst migrant workers on their rights, with some migrants seeking assistance from MAP when they realize their rights have been violated.

The MAP Foundation's work in Chiang Mai and Mae Sot is supported by the ILO's TRIANGLE in ASEAN programme, as well as the ILO-UN Women Safe and Fair programme. MAP provides comprehensive Migrant Worker Resource Centre (MRC) services and is active in preventing and responding to violence against women and facilitates a wide network of migrant women's community groups. These 'Women's Exchange' groups also facilitate dissemination and in-depth discussions of information in-person by Myanmar women leaders throughout Thailand.

Source: MAP Foundation, 2022.

Through an ability to transition more information sharing to digital channels, such as radio, social media and websites, stakeholders in the ASEAN region have successfully continued to share important information to migrant workers despite the physical limitations brought on by the pandemic. Shortcomings to this approach, however, have been that not all migrants are digitally connected, and women even less so among them (ILO and UN Women 2019). Importantly, some initiatives reported by stakeholders in countries of destination have demonstrated that materials are increasingly available in languages understandable to migrant workers supporting migrant workers' access to information. This in combination with the increasing use of digital services to disseminate information are efforts that stakeholders across the ASEAN region can continue to build on to further strengthen information dissemination at all stages of the migration cycle. Increasing migrants' access to phones, radio and the Internet need to be strengthened for this model to inclusively reach all migrants. Further, as labour migration begins again after the pandemic, stakeholders should also reflect on the different information needs of migrant workers to ensure all migrant workers, irrespective of their migration status, gender, language, and disability, can access information relevant to their situations.

## 2.2 Cluster B – Pre-departure and post-arrival orientation, skills training and recognition

There are 16 AFML recommendations that cover pre-departure and post-arrival orientations (for the list of recommendations in this thematic cluster see Appendix II). They highlight that orientations should be available free of charge for migrant workers. The orientations should cover topics such as working and living conditions, the realities of labour migration, laws and procedures, migration associated costs.

This cluster also includes recommendations on skills training and recognition (see Appendix II). Some skills trainings are conducted as part of a pre-departure package together with shorter culture and law orientations. Others are stand-alone. The recommendations suggest, among other things, the development of skills standards and recognition, collection of labour market information to guide migrant workers on relevant skills, as well as the introduction of skills recognition systems. Skills training and recognition is also suggested to support the employability of workers after the COVID-19 pandemic.

### 2.2.1 Pre-departure and post-arrival orientation

The AFML has regularly adopted recommendations on the topic of pre-departure and post-arrival orientation programmes. Orientation programmes are important as they provide migrant workers with essential information for their time abroad. A specific recommendation was also adopted on trainings for employers of migrant domestic workers, to promote good practices among employers. Pre-departure and post-arrival orientations have continued in the ASEAN region although both the content and medium used to provide the trainings have been influenced by the pandemic. Several stakeholders across the ASEAN region also reported a decline in trainings it was able to provide during the pandemic.

► **The ASEAN Forum on Migrant Labour**

**A review of the implementation of Recommendations (3rd to 14th Forums)**

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

Pre-departure trainings are available in all ASEAN countries of origin and cover a range of issues including labour rights, support services, women-specific information, culture and customs in destination, health and safety measures, and health measures in response to the COVID-19 pandemic. An overview of pre-departure training programmes and providers in countries of origin can be seen below in Table 2.

► **Table 2. Pre-departure training programme in countries of origin (non-exhaustive)**

Country	Provider	Beneficiaries	Contents	
<b>Cambodia</b>	Ministry of Labour and Vocational Training (MLVT),	2020: 20 360 (W: 8 136)	Labour rights, support services, culture, COVID-19 health measures.	
	Association of Cambodian Recruitment Agencies (ACRA),	2021: 634 (W: 156)		
	Manpower Association of Cambodia (MAC)	2022 Jan - June: 5 760 (W: 2 435)		
<b>Indonesia<sup>a</sup></b>	The Indonesia Agency for the Placement and Protection of Indonesian Migrant Workers (BP2MI)	Aug- Dec 2020: 37 675	Labour laws and regulations, socio-cultural aspects in countries of destination, COVID-19 health measures.	
		Mar – Dec 2021: 62 681		
		Jan – Aug 2022: 101 113		
<b>Lao PDR</b>	Department of Employment	Not available	Documents required for safe migration, culture in country of destination, and the rights and responsibilities of migrant workers in the workplace.	
	Recruitment agencies	Not available		
<b>Myanmar</b>	Department of Labour training centres in Yangon and Mandalay	Not available	Prior to the COVID-19 pandemic, the DOL provided pre-departure training 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.	
	Mawk Kon Local Development Organization	2020: 60		Content same as DOL.
	Foundation for Education and Development	2022: 1 505 migrants (W: 561)		Content same as DOL.



Country	Provider	Beneficiaries	Contents
<b>Philippines</b>	Overseas Workers' Welfare Administration (OWWA)	Not available	Pre-departure orientation seminars cover seven modules: 1) Migration realities, 2) Destination country profile, 3) Employment contract, 4) Health and safety; 5) Financial literacy, 6) Available government programmes and services for OFWs, 7) Travel procedures and tips.
<b>Thailand</b>	Overseas Employment Administration Division, Department of Employment, Ministry of Labour	January 2020 - May 2022: 110 516	
<b>Viet Nam</b>	Ministry of Labour, Invalids and Social Affairs (MOLISA)	January 2020 – June 2022: 130 000	Labour rights and responsibilities, labour laws and regulations in destination countries, support services, complaint mechanisms, COVID-19 health measures.
	Viet Nam General Confederation of Labour (VGCL)	Not available	
	Recruitment agencies	Not available	

Lao PDR = Lao People's Democratic Republic.

Source: Information provided by ASEAN Stakeholders; ILO 2021a; BP2MI 2022a; BP2MI 2022b; BP2MI 2021; BP2MI 2020a; BP2MI 2020b; BP2MI 2020c; BP2MI 2020d.

a Based on the number of migrant workers registered in the government system as they are required to attend a pre-departure orientation programme.

Progress related to the implementation and continued operationalization of pre-departure trainings and orientations for migrant workers has been reported in the past three AFML progress review background papers (ILO 2021a; ILO 2019a; ILO 2017a) indicating that it is a policy area that continues to advance. Since 2020, stakeholders have increasingly come to rely on digital platforms to continue the provision of trainings and orientations due to movement restrictions introduced in response to the pandemic. For example, BP2MI in **Indonesia** utilized digital platforms to provide pre-departure orientations to women and men migrant workers, which are about eight hours in length. Similarly, in **Viet Nam** and **Thailand** trainings for migrant workers were conducted online during the pandemic, however at the time of writing this report (September 2022), trainings had largely returned to face-to-face trainings. In **Lao People's Democratic Republic**, the Ministry of Labour and Social Welfare initiated a revision of the existing pre-departure training manuals in July 2022.

In addition to the COVID-19 pandemic, another development that has impacted the provision of pre-departure trainings, specifically in **Myanmar**, is the military coup in February 2021. An ILO report on the situation for trade unions and CSOs in Myanmar concluded that the military takeover has significantly reduced these organizations' capacity to support migrant workers, which includes the provision of pre-departure trainings (ILO 2022d).

Upon arrival in countries of destination, migrant workers are in many countries encouraged to attend post-arrival orientation programmes. In **Singapore**, attendance of the Settling-in Programme is mandatory for first time migrant workers employed in the manufacturing, construction, and marine shipyard and processing sectors, as well as for migrant domestic workers (MOM Singapore, 2022c). In **Brunei Darussalam**, recruitment agencies are required to brief migrant workers on the content of their employment contracts and provide information on other work-related issues before workers can start their employment (ILO 2019a). **Thailand** regularly provides

► **The ASEAN Forum on Migrant Labour**

**A review of the implementation of Recommendations (3rd to 14th Forums)**

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

post-arrival orientations to migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar upon arrival at Post-Arrival and Reintegration Centres in Tak, Srakaeo, Nong Khai, Mukdahan, and Ranong in accordance with the MOUs on labour cooperation with the three countries. The **Philippines**, operates post-arrival orientation programmes for Filipino workers overseas via Philippine Overseas Labour Offices based in the Philippines embassies abroad, as a complement to the pre-departure trainings provided by the Overseas Worker Welfare Administration (OWWA). The Philippines is currently the only ASEAN net-sending country to provide orientation programmes for migrant workers upon arrival in countries of destination. An overview of post-arrival orientation programmes in countries of destination is provided below in Table 3.

► **Table 3. Post-arrival orientation programmes for migrant workers in countries of destination**

Country	Provider	Beneficiaries	Contents
<b>Brunei Darussalam</b>	Recruitment agencies	Not available	Content of migrant workers employment contracts and other work-related issues.
<b>Philippines</b> (held in multiple countries of destination)	Philippines Overseas Labour Office (POLO)	Not available	Post-arrival orientation programmes cover country of destination laws and culture, rights, and obligations of OFWs, complaint mechanisms, and support services provided by the Philippine government.
<b>Singapore</b>	Migrant Workers' Centre (MWC) and accredited training providers on behalf of the Ministry of Manpower (MOM Singapore)	Not available	Settling-in Programme covers employment rights and responsibilities, social norms in Singapore, complaint mechanisms, COVID-19 safety measures.
<b>Thailand</b>	Department of Employment (DOE) at Post-Arrival and Reintegration Centres	January - March 2020: 111 429	Labour laws and regulations, socio-cultural aspects in countries of destination, COVID-19 health measures.

Source: Information provided by ASEAN Stakeholders; ILO 2021a; ILO 2019a.

\*Migrant workers entering Thailand under MOUs on labour cooperation signed with Cambodia, Lao People's Democratic Republic and Myanmar.

In addition to post-arrival orientation programmes for migrant workers, pre-employment orientations for employers of migrant workers are also a key AFML recommendation. **Singapore** is currently the only ASEAN country that requires first-time employers of migrant domestic workers to attend an employers' orientation programme prior to applying for a work permit. The orientation programme provides employers with an overview of their roles and responsibilities as an employer. An employers' guide is also available for employers, which covers information such as salary guidelines, rest days, and worker well-being (ILO 2017a).

As labour migration resumes in the ASEAN region ensuring that pre-departure and post-arrival orientation programmes are available and adjusted to the 'new normal' should be a priority for training providers. All migrant workers should receive standardized education and information on safe migration and cooperation, as advocated for in the AFML recommendations. Encouragingly, the pandemic has promoted the use of digital tools for the training of migrant workers, a medium that stakeholders should continue to utilize to increase the reach and accessibility of trainings. However, monitoring the effectiveness remains a gap and this should be factored into next steps, as well as ensuring that migrants have access to the digital tools necessary for access.

## 2.2.2 Skills training and recognition

The provision of skills training and skills recognition and their importance for the employability of migrant workers is a policy area that continues to develop in the ASEAN region. Recommendations from the 13th and 14th AFML called for the improvement of migrant workers access to available re-skilling and up-skilling programmes to support their employability following the COVID-19 pandemic. Across ASEAN, it is common for migrant workers to receive on-the-job training, however, there are also organizations that provide skills training for migrant workers, though not all lead to technical qualification in line with national skills standards.

**Singapore** operates skills training and certification courses that provide technical qualifications in line with national skills standards for men and women migrant workers (Table 4). Trainings and skills recognition is provided by different learning institutes in Singapore. For example, the Agency for Integrated Care offers courses for migrant domestic workers to strengthen care skills such as basic eldercare or first aid skills. The Building and Construction Authority provides training and skills assessment for construction workers, including migrant workers, that aim to improve the skills, productivity, and safety within Singapore’s construction sector.

► **Table 4. Migrant workers’ access to skills training and recognition in countries of destination**

	Brunei Darussalam	Malaysia	Singapore	Thailand
<b>Do migrant workers have access to skills training leading to technical qualifications as per the country of destination skills standards?</b>	No	No	Yes	Yes
<b>Can migrant workers get overseas technical qualifications recognized?</b>	No	No	Unknown	No
<b>Do migrant workers have access to skills assessment and recognition, such as recognition of prior learning?</b>	No	No	Yes	No

**Thailand**, as another key ASEAN country of destination, has been working towards improving skills certification and recognition for migrant workers. The Department of Skills Development has been working on an ILO-led project on Mutual Recognition of Skills to improve the flow of semi-skilled labour in the ASEAN region. The project is a collaboration with three ASEAN countries of origin, Lao People’s Democratic Republic, Cambodia, and Myanmar, focusing on brick laying and plastering, brick laying and electrical wiring, and brick laying and sewing, respectively. Moreover, the same department has been collaborating with the Thailand International Cooperation Agency on another Skill Development Project for Cambodia, Lao People’s Democratic Republic, and Myanmar since 2014. The project aims to promote skill development for migrant workers employed in border areas, increase productivity, and reduce border area problems such as human trafficking and drugs. The courses available to migrant workers vary depending on employers needs and range from welding and wood product processing to housekeeping and communication skills. A total of 385 migrant workers received skills training in 2020-21, and the project aims to train 400 migrant workers in 2022. In addition, Thailand Professional Qualification Institute (TPQI), a public institution, has begun to provide training and skills certification for migrant workers.

Further, IOM and the Thai MOL Department of Skills Development have begun to build awareness of both Thai and migrant workers about the fact that the Skill Development Promotion Act B.E. 2545 and its Amendment

(No. 2) B.E. 2557 applies also to migrant workers. The Act requires businesses with more than 100 employees to provide skill training; ensure employees take and pass the national skill standard test; or hire employees with occupational licenses for at least 50 per cent of the average number of employees in each calendar year. If this worker skilling requirement is not met, employers must contribute to the Thai Skill Development Fund. It has been important for employers to understand not only about the skills legislation, but also that it applies to migrant workers among their staff as well as Thai nationals.

Migrant workers' access to skills training and recognition in countries of origin is also an important policy area. As demonstrated in Table 5, migrant workers access to skills training in line with national skills standards is available in four of six countries of origin. In the region, the **Philippines** has well-established skills training and recognition opportunities for migrant workers that continued throughout the pandemic, both online and face-to-face with strict health protocols. Since 2020, a training and certification for domestic workers via the Technical Education and Skills Development Authority (TESDA) was developed. Moreover, TESDA in collaboration with the National Reintegration Centre for OFWs and with ILO support launched the #WOMENOFWSCANDOIT tech-vocational scholarship and a skills development and reintegration support programme providing semestral technical and vocational education and training (TVET) courses for women overseas Filipino workers (OFWs), returnees or their family members.<sup>7</sup> More than 1,000 women OFWs received National Certificates under this programme between 2020-21.

► **Table 5. Migrant workers access to skills training and recognition in countries of origin**

	CAM	IND	LAO	MYR	PHL	VTN
<b>Do prospective migrant workers have access to skills training leading to technical qualifications as per the country of origin skills standards?</b>	Yes	Yes	No	No	Yes	Yes
<b>Can migrant workers get overseas technical qualifications recognized upon return?</b>	No	No	No	No	Yes	No
<b>Do migrant workers have access to skills assessment and recognition, such as recognition of prior learning upon return?</b>	Yes <sup>a</sup>	No	Yes <sup>b</sup>	No	Yes	No

a Pilot on recognition of prior learning completed.

b Availability is limited.

Skills training is also provided by various other actors, for example in **Indonesia** the Ministry of Manpower (MOM Indonesia), in collaboration with private sector actors, provides skills training to women and men migrant workers. After completing trainings migrant workers undergo competency tests to be accredited by the Indonesia National Certification Agency. Returnee migrant workers are also eligible to attend skill training programmes on entrepreneurship organized by the MOM Indonesia and BP2MI upon return to Indonesia.

The MLVT in **Cambodia** offers short-term and long-term technical and vocational training for returned migrant workers through TVET institutions and information related to domestic job opportunities through the National Employment Agency, Provincial Department of Labour and Vocational Training and provincial job centres. The programmes available include electrical wiring, hospitality, and soft skills training. Moreover, a pilot on Recognition of Prior Learning (RPL) on housekeeping for returning migrant domestic workers was completed between 2020 and 2022 (see Box 2). Training specifically for prospective migrant workers is limited. For instance, in Battambang province the Provincial Department of Labour and Vocational Training, in addition to the Battambang Institute of Technology, offer skills training primarily in the construction sector for both returnees and prospective migrants with the ILO support.

7 Through the ILO Safe and Fair Programme and Women in STEM programme.

► **Box 2. Recognition of prior learning**

Recognition of Prior Learning is a process used to identify, assess and certify a person's knowledge, skills and competencies – regardless of how, when or where the learning occurred – against prescribed standards for a part (modular) or full qualification. As many migrant workers have practical work experience and skills but limited access to formal education, RPL is an important strategy in helping them acquire formal qualifications and access to skilled employment.

The pilot on Recognition of Prior Learning (RPL) on housekeeping for returning migrant domestic workers in Cambodia was implemented with technical support from the ILO's TRIANGLE in ASEAN and skills teams in partnership with the National Committee for Tourism Professionals, in collaboration with Association of Cambodian Recruitment Agency, Manpower Association of Cambodia and assessment centre in Pour un Sourire d'Enfant Institute in Phnom Penh.

Due to limited time and COVID-19-related challenges, the Assessment Committee chose to focus the RPL pilot on four-unit competences only. \* All of the sixty domestic workers that participated in the pilot passed the assessment and obtained a Common ASEAN Tourism Curriculum Certificate II (Level 1) for housekeeping. Overall, the outcomes of the pilot demonstrated that domestic workers practical skills and experience are relevant for hotel housekeeping jobs and that RPL is a feasible strategy to acquire formal qualifications.

\* D1.HRS.CL1.18/ D1.HOT.CL1.01/D2.TCC.CL1.01 Work effectively with customers and colleagues; D1.HHK.CL3.03. Clean & prepare rooms for in-coming guests; D1.HHK.CL3.01-Provide housekeeping services to guests; and D1.HSS.CL4.09 Provide a lost and found facility.

The provision of digital skills trainings among migrant workers is an area that is growing in the ASEAN region. The Ministry of Labour, Invalids and Social Affairs (MOLISA) in **Viet Nam**, with support from IOM and in partnership with Microsoft Corporation, introduced trainings on enhancing migrant workers' digital skills and their attractiveness in the labour market. The online learning platform provides twenty-two self-paced learning courses ranging from digital skills to soft skills, entrepreneurship and job application skills. The courses are targeted at vocational students and migrant workers in the industrial and export-processing zones in Viet Nam. During the pilot phase of the online learning platform 12,860,000 registered users were recorded and about 27,251 certificates were issued. This project contributes to the implementation of the National Scheme of Digital Transformation and National Scheme of Training and Re-training of Viet Nam's labour force by including the low-skilled workforce of which migrant workers make up a majority.

On a smaller scale, civil society organizations provide trainings for prospective and returnee migrant workers. One such example is the Mawk Kon Local Development Organization in **Myanmar** that organized digital literacy and entrepreneurship trainings during 2020 and 2021 that were attended by over 500 migrant workers. The organization also supported 50 women with investment capital to start small businesses using the skills they obtained during the trainings. In another example, four batches of 112 women migrants were provided with vocational training by the Foundation for Education and Development in Kawthaung, Myanmar to expand their livelihood opportunities upon returning home from August 2021 to July 2022. After attending the training, they were supported to form three women's groups geared towards pooling financial resources and establishing small enterprises.

Migrant workers' access to skills training, certification and recognition remains limited in ASEAN, but it is good to note that some promising practices are emerging in the region. There are encouraging developments towards strengthening skills recognition, for example the piloting of RPL in Cambodia, however, further efforts are needed to strengthen and institutionalize this policy area cross the ASEAN region. The COVID-19 pandemic has promoted the use of digital tools for skills upgrading and certification, progress that stakeholders in the

ASEAN region should continue to build on. Moreover, stakeholders should continue to develop and align national training and certification schemes to support the employability and mobility of migrant workers throughout the ASEAN region.

## 2.3 Cluster C – Access to complaint mechanisms and legal support

Since the 3rd AFML, 27 recommendations have been adopted, recognizing the importance of establishing effective complaint mechanisms and providing legal support services for migrant workers. The recommendations call for ASEAN Member States to provide accessible grievance mechanisms for women and men migrant workers and that they are gender sensitive. Inter-country collaboration between trade unions and CSOs when handling complaint cases are also highlighted in AFML recommendations. For a list of recommendations grouped in this cluster see Appendix II.

### 2.3.1 Access to complaint mechanisms

The COVID-19 pandemic further exacerbated the risk of labour rights abuses such as non-payment of wages, unfair dismissal, coercion, and violence and harassment (ILO 2021b). Migrant workers' access to complaint mechanisms, however, varies and often remains limited. Several recommendations have been adopted at the AFMLs that highlight the need to improve the effectiveness of existing complaint mechanisms and make them more accessible for migrant workers.

At least nine out of ten ASEAN Member states have complaints mechanisms in place, but their effectiveness and accessibility vary. An overview of existing government complaint mechanisms and the responsible authority within the ASEAN region is detailed in Table 6, including data on complaints where available.

► **Table 6. Complaints mechanisms for migrant workers in ASEAN**

Country	Authority	Complaints
<b>Cambodia</b>	Ministry of Labour and Vocation Training (MLVT)	2020: 21 (14 resolved, four revoked, three remaining under investigation) 2021: 7 (four resolved and three remaining under investigation) Jan - June 2022: 2
<b>Indonesia</b>	The Indonesia Agency for the Placement and Protection of Indonesian Migrant Workers (BP2MI)	Jan 2020-May 2022: 1 315
<b>Lao PDR</b>	Ministry of Labour and Social Welfare, Department of Labour Management	Not available
<b>Malaysia</b>	Labour Department & Industrial Relations Department Enforcement team, Council for Anti-Trafficking in Persons (MAPO)	Not available
<b>Myanmar</b>	Department of Labour within the Ministry of Labour, Immigration and Population (MOLIP) <sup>a</sup>	Not available

A review of the implementation of Recommendations (3rd to 14th Forums)

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

Country	Authority	Complaints
<b>Philippines</b>	Philippine Overseas Employment Administration (POEA)  Overseas Worker Welfare Administration (OWWA)  Department of Labour and Employment (DOLE)  Department of Social Welfare and Development (DSWD)  Philippines Overseas Labour Offices (POLO),  Department of Foreign Affairs (DFA)	Not available
<b>Singapore<sup>b</sup></b>	Tripartite Alliance for Dispute Management (Step 1)  Employment Claims Tribunal (Step 2)  Tripartite Alliance for Fair and Progressive Employment Practices  Ministry of Manpower	In 2021, 2,098 employment claims and appeals from foreign employees were lodged with the Ministry of Manpower and the Tripartite Alliance for Dispute Management.
<b>Thailand</b>	Department of Employment (DOE)  Department of Labour Protection and Welfare (DLPW)	Jan 2020 - May 2022: 279  Not available
<b>Viet Nam</b>	Department of Overseas Labour (DOLAB)	Jan 2020 – June 2022: 190

Lao PDR = Lao People's Democratic Republic.

Source : Information from AFML Survey questionnaires. ILO, 2017b.

a The Ministry of Labour, Immigration and Population (MOLIP) changed its name after the military coup to the Ministry of Labour.

b The Tripartite Alliance for Dispute Management provides employees and employers with services to resolve salary-related claims and employment disputes. Claims that cannot be resolved through mediation will be issued with a claim referral certificate and referred to the Employment Claims Tribunal.

Since January 2020, the authorities received numerous complaints and grievances from migrant workers across ASEAN, although the number of complaints as a proportion of migrant workers are small. The BP2MI in **Indonesia** received 1,315 complaints on issues such as deportation from countries of destination, unpaid salaries, employment scams, physical abuse, and confiscation of documents without an employee's consent (January 2020 - May 2022). The responsible authority in **Viet Nam**, DOLAB, logged 190 complaints on recruitment costs, unlawful wage deductions, delayed departure, no provision of pre-departure training, and work different from what was agreed prior to departure (January 2020 - June 2022).

In **Thailand**, the Department of Employment introduced a complaint channel before the outbreak of the COVID-19 pandemic that received 279 complaints between January 2020 and May 2022. The complaint channel can be accessed by women and men migrant workers via telephone, email, visiting the Central Employment Registration and Workers Protection Division or through the digital service called DOE Help Me. The digital service is available in six languages (Thai, English, Khmer, Lao, Burmese and Vietnamese), guiding users through a selection of eight complaint categories, namely 1) information of misconduct of officers or any form of corruption, 2) illegal employment, 3) child labour, 4) wage issues, 5) maltreatment, 6) human trafficking, 7) prostitution, and 8) other.

A recent ILO review of the formal administrative migrant workers complaint mechanism in **Cambodia** concluded that its establishment under Prakas No. 249 on the complaint receiving mechanism for migrant workers has been positive and resulted in migrant workers benefiting from substantial amounts of compensation. The review also identified challenges that hinder migrant workers access to justice including limited access of migrant workers in an irregular migration status to the complaint mechanism, limited access to information on the complaint mechanism, and delays in the resolution of complaints cases. Findings also noted that workers received 59 per cent of the compensation requested for rights violations and that penalties imposed on recruitment agencies appear inadequate to deter agencies from re-offending. Importantly, the review also noted a need to clarify the applicability of Prakas No. 249 for complaints reported in countries of destination (ILO Forthcoming b).

Government stakeholders also reported initiatives to improve access to complaint mechanisms during the pandemic. In the **Philippines**, complaint mechanisms were increasingly digitalized to improve access during lockdowns; however, it should be noted that migrant workers with limited knowledge on digital services and poor access to digital tools often lacked access to complaint mechanisms. Overseas Filipino workers also benefited from the expanded and systematized deployment of social welfare attachés through the Department of Social Welfare and Development that also facilitate access to complaints mechanisms. Early in the pandemic, steps to improve migrant workers' access to complaint mechanisms were also taken in **Myanmar**, for example the Myanmar embassy in Bangkok facilitated access to complaint mechanisms for migrant workers. However, access to official government-run complaint mechanisms has decreased in Myanmar since the military coup in February 2021, leaving many migrant worker complaints unresolved.

Initiatives reported by ASEAN stakeholders describe measures introduced to improve migrant workers access to complaint mechanisms, especially in response to the COVID-19 pandemic, and the number of cases received since January 2020. Work remains before complaint mechanisms are accessible to all migrant workers in the ASEAN region and ensuring migrant workers are aware of their rights and the availability of complaint mechanisms is an important first step. Looking ahead, ensuring speedy remedies for violations experienced by migrant workers during the pandemic should be prioritized by stakeholders, as highlighted in recommendations from the 14th AFML.

### 2.3.2 Legal support services

Navigating legal systems in both countries of origin and destination can be challenging for migrant workers and hinder their ability to access complaint mechanisms. Addressing this gap through the provision of legal support services is a key assistance that government authorities, trade unions and CSOs can provide for migrant workers. Towards this end, the AFML recommendations emphasize the importance of one-stop service centres where migrant workers can receive free legal counselling, referral, and interpretation support.

Legal support services are available in at least nine out of ten ASEAN Member States, but the capacity and accessibility of these services vary (Table 7). Many legal support service providers are funded with government budgets, although across the ASEAN region many support providers are also wholly or partly supported by the ILO TRIANGLE in ASEAN, the ILO Safe and Fair programme, and the ILO Ship to Shore programme (see Figure 1 and Box 3).



## A review of the implementation of Recommendations (3rd to 14th Forums)

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

► Table 7. Legal support to migrant workers in ASEAN (non-exhaustive)

ASEAN Member State	Legal support provider	Type	Funding source
<b>Cambodia</b>	Ministry of Labour and Vocational Training (MLVT)	Government	Government budget
	Provincial Department of Labour and Vocational Training (PDOLVT)	Government	Government budget
	National Employment Agency Job Centre (NEA)	Government	Government and ILO
	Cambodian Labour Conference (CLC)	Trade Union	Supported by the ILO
	Legal Support for Children and Women (LSCW)	CSO	Supported by the ILO
	National Union Alliance Chamber of Cambodia (NACC)	Trade Union	Supported by the ILO
	Phnom Srey Organization for Development	CSO	Supported by the ILO
	Center for Alliance of Labour and Human Rights (CENTRAL)	CSO	Supported by the ILO
<b>Indonesia</b>	The Indonesia Agency for the Placement and Protection of Indonesian Migrant Workers (BP2MI)	Government	Government budget
	Ministry of Manpower		
	Ministry of Foreign Affairs		
	Department of Migrant Workers		
<b>Lao PDR</b>	Ministry of Labour and Social Welfare (MOLSW)	Government	Government budget
	Provincial Department of Labour and Social Welfare	Government	Government and ILO
	Provincial Lao Federation of Trade Unions (LFTU)	Trade Union	Government and ILO
	Village Focus International (VFI)	CSO	Supported by the ILO
<b>Malaysia</b>	Malaysia Trade Union Congress (MTUC)	Trade Union	Supported by the ILO
	Migrant Care	CSO	Supported by the ILO
	Our Journey	CSO	
	Persatuan Sahabat Wanita Selangor (Selangor Friends of Women Association)	CSO	Supported by the ILO
	Tenaganita	CSO	
<b>Myanmar</b>	Confederation of Trade Unions (CTUM)	Trade Union	Supported by the ILO
	Mawk Kon Local Development Organization	CSO	Supported by the ILO

ASEAN Member State	Legal support provider	Type	Funding source
	Northern Shan State Baptist Convention	CSO	Supported by the ILO
	Agency for Basic Community Development	CSO	Supported by the ILO
	Foundation for Education and Development (FED)	CSO	Supported by the ILO
	Future Light Center (FLC)	CSO	Supported by the ILO
<b>Philippines</b>	Department of Migrant Workers (DMW)	Government	Government budget
	Philippine Overseas Employment Administration (POEA)	Government	Government budget
	Department of Foreign Affairs via the Assistance to National Programme	Government	Government budget
	Philippine Overseas Labour Office (POLO)	Government	Government budget
	Overseas Worker Welfare Administration (OWWA)	Government	Government budget
<b>Singapore</b>	Ministry of Manpower (MOM Singapore)	Government	Government budget
	Center for Domestic Employees (CDE) and Singapore National Trades Union Congress (SNTUC)	Trade Union	Partly supported by the ILO
	Singapore National Employers Federation (SNEF)	Employers' organization	
	Migrant Workers Centre (MWC)	CSO	
	Humanitarian Organization for Migration Economics (HOME)	CSO	Supported by ILO
<b>Thailand</b>	Department of Labour Protection and Welfare (DLPW)	Government	Government budget
	Migrant Worker Assistance Centres (MWACs)	Government	Government budget
	MAP Foundation	CSO	Supported by the ILO
	Human Rights and Development Foundation (HRDF)	CSO	Supported by the ILO
	Foundation for Labour and Employment Promotion (FLEP)	CSO	Supported by the ILO
	Fishers' Rights Network (FRN)	Trade union	Supported by the ILO
	State Enterprises Workers' Relations Confederation	Trade union	Supported by the ILO
	Migrant Working Group	CSO	Supported by the ILO

ASEAN Member State	Legal support provider	Type	Funding source
Viet Nam	Ministry of Labour, Invalids and Social Affairs (MOLISA)	Government	Government budget

Lao PDR = Lao People's Democratic Republic.

Source: ILO, 2022.

Government agencies are a key provider of legal support services and increased government funding and ownership in this area should be encouraged. In the **Philippines**, various government agencies provide support to migrant workers throughout the migration process. The Department of Foreign Affairs provides legal assistance through their Assistance to National programme throughout the migration cycle, the Overseas Worker Welfare Administration provides legal support to returned migrant workers, and the Philippines Overseas Employment Administration assists migrant workers requesting support for recruitment related issues.

The **Thailand** Department of Labour's Protection and Welfare Department is a major state-based grievance mechanism for labour complaints (of both Thai nationals and migrants). The DOE in Thailand operates Migrant Worker Assistance Centres (MWACs) in ten provinces throughout country. The MWACs were established to protect and promote the rights of migrant workers, including by ensuring they had access to the various complaint mechanisms available under Thai labour and migration laws. Since January 2020, a review of the MWACs was conducted by ILO TRIANGLE in ASEAN at the request of the DOE (for details on the MWACs see Box 4). The review concluded with a number of recommendations to strengthen the MWACs, including the development of a set of standard operating procedures on collaboration and coordination with relevant bodies on case referral and case management, currently being drafted by the DOE. Legal counselling services are also provided by the DPLW, which employs 126 interpreters that work at Port In – Port Out Controlling Centres and the Provincial Offices of the DPLW. The interpreters are responsible for disseminating information on the rights and obligations of employees according to labour protection laws and regulations, provide consultation, and support during legal procedures.

In addition to government support services, trade unions and civil society organizations also provide important legal support services to migrant works. In **Thailand**, the MAP Foundation, for instance, continued to provide counselling through various channels during the pandemic and supported 1,903 migrant workers. Over 80 per cent of the counselling was provided through direct interaction, such as at migrant housing compounds and drop-in centres, and the remaining through the Migrant Line hotline and via the social media app Line. See other CSOs in Table 7.

Another CSO that continued to provide legal assistance throughout the pandemic is Legal Support for Children and Women (LSCW) in **Cambodia**. During 2020 and 2021, LSCW supported over 250 migrant workers on issues including delayed deployment due to travel restrictions and wage theft, through mediation with recruitment agencies and the provision of legal advice and support to navigate the Cambodian court system.

In **Myanmar**, the capacity of trade unions and CSOs to provide legal support services for migrant workers decreased during 2020 and 2021 due to COVID-19-related lockdowns and political unrest. According to an ILO report on the situation in Myanmar, migrant workers are still able to lodge complaints with the de facto authorities, however, trade unions and CSOs no longer provide direct legal support during the complaint process, as all interviewed organizations no longer engage directly with the de facto authorities. Trade unions and CSOs are, however, still providing behind the scenes support to migrant workers requiring legal assistance (ILO 2022d).

The continued efforts of stakeholders across the ASEAN region to provide legal support services throughout the pandemic has ensured that this policy area continued to advance. The initiatives and case studies presented above, and the financial compensation awarded during 2020 and 2021 are testament to these efforts. In the coming years, extending the reach of legal support services and ensuring their sustainability should be prioritized,

requiring both increased government ownership and funding of existing legal support services and in some cases the establishment of new services.

### ► **Box 3. Legal support to migrant workers during COVID-19**

Migrant Worker Resource Centres (MRCs) are important providers of legal support services in the ASEAN region. Crucially, most of the ILO supported MRCs remained open throughout the past two years despite the outbreak of the COVID-19 pandemic (see Figure 1 for overview of MRCs and Table 7). With MRCs remaining open, migrant workers were able to access legal support services to resolve complaints and access compensation or other legal remedies in cases of abuse, exploitation, and fraud.

During 2020, the most reported cases by migrant workers were non-payment of wages, termination of employment, and underpayment of wages. Complaints related to delays in deployment were also reported. The most common complaint cases reported in 2021 were delays in deployment, documents not provided, and underpayment of wages. The majority of the cases reported during 2020 and 2021 were resolved within 4-6 months, with a total of US\$6,140,035 ordered in financial compensation in 732 cases involving 7,368 migrant workers.

Source: ILO. TRIANGLE in ASEAN Annual Report 2020 and 2021.

### ► **Box 4. Migrant Worker Assistance Centres in Thailand**

In 2016, ten Migrant Worker Assistance Centres (MWACs) were established by the Thai Ministry of Labour, through the Department of Employment (DOE). The MWACs are located in provinces with high numbers of migrant workers including Chiang Mai, Samut Sakhon, Surat Thani, Songkhla, Samut Prakarn, Chon Buri, Nakhon Ratchasima, Khon Kaen, Tak, and Ranong.

The MWACs were established to protect and promote the rights of migrant workers, including by ensuring they had access to the various complaints' mechanisms available under Thai labour and migration law. Migrant workers are able to file complaints directly with an MWAC, rather than travel to the relevant Ministry of Labour office. The assistance centres also strengthen coordination and cooperation amongst the Ministry of Labour's departments: The Department of Employment; Department of Labour Protection and Welfare; Social Security Office; and Provincial Labour Offices. The services provided at MWACs were accessed by 38,749 migrant workers and Thai employers in 2021 and by 41,823 migrant workers and Thai employers by between January and August 2022.\*

An assessment concluded that the ten MWACs have improved migrant workers' access to information and that they provide important advice concerning migrant workers' employment and working conditions and labour rights. However, the same assessment also notes that there are areas of needed improvement to ensure the long-term sustainability of the MWACs in Thailand. This includes mainstreaming them under the law and providing sufficient financial and human resources for their continued operation across the country. The assessment also notes that once the MWAC model is sustainable and optimized, it should be expanded nationwide.

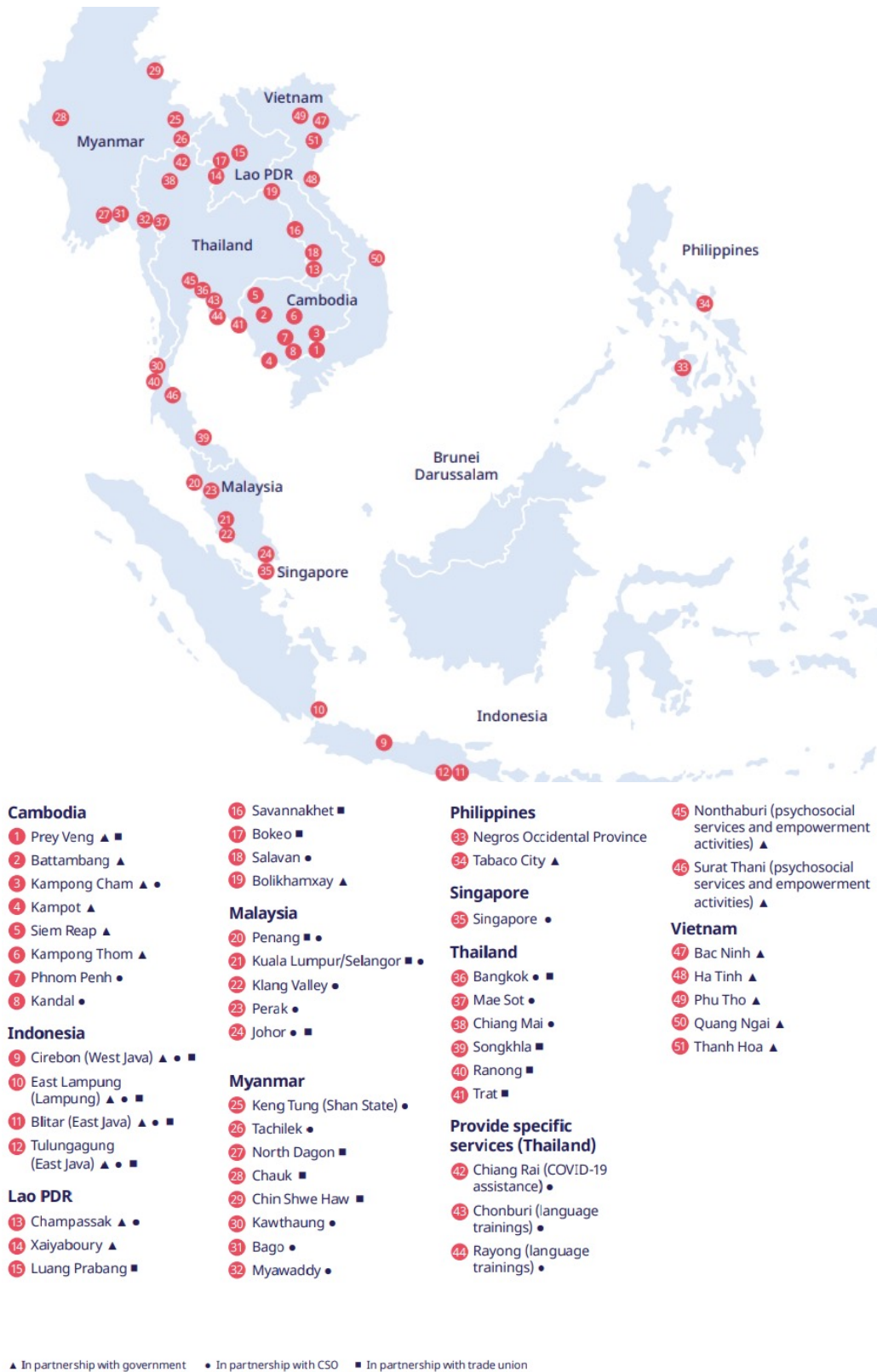
Source : ILO, 2020b ; ILO, 2021a.

\*Statistics provided by the Ministry of Labour of Thailand.

A review of the implementation of Recommendations (3rd to 14th Forums)

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

► Figure 1. ILO supported MRCs (as of 1 January 2022)



Source: ILO, 2022e.

## 2.4 Cluster D – Other support services

The 24 recommendations included in this cluster aim to strengthen the support services available for migrant workers. The establishment of Migrant Worker Resource Centres (MRCs) or one-stop service centres in all ASEAN Member States is recommended to ensure better protection mechanisms for migrant workers. Strengthening and raising the visibility of labour attachés, embassies, and consular officials in providing support for migrant workers is also included in this cluster. The importance of digital services to improve migrant workers' access to support is also recognized in the AFML recommendations. For a list of recommendations grouped in this cluster see Appendix II.

### 2.4.1 Service Centres (Migrant Worker Resource Centres)

A Migrant Worker Resource Centre (MRCs) is a physical space where migrant workers, including potential and returned migrants, and their families can visit to obtain information and assistance regarding labour migration (ILO 2014). One-stop service centres (OSSCs) serve a similar function to MRCs and allow migrant workers to process labour migration related documents in one location. Migrant workers can access these services through visiting the offices, online or over the phone. Most ASEAN Member States have MRCs or OSSCs today that provide important services to migrant workers.

In 2020, the Ministry of Manpower in **Indonesia** integrated MRCs providing gender-responsive services under the existing Governmental One-Roof Integrated Services. This integrated model strengthens the provision of comprehensive gender-responsive migration services for Indonesian migrant workers and provides a simpler one-stop centre for women seeking information and services on labour migration. Moreover, the initiative strengthens partnerships between government, migrant workers unions and women crisis centres. The village-based management and information centres have been established in Blitar, Tulungagung, Cirebon and East Lampung.

During COVID-19 many migrant workers needed emergency assistance in addition to the more traditional support services. Reaching migrant workers with emergency food relief, personal protective equipment (PPE), basic hygiene items and other emergency support was essential during the COVID-19 pandemic. In **Thailand**, the DOE provided food aid for migrant workers in construction camps during lockdowns between July and August 2021 and a total of 79,593 migrant workers received food aid. The Employers Confederation of Thailand cooperated with several partners to distribute 6,000 survival kits to workers, including workers confined to construction camps.<sup>9</sup> Civil society organizations, many of which receive financial support from the ILO, supported migrant workers with emergency assistance during the pandemic. In 2020 and 2021, a total of 67,070 migrant workers (27,140 women, 27,785 men and 12,145 unspecified) were reached with emergency assistance funded by ILO TRIANGLE in ASEAN. Some of the CSOs supporting the distribution of emergency relief in Thailand included the Migrant Working Group, the Human Rights and Development Foundation, FLEP and the MAP Foundation.<sup>10</sup>

In **Cambodia**, the Center for Alliance of Labour and Human Rights provided relief assistance (food and non-food items) to 3,504 Cambodian return migrant workers and their family members whose livelihoods in Thailand have been adversely impacted by the COVID-19 pandemic. The support particularly targeted irregular migrants returning without legal status as they often have fewer financial resources. Information on safe migration and local employment opportunities was also delivered to returning migrants. In **Lao People's Democratic Republic**, the Ministry of Labour and Social Welfare (MOLSW) delivered various emergency relief support services to 8,050 migrant workers, including returned migrant workers in quarantine facilities in Champasak, Salavan, Bokeo, Xayaburi, and Vientiane with food, hygiene, and information materials on finding local employment.<sup>11</sup>

8 This initiative is supported by the joint ILO – UN Women Safe and Fair Programme. See also Delivering as One from the National to Community Level: Gender Responsive One Roof Integrated Services Office in support of Indonesian Law 18/2017.

9 With support from ILO-UN Women Safe and Fair Programme.

10 With support from ILO TRIANGLE in ASEAN and ILO-UN Women Safe and Fair Programme.

11 With support from ILO TRIANGLE in ASEAN and ILO Ship to Shore Programme.

Throughout the pandemic, hotlines continued to operate providing migrant workers with vital access to support services during lockdowns and movement restrictions. The **Cambodian** embassies in countries of destination operated hotlines throughout the pandemic. Similarly, in Singapore a 24-hour hotline provided support to women and men migrant workers over the past two years. The Philippines also operates hotlines where migrant workers can report concerns and receive advice. A non-exhaustive list of hotlines in the ASEAN region is detailed in Table 8.

► **Table 8. Examples of hotlines in ASEAN countries of origin and destination (non-exhaustive)**

Country	Hotlines
<b>Brunei Darussalam</b>	Labour Department’s hotline
<b>Cambodia</b>	LSCW free anti-trafficking hotline Hotlines operated by Cambodian embassies
<b>Indonesia</b>	BP2MI Call Center 24-hour hotline Labour Issues: 67730466 and 68942799 Indonesian embassy hotlines
<b>Lao PDR</b>	Lao Federation of Trade Unions 1512 hotline Lao Women Union 1362
<b>Malaysia</b>	Hotlines operated by Tenaganita; MWG; North South Initiative; and the Bar Council Legal Aid Centres
<b>Myanmar</b>	Migration Division – 067 3430442 and 067 3430185 Complaint mechanism (Department of Labour): Nay Pyi Taw: 067 3430184 and 067 3430284 Yangon: 01 650089 and 01 650197
<b>Philippines</b>	POEA 24-hour hotline Overseas Workers Welfare Administration Globe hotline 2917
<b>Thailand</b>	Department of Employment 1506 hotline Department of Labour Protection and Welfare 1546 hotline FLEP hotline for migrant workers Ministry of Social Development and Human Security 1300 MAP Foundation Migrant Line

Country	Hotlines
<b>Singapore</b>	<p>Ministry of Manpower migrant domestic worker hotline</p> <p>Migrant Workers' Centre (MWC) 24-hour helpline – MWC officers assist migrant workers who call in using native languages</p> <p>Centre for Domestic Employees 24-hour toll free helpline staffed by native speakers</p> <p>Foreign Domestic Worker Association for Social Support and Training (FAST) 24-hour hotline</p> <p>Humanitarian Organization for Migration Economics (HOME) hotline</p>
<b>Viet Nam</b>	VOA Hotline, DOLAB 24/7 Hotline

Lao PDR = Lao People's Democratic Republic.

Note: Hotlines reported by ASEAN stakeholders. This is not an exhaustive list of all hotlines available to migrant workers in the ASEAN region.

Source: ILO, 2021a (updated 2022).

Lastly, improving the capacity of staff at migrant worker resource centres is a key AFML recommendation. In the **Philippines**, for instance, the CSO DAWN organized a trainers training for migrant worker service providers that was attended by staff from welfare offices, social welfare attachés, social workers and psychologists. DAWN, in partnership with UN Women, also organized a series of Community Consultations and Capacity-Building with the City Government of Manila on access to services of women migrant returnees and members of their families.

Migrant resource centres operated by governments, trade unions and CSOs are well established throughout the ASEAN region and their important role supporting and protecting migrant workers and their families continued throughout the pandemic. The MRCs ability to provide emergency relief in the form of food, PPE and other essential needs proved vital over the past two years. Capacity development of MRC staff, as conducted by DAWN in the Philippines, together with the provision of adequate financial and human resources are key to securing the future of MRC services and should be prioritized by ASEAN Member States. Ensuring that MRCs provide gender-responsive support services, paying attention to the needs of women migrant workers, will also be key to ensuring all migrant workers experiences are safe migration experiences.

## 2.4.2 Labour attachés and consular services

The presence of labour attachés and consular officials in countries of destination serves as an important protection mechanism for migrant workers employed abroad. Labour attachés and consular officials provide both judicial and other support services, such as vetting employers and contracts, support during complaint cases, and legal assistance. The AFML recommendations recognize the important role of labour attachés and consular officials and advocate for their capacity development to strengthen their ability to support migrant workers that have experienced labour rights violations.

Today, eight ASEAN Member States have labour attachés located in various countries around the world, with 24 labour attachés stationed in other ASEAN countries (Table 9). The **Philippines** also deploys Social Welfare attachés, with 12 attachés posted since 2019 (eight in the Middle East, three in East/Southeast Asia; one in Europe). Labour attachés and consular staff provided important emergency support services for migrant workers during the COVID-19 pandemic and efforts to strengthen their services were reported. **Viet Nam** took steps to improve the support services available to migrant workers via embassies and consulates during the pandemic. Similarly, **Myanmar** took steps to improve support services provided via embassies and consulates to Myanmar migrant workers residing in Malaysia, Republic of Korea, Thailand, and China, although progress was halted following the military coup in February 2021.



► Table 9. ASEAN countries with labour attachés

Country	No. of labour attachés	Countries/territories of assignment
<b>Cambodia</b>	5	Japan, Malaysia (2), the Republic of Korea and Thailand.
<b>Indonesia</b>	12	Brunei Darussalam, Hong Kong (China), Jordan, Kuwait, Malaysia, Qatar, the Republic of Korea, Saudi Arabia (2), Singapore, the Syrian Arab Republic and the United Arab Emirates, Taiwan (China).
<b>Lao PDR</b>	1	Thailand.
<b>Malaysia</b>	4	India, Indonesia, Singapore, and Switzerland.
<b>Myanmar</b>	10	Malaysia (2), the Republic of Korea and Thailand (5).
<b>Philippines</b>	37	Australia, Bahrain, Brunei Darussalam, Canada (2), Germany, Greece, Hong Kong (China), Israel, Italy (2), Japan (2), Jordan, Kuwait, Lebanon, Macao (China), Malaysia, New Zealand, Oman, Qatar, the Republic of Korea, Saudi Arabia (4), Singapore, Spain, Switzerland, Taiwan (China) (3), the United Arab Emirates (2), the United Kingdom and the United States (2).
<b>Thailand</b>	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.
<b>Viet Nam</b>	6	Japan, Malaysia, the Republic of Korea, Saudi Arabia, Taiwan (China) and the United Arab Emirates.

Lao PDR = Lao People's Democratic Republic.

Source: ILO, 2015b (updated 2022).

The **Indonesian** overseas missions established emergency support services for women and men migrant workers residing in countries of destination. Indonesian embassies and consulates established hotlines and provided food aid and PPE for Indonesian migrant workers. **Cambodian** labour attachés provided important support to migrant workers during the pandemic including the provision of medical and food aid, consultation, visiting migrant workers' housing, and supported migrant workers to find new employment. In 2021, 2,616 migrant workers' families in Thailand were provided with food supplies.

At the **regional level**, the Philippines Department of Labour and Employment is leading a project on capacity building for labour attachés and other foreign service officers towards better protection of migrant workers in the ASEAN region.<sup>12</sup> This project addresses key AFML recommendations and is an activity that is included under the updated ASEAN Consensus Action Plan (2018–25) with implementation expected to start in 2022. The outputs of this project will include (1) a mapping of the current status and good practices in the provision of labour attaché and consular services to migrant workers in ASEAN Member States with specific attention to women migrant workers, and (2) training modules for building the capacity building of labour attachés and other foreign service officers towards improved, gender-responsive approaches to protecting migrant workers from and within ASEAN.

12 Implementation of this project has been delayed by the Government restructuring in the Philippines. The Philippines adopted Republic Act No. 11641 establishing the Department of Migrant Workers (DMW), which will become the lead government body responsible for labour migration and OFWs during the whole migration cycle.

Labour attachés currently stationed in key migrant destination countries within the ASEAN region provide a valuable support service to migrant workers. Their presence in destination countries has proven to provide important emergency support services during the pandemic. Investing in the capacity development of labour attachés and consular staff is important and ASEAN Member States would benefit from adopting the AFML recommendations within this policy area. Migrant workers would also benefit from ASEAN Member States increasing the number of labour attachés in countries of destination and reviewing the gender balance among labour attachés to mirror the migrant labour force.

## 2.5 Cluster E - Effective labour migration policies and fair recruitment

The protection and promotion of the rights of migrant workers through effective labour migration policies, fair recruitment practices and regulations has been discussed at all past AFMLs. There are 29 recommendations in this cluster that cover issues such as the importance of licensing and monitoring recruitment agencies, as well as the importance of regulating recruitment related costs with a view to prohibit charging of fees or costs to migrant workers. At more recent AFMLs recommendations have advocated for the use of technology to improve the governance of labour migration and digitalize recruitment processes. The 14th AFML also recognized the importance of enhancing the effectiveness of legal pathways for labour migration in the post pandemic future. For a list of all recommendations grouped in this cluster see Appendix II.

### 2.5.1 Freeze, retention and reopening policies during COVID-19

Policies directly impacting the movement of migrant workers and their right to stay in countries of destination or leave countries of origin were introduced during the COVID-19 pandemic. Protecting workers whose contracts expired and who were unable to return to countries of origin through the introduction of special passes and moratoriums on sanctions for visa overstayers, was a key AFML recommendation adopted at the 14th AFML.

Broadly, the policies introduced followed a similar pattern, starting with border closures and lockdowns, followed by visa extensions or amnesties for migrant workers stuck in countries of destination and the suspension of the deployment of migrant workers from countries of origin, and finally the reopening of borders and subsequently labour migration. All the ASEAN Member States introduced border closures at some point during the pandemic and at the time of writing this report all borders had opened across the region (Table 10).

► Table 10. Border closure and reopening dates in ASEAN

Country of origin	Closure date	Re-opening date
<b>Cambodia</b>	July 2021 temporarily shut borders with Thailand and Viet Nam.	Borders opened 1 March 2022.
<b>Indonesia</b>	March 2020 Indonesia introduced temporary moratorium on the placement of Indonesian migrant workers.	Deployment or placement of migrant worker gradually started on 30 July 2020. 22 March 2022 borders opened for fully vaccinated travellers without quarantine.
<b>Lao PDR</b>	April 2020 Lao PDR closed borders for individuals.	9 May 2022 opened all borders.
<b>Myanmar</b>	March 2020 closed all borders to foreign nationals.	17 April 2022 Yangon airport reopened. Kaw Thauung – Ranong border reopened on 2 June 2022.

**A review of the implementation of Recommendations (3rd to 14th Forums)**

Progress of the ASEAN Member States in implementing the 3rd – 14th AFML recommendations

Country of origin	Closure date	Re-opening date
<b>Philippines</b>		Borders opened 10 February 2022.
<b>Viet Nam</b>	March 2020 closed borders and stopped issuing tourist visas.	15 March 2022 border opened without testing. Deployed 45,000 workers in 2021 mainly to Taiwan (China) which opened for MW in Feb 2021.
Country of destination	Closure date	Re-opening date
<b>Brunei Darussalam</b>	March 2020 closed borders to all foreign nationals.	Fully opened borders on 1 August 2022.
<b>Malaysia</b>	March 2020 Malaysia suspended the entry of non-nationals.	Entry was permitted for skilled workers and their dependents in February 2022; while borders opened fully on 1 April 2022, entry requirements were lifted in August 2022.
<b>Singapore</b>	March 2020 Singapore closed borders to short-term visitors and all non-essential migrant workers.	Entry without quarantine for all including MWs from 1 April 2022.
<b>Thailand</b>	March 2020 Thailand began closing borders across the country.	Borders open without quarantine 1 June 2022; MOU migration from Cambodia resumed on 15 February 2022 and from Myanmar resumed 10 May 2022.

Lao PDR = Lao People's Democratic Republic.

Sources: Brunei Darussalam, MOH, 2020; Brunei Darussalam, PMO, 2022; Sovuthy, 2021; ASEANTodayTV, 2022; Bagus Enrico & Partners, 2020; Tilleke & Gibbins, 2020; World Bank, 2022; ILO, 2021b; Mann, 2020; IOM, 2020; Singapore, MOH, 2020; Dinh, 2022; Lee, Latiff and Chu, 2022; Imtiaz, 2022; MySafeTravel, 2022.

During the pandemic many migrant workers were unable to return to their countries of origin due to border closures and movement restrictions introduced across the ASEAN region. Policies extending migrant workers right to stay were introduced in key countries of destination. In **Thailand**, the government adopted several Cabinet Resolutions granting permission to migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar that were residing in Thailand without a visa or work permit to stay and work legally in the country. In 2021, a total of 1,058,606 migrant workers from Cambodia (148,682), Lao People's Democratic Republic (61,638) and Myanmar (848,286) extended their visas and work permits. Another round of visa extensions took place in mid-August 2022, allowing migrant workers that were registered by an employer to apply for two one-year visas, extending their visa until 2025 (The Nation, Thailand, 2022a).

**Malaysia** launched the Labour Recalibration Programme for migrant workers with irregular status in November 2020 in response to a labour shortage caused by COVID-19. The programme allowed migrant workers to apply to legally work in the country within four sectors – manufacturing, construction, agriculture, and plantations. This recalibration programme was only available to migrant workers who had once had regular status and were overstaying or otherwise misusing their visa. It was not made available to migrant workers who initially entered Malaysia irregularly. The government also introduced the Return Recalibration programme, allowing migrant workers that had overstayed their visas to voluntarily return to their country of origin. A total of 712,435 migrant workers with irregular status registered under the two programmes between November 2020 and June 2021, with 293,907 registering for the Return Recalibration programme and the remaining 418,528 registering for the Labour Recalibration programme (Malaymail, 2022).

During the height of the pandemic **Singapore** extended all expired visas for two months and allowed migrant workers without a job to look for employment in another sector without leaving the country (ILO 2021b). Allowing migrant workers greater flexibility to change employers addresses a key AFML Recommendation adopted at the 10th AFML in 2017, a right that would greatly benefit migrant workers and employers in all ASEAN countries of destination even after the pandemic.

Countries of origin also stepped-up efforts to support migrant workers in countries of destination during the pandemic. The Ministry of Labour and Vocational Training and **Cambodian** embassies worked with authorities in countries of destination to facilitate and extend the validity of migrant workers' documents to allow them to continue to stay and work overseas.

As the ASEAN region moves forward after the pandemic, opportunities for labour migration through official channels are reopening for migrant workers throughout the region. **Thailand** agreed to reopen borders and welcome migrant workers through two channels in December 2021. Migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar are permitted to enter Thailand under the MOU process. Migrant workers can enter Thailand at Mae Sot Airport (Tak Province), Ranong Airport (Ranong Province), Suvarnabhumi International Airport (Samut Prakan Province), and Don Mueang International Airport (Bangkok). A total of 10,813 migrant workers were granted work permits and entered Thailand through this channel from December 2021 – May 2022.

Migrant workers employed in **Thailand** temporarily or seasonally in accordance with Section 64 of Foreigners' Working Management Emergency Decree B.E. 2560 are permitted to enter and work in select provinces. The nine provinces include Chanthaburi, Sri Saket, Surin, Sa Kaeo, and Trad, along the Thai-Cambodian border, and Chiang Rai, Tak, Kanchanaburi, and Ranong, along the Thai-Myanmar border. A total of 22,482 migrant workers were granted work permits and entered to work in these provinces from December 2021 to May 2022.

Since official migration channels reopened for **Vietnamese** migrant workers in 2021, 51,677 migrant workers, including 19,849 women, departed to Japan, Taiwan (China), and Republic of Korea in 2021 during the first six months of 2022. Labour migration reopened for **Cambodian** migrant workers in 2022, with workers sent to Japan, Thailand, and Republic of Korea. As of June 2022, the estimated number of Cambodian migrant workers deployed to countries of destination is 9,112 (3,809 women).

**Indonesia** implemented several new policies on the deployment of migrant workers after the pandemic, for example the Minister of Manpower's Decree No. 294/2020 on the implementation of Indonesian Migrant Workers' Placement in the New Normal. This Decree introduces protective measures throughout the migration cycle and stipulates that any costs incurred as a result of health testing or screening required for labour migration should not be covered by the migrant worker. Ministerial Decree No. 294/2020 was followed-up by the issuance of Director General Decree No. 3782/PK.02.01/IX/2021 on the Standard Operating Procedure on Services and Protection of Migrant Workers in Workers' Training Overseas Centers in the New Normal. The standard operating procedures aimed to provide step-by-step guidance on mitigating the multidimensional impacts faced by migrant workers in the new normal, with particular attention given to women migrant workers employed in the domestic work sector. Another regulation is the Director General Decree No. 3783/PK.02.01/IX/2021 on the Standard Operating Procedure for Private Placement Agency and Overseas TVET on the Provision of Services and Protection of Indonesia Migrant Workers during the New Normal. This Decree stipulates operating procedures for Indonesian recruitment agencies, with penalties imposed for non-compliance.

As labour migration continues to resume in the ASEAN region stakeholders should take steps to assess opportunities for regional or bilateral collaboration mechanisms for facilitating fair and ethical deployment of migrant workers in the post pandemic. Efforts should also be focused on enhancing effective legal pathways for labour migration, and formal channels streamlined to reduce time and cost.

## 2.5.2 Memorandums of Understanding on labour migration

As part of the efforts to resume labour migration in ASEAN, the 14th AFML recommended that stakeholders take steps to enhance the effectiveness of legal pathways of labour migration. Bilateral collaboration mechanisms for labour mobility are one such tool that stakeholders can use to support the fair and ethical deployment of migrant workers. Recommendations on bilateral collaboration mechanisms such as Memorandums of Understanding (MOUs), have however, also been adopted at two previous AFMLs. From 2020 to 2022 negotiation of bilateral MOUs continued to progress and in total 13 new MOUs were signed both within and outside the ASEAN region. Table 11 below lists the new MOUs that entered into force during the past two years.

► **Table 11. New Memoranda of Understanding signed by ASEAN Member States since January 2020**

MOU	Date	Content
<b>Indonesia and Malaysia</b>	1 April 2022	MOU on the employment and protection of Indonesian domestic migrant workers in Malaysia.
<b>Lao PDR and Republic of Korea</b>	March 2022	IT skills training for potential migrant workers.
<b>Lao PDR and Japan</b>	July 2022	Memorandum of Cooperation on sending skilled workers to Japan.
<b>Thailand and Saudi Arabia</b>	March 2022	MOU on the export of Thai labour including provisions for safe working conditions.  Agreement on domestic labour recruitment between the Thai Ministry of Labour and the Saudi Arabian Ministry of Human Resources and Social Development.
<b>Thailand and Israel</b>	July 2020	The Thailand-Israel Cooperation on the Placement of Workers was signed to regulate temporary employment of Thai agricultural workers.
<b>Thailand and Japan</b>	February 2020	This Memorandum of Cooperation was signed with a view to ensure smooth and proper sending and accepting of specified skilled workers (14 occupations).
<b>Viet Nam and Japan</b>	June 2022	MOU on special visa for Vietnamese migrant workers in Japan.
	2020	MOU on special visa for Vietnamese migrant workers in Japan.
<b>Viet Nam and Malaysia</b>	March 2022	MOU on the Recruitment, Employment and Repatriation of Workers.
<b>Viet Nam and Australia</b>	March 2022	MOU to provide support for Vietnamese citizens to participate in the Australian Agriculture Visa Programme.
<b>Philippines and Romania</b>	June 2021	Increase hiring of Filipino workers.
<b>Philippines and United Kingdom</b>	November 2021	Recruitment of Filipino nurses and other healthcare professionals.

Lao PDR = Lao People's Democratic Republic.

Source: Information submitted by ASEAN stakeholders; Sengpaseuth, 2022; Thailand, MOL, 2022.

As the region continues to reopen for labour migration, addressing labour shortages and the protection and promotion of the rights of migrant workers should be at the centre of policies and strategies guiding this process. Consultation of employers' organizations, workers' organizations, and civil society in the formulation of MOUs is essential in ensuring that the MOUs meet the needs of migrant workers and their employers. The recommendations adopted at the 14th AFML on Recovery and Labour Migration in the Post-Pandemic Future in ASEAN should serve as a guidance for stakeholders in their efforts to support migrant workers.

### 2.5.3 Gender and rights-based labour migration policies

During the COVID-19 pandemic important work on strengthening labour migration policy has continued in the ASEAN region. Important legislative developments on labour migration were adopted in two ASEAN Member States between 2020 and 2021. Moreover, policy initiatives specifically targeting the needs of women migrant workers were implemented. An overview of existing labour migration policies in the ASEAN region is detailed in Table 12.

► Table 12. Labour migration policies in the ASEAN region

Country	Labour migration policy
<b>Cambodia</b>	Policy on Labour Migration for Cambodia 2019-23. Sub-Decree 190 on The Management of the Sending of Cambodian Workers. Abroad through Private Recruitment Agencies, and Prakas. <sup>13</sup>
<b>Indonesia</b>	Law on Protection of Indonesia Migrant Workers (No. 18/2017).
<b>Lao PDR</b>	Decree 245 on the Placement of Lao Workers to Work Abroad. Ministerial Agreement No. 1050 on the Establishment and Management of Employment Service Enterprises. Regulation of the Lao Employment Service Agency Association (forthcoming).
<b>Myanmar</b>	Law Relating to Overseas Employment (1999). 2nd National Plan of Action on the Management of International Labour Migration (2018-22).
<b>Philippines</b>	Republic Act No. 10022 of 2010, amending the Migrant Workers and Overseas Filipinos Act of 1995.
<b>Viet Nam</b>	Law on Contract Based Overseas Workers 2020 (Law 69).
<b>Brunei Darussalam</b>	Labour (Immigrant Workers' Employment Licences) Rules (S 159/71). Employment Agencies Order, 2004. Immigration (Amendment) Regulations, 2007 (No. S 44).
<b>Malaysia</b>	The Immigration Act 1959. Private Employment Agency Act 1981, amended 2017. 12th Malaysia Plan (2021-25).

Country	Labour migration policy
<b>Singapore</b>	Employment of Foreign Manpower Act (1990), Amended 2012. Foreign Employee Dormitories Act, 2015 (No. 3 of 2015). Employment Agencies Act (1958), Amended 2020.
<b>Thailand</b>	Foreigners Working Management Emergency Decree B.E. 2560 (2017) Employment Arrangement and Job Seeker Protection Act B.E. 2544 (2001) and amendments.

Lao PDR = Lao People's Democratic Republic.

**Lao People's Democratic Republic** introduced Decree 245 on the Placement of Lao Workers to Work Abroad in May 2020 creating a more inclusive migration and mobility framework and lifting the de facto ban on regular migration for domestic workers. The adoption of Decree 245 is a positive development for labour migration policy, in particular for domestic workers that previously migrated through irregular migration channels increasing their vulnerability to abuse and exploitation from unscrupulous recruitment agencies and human traffickers. Encouragingly, subordinate legislation has been adopted to guide the effective implementation of the new Decree. Ministerial Agreement No. 1050 on the Establishment and Management of Employment Service Enterprises and the Establishment of a Lao Employment Service Agency Association are pieces of subordinate legislation introduced that address some of the legislative gaps in Decree 245 surrounding recruitment processes including recruitment related costs and fees.

**Viet Nam** adopted the Law on Contract Based Overseas Workers 2020 (Law 69) in 2020 that governs international labour migration for Vietnamese workers. The new law incorporates important advancements for migrant workers, for example the removal of the requirement for migrant workers to pay brokerage commissions and it gives migrant workers the right to terminate contracts in employment situations where they experience threats, sexual harassment or forced labour. Moreover, Law 69 includes a provision for legal aid for workers should they experience abuse, violence or discrimination while employed overseas (ILO 2020c). Following the adoption of Law 69 in 2020, work continued on five sub-laws to serve as guiding normative documents for the law's successful implementation. On 31 December 2021, the Vietnamese Prime Minister signed the five sub-laws, that together with Law 69 came into force in January and February of 2022. The five sub-laws include:

- ▶ Prime Minister's Decision No. 40 on the Fund for Overseas Employment Support.
- ▶ Decree No. 12 Stipulating sanctions for administrative violations in the fields of labour, social insurance, and overseas manpower supply by contract.
- ▶ Decree No. 112 Detailing several Articles and measures to implement the Law on Vietnamese Guest Workers.
- ▶ Circular No. 20 on the Database System of Vietnamese Guest Workers.
- ▶ Circular No. 21 Detailing several Articles of the Law on Vietnamese Guest Workers.

The implementation of these sub-laws will have longstanding effects for the prevention of migration-related abuse, exploitation, sexual harassment, gender-based violence, forced labour and the human trafficking of

13 As country of origin: Prakas No. 045/13 on the use of key terms in Sub-Decree No. 190; Prakas No. 108 on Education on HIV/AIDS, Safe Migration, and Labour Rights for Cambodian Workers Abroad; Prakas No. 046/13 on the recruitment process and predeparture orientation training; Prakas No. 047/13 on private recruitment agency; Prakas No. 249 on the complaint mechanism for migrant workers; Prakas No. 250 on the inspection of private recruitment agency; Prakas No. 251 on the award and punishment on private recruitment agency; Prakas No. 252 on the services of private recruitment agency in the workplace and repatriation; Prakas No. 253 on the use of minimum standards of overseas job placement service contract. As country of destination: Prakas No. 196 on the Use of Foreign Workforce; Joint Prakas No. 2662 on Inspection of Foreign Workforce in the Kingdom of Cambodia; Prakas No. 360 on Determination of Categories of Occupations and Jobs Prohibited for Foreigners; Prakas No. 555 on the management of foreigners' work permits.

migrant workers. The sub-laws increase the support available to migrant workers that experience rights violations overseas, including financial compensation and a wider availability of sanctions against unscrupulous actors, sets ceilings for recruitment fees and related costs to be paid by migrant workers to certain destinations and removes fees and costs to other destinations completely. It also increases penalties including fines, revocation of licenses and additional remedial measures for service enterprises who exploit migrant workers.

In **Cambodia**, the National Committee on Counter Trafficking launched a five-year National Strategic Plan for countering trafficking-in-persons 2019-2023, that includes important strategies on labour migration. The Ministry of Labour and Vocational Training initiated work on a new comprehensive labour migration law that is in line with international standards. Public consultation with social partners and other relevant stakeholders is scheduled for 2023. In the coming year, the Policy on Labour Migration for Cambodia 2019-23 will also be renewed for another five-year period and elevated from ministerial to national level policy.

Similarly, **Malaysia's** National Action Plan on Forced Labour (NAPFL) 2021-25 adopted in November of 2021 has a specific strategic goal that "By 2025, migration management, including recruitment practices, will be strengthened." One of its indicators is "a national labour migration management strategy that protects migrant workers' labour rights is in place." Further, the NAPFL includes important commitments to develop clear national definitions of recruitment fees; increase transparency and public access to bilateral agreements and MOUs; monitor labour recruiters; ensuring that no fees are charged to migrant workers, as well as many other important policy commitments related to labour migration governance.

The Philippines adopted Republic Act No. 11641 establishing the Department of Migrant Workers (DMW), which will become the lead government body responsible for labour migration and OFWs during the whole migration cycle. The DMW merges the seven existing offices working on labour migration-related issues and creates a single destination for OFWs to access labour migration information, legal assistance, and reintegration services. With the adoption of this law the Philippines is the first country to include in law the 23 Objectives of the Global Compact for Migration (UN Network on Migration 2022).

Ensuring that labour migration policies and practices are gender sensitive and responsive is a policy area that continues to advance, albeit slowly, across the region. The Ministry of Manpower in **Indonesia**, in collaboration with the ILO and CSOs, launched a Technical Guide on the Provision of Gender Responsive Services and Protection of Indonesian Migrant workers in 2022. The guideline provides a step-by-step approach to help Tripartite Plus actors in developing, implementing, and monitoring gender-responsiveness programmes as mandated by Law 18/17 on the Protection of Indonesia Migrant Worker.<sup>14</sup> The guideline also recommends the establishment of tripartite-plus social dialogue and coordination mechanisms on labour migration. Another guideline published is the Guideline on the Protection of Women Migrant Workers during COVID-19 and the Protocol for Handling Gender-Based Violence and Trafficking during COVID-19. The guideline and protocol detail measures for handling and ensuring the provision of gender-sensitive services to better promote and protect the rights of women migrant workers. The guideline and protocol were developed by the Indonesian Ministry of Women and Empowerment and Child Protection.

In **Thailand**, a Memorandum of Understanding on Guidelines for Coordinating Assistance and Protection in Cases of Violence Against Women Migrant Workers was signed by a network of 11 partners (four government and seven civil society organizations) including the Vice Governor of Chiang Mai Province.

The developments reported within this sub-cluster demonstrate that the ASEAN region has seen some progress on labour migration policies over the past two years. It is encouraging that initiatives targeting the protection and promotion of the rights of women migrant workers continue to emerge. Looking ahead, stakeholders should strive to align their migration policies, strategies and practices with the principles presented in the 1st Recommendation from the 5th AFML.

<sup>14</sup> Includes the Ministry of Manpower, BNP2TKI, Ministry of Health, Ministry of Women Empowerment and Child Protection, Ministry of Social Affairs, labour unions, civil society organizations and private recruitment agencies.



## 2.5.4 Regulation of recruitment agencies and enforcement of recruitment procedures and costs

Migrant workers face a myriad of problems during migration such as a lack of legal documents, being deceived by recruitment agents or brokers and incurring large debts from loans taken to cover the costs associated with migration for work (Harkins, Lindgren, and Suravoranon 2017). The AFML has adopted several recommendations calling for the simplification and enhanced regulation of recruitment procedures. Recommendations also highlight the need for ASEAN Member States to work towards ensuring that fees related to recruitment should not be charged to migrant workers in line with the ILO General Principles and Operational Guidelines for Fair Recruitment. Further, as recruitment agencies play such a central role in the labour migration process, the AFML also emphasizes the need to license and regulate recruitment agencies to ensure migrant workers are protected. Legislation to both regulate and license recruitment agencies is present in nine ASEAN countries and fees to be paid by migrant workers are regulated in six countries (Table 13). See Box 5 for additional information on regulating recruitment agencies.

► **Table 13. Legislation to license and regulate recruitment agencies and recruitment costs in ASEAN**

	BRN	CAM	IND	LAO	MAL	MYA	PHIL	SING	THA	VIET
<b>Does the country have laws, decrees, rules or regulations on licencing and regulating recruitment agencies?</b>	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Do these national standards prohibit charging workers higher than legal maximum fees?</b>	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>a</sup>	Yes
<b>Do these national standards prohibit charging any fee to workers?</b>	No	No	No	Yes	No	No	No	No	Yes	No

<sup>a</sup> This applies for migrant workers residing in Thailand, however not for Thai migrant workers.

Source: ILO forthcoming c.

In **Lao People’s Democratic Republic**, MOLSW developed the Ministerial Agreement No. 1050 on the Establishment and Management of Employment Service Enterprises, which was adopted on 25 March 2022. Ministerial Agreement 1050 states that it is prohibited to charge workers employment service fees and provides grounds for termination of a recruitment agency that receives frequent complaints. In 2021, MOLSW confirmed that they are going to advance the Regulation of the Lao Employment Service Association in 2022, a positive development as Lao People’s Democratic Republic is the only country in the Mekong sub-region that does not yet have a recruitment agency association.

In addition to government regulations, Codes of Conduct (CoC) are also an effective tool to monitor the practices of recruitment agencies in the ASEAN region. Today, CoC are operational in five of the ten ASEAN countries (see Table 14).

► Table 14. Codes of conduct for recruitment agencies in ASEAN

Country	Code of Conduct	Responsible organization
<b>Cambodia</b>	Code of Conduct for Cambodian recruitment agencies.	Association of Cambodian Recruitment Agencies (ACRA) and the Cambodian Manpower Association (MAC).
<b>Myanmar</b>	Code of Conduct for the Members of Myanmar Overseas Employment Agencies Federations.	Myanmar Overseas Employment Agencies Federation (MOEAF).
<b>Philippines</b>	Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers.	The Philippine Association of Service Exporters Inc (PASEI).
<b>Singapore</b>	Best Practices for Placement of Migrant Domestic Workers.	Association of Employment Agencies.
<b>Viet Nam</b>	Viet Nam Association of Manpower Supply (VAMAS) Code of Conduct (COC-VN).	Vietnamese Association of Manpower Supply (VAMAS).

Source: ILO, 2022.

**Cambodia** adopted its Code of Conduct (COC) for Cambodian recruitment agencies in January 2020, as reported in the previous AFML progress review (ILO 2021a). The COC includes 12 core principles that, if effectively implemented, will help to ensure recruitment agencies promote and protect the rights of migrant workers. For example, the COC clearly instructs agencies to reduce costs and fees for migration with a gradual transition towards a “zero fee” model. The document reflects both domestic and international labour standards, helping migrant workers understand what they can expect when migrating with the support of a private recruitment agency. During 2021, the Association of Cambodian Recruitment Agencies and the Cambodian Manpower Association initiated work on the development of an Assessment System and Assessment Checklist, to monitor recruitment agencies compliance with the COC, with piloting taking place in 2022. Trainings were also administered by MRCs in Cambodia to strengthen recruitment service providers knowledge on ethical recruitment practices and key developments within the policy area fair recruitment.

In **Myanmar** the Code Compliance and Monitoring Committee of the Code of Conduct for Members of Myanmar Overseas Employment Agencies Federation (MOEAF) finalized the development of detailed monitoring guidelines for Thailand, Japan, and Malaysia. The guidelines were intended to be used to monitor and rank the signatories of the Myanmar COC on their compliance. Due to the pandemic the ranking of signatories was postponed to a later date. Another development was the signing of and MOU between MOEAF and the Association of Recruitment Agencies Singapore (ARAS) in 2020. Under this MOU, MOEAF will be able to send domestic workers to Singapore and ARAS will establish a compulsory training centre and conduct skills tests for domestic workers migrating to Singapore through the MOU. The cost for each worker will be about US\$210.

Recruitment policies and procedures should be streamlined and well informed to migrant workers and where appropriate AFML recommendations suggest that recruitment and placement processes should be digitalized to support easier and more transparent labour migration. One-stop service centres (OSSCs) are one way that recruitment procedures can be streamlined and easily accessible at one specific location. Since January 2020, the MLVT in **Cambodia** has established three one-stop service centres in Phnom Penh, Battambang, and Banteay Meanchey to support document processing for migrant workers travelling to work in Thailand.

Initiatives to digitalize aspects of the recruitment process were also implemented. In **Indonesia**, a new digital platform for incoming migrant workers to Indonesia wishing to renew their employment contracts called Foreign

Workers TKA online was launched. The new platform allows foreign migrant workers to renew their contracts virtually instead of visiting their nearest employment office. The platform ensured that migrant workers could continue to access this service despite lockdowns and movement restrictions imposed during the pandemic. In **Thailand**, the Department of Employment has developed a Digital Work Permit which is available from both the Google and iOS app stores and adopted a digital payment method called Electronic Data Capture for the work permit fee. The Digital Work Permit is available for foreign experts, technicians, and migrant workers from Cambodia, Lao People's Democratic Republic, and Myanmar.

The implementation of regulations and Codes of Conduct to monitor and regulate the operations of recruitment agencies are important advancements within this policy area. The introduction of digital tools in Indonesia and Thailand to streamline the recruitment process are also positive developments. However, significant gaps remain before recruitment procedures are well informed to migrant workers and stakeholders, and the process is streamlined across the ASEAN region. Moreover, migrant workers continue to pay high recruitment fees and related costs, which is not in line with the ILO General Principles and Operational Guidelines for Fair Recruitment that state that “migrant workers should not be charged for recruitment related costs.” All stakeholders should work towards ensuring that all recruitment associated costs are regulated and not charged to migrant workers, and that fair recruitment principles are made clear and operationalized throughout the region.

#### ► Box 5. Monitoring and regulating recruitment

Legislation to license and regulate recruitment agencies is present in eight ASEAN countries, as detailed in Table 14. These laws seek to regulate the recruitment business by establishing guidelines targeting the behaviour of recruitment agents. The provision of licenses, including conditions for its use, is a central tool employed by governments to regulate the behaviour of recruitment agencies, with violations of license conditions entailing civil or criminal liabilities. Table 15 summarizes the number of recruitment agencies with valid licenses in the ASEAN countries as of 1 July 2021. The large number of registered agencies in some countries suggest that it is both a lucrative industry to enter due to its market size, however, it is also an industry that is relatively easy to enter due to, for example, low financial requirements and practical knowledge not being of high importance.

Challenges facing authorities when regulating recruitment agencies, stem not only from the sheer number of licensed recruiters compared with the number of inspectors, but also the inadequacy of government funding to cover the difficult work of regulating recruitment agencies (see Table 15 below). For example, in 2011 the Philippines Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) had a total budget of US\$38.4 million, which is a rather small amount of the whole annual government budget. Moreover, the budgets for similar agencies in other countries are even smaller than those allocated in the Philippines. This suggests that governments are under-budgeting for services to protect migrant workers, especially considering the important economic contribution of migrant workers in both countries of origin and destination.

According to a forthcoming ILO report, another challenge influencing a government agency's ability to regulate recruitment agencies stems from the average number of migrant workers placed via each recruiter. Based on the figures presented in Table 15 below, the average number of migrant workers recruited via licensed agencies in Cambodia and Viet Nam range between 200 and 220 respectively. Numbers are however even higher in the Philippines at 630 migrant worker per recruiter, and in Thailand with 400 workers per recruiter. For Indonesia, it should be noted that the numbers indicated in Table 15 do not reflect the large number of workers recruited via informal channels.

► Table 15. Comparative size of personnel assigned to inspect/monitor recruitment

	CAM	IND	MAL	MYA	PHIL	SING	THA	VIET
<b>No. of licensed recruitment agencies as of 1 July 2021</b>	126	329	1 034	n/a	642 <sup>1</sup>	3 812	132 243 <sup>2</sup>	523
<b>Workers recruited for work abroad by year (annual flow)</b>	26 000 (2015)	264 000 (2018)	n/a	95 300 (2015)	798 000 <sup>3</sup> (2017)	n/a	53 000 (2020)	116 000 (2015)
<b>Foreign workers(est. stock)</b>	n/a	n/a	2 million documented	n/a	n/a	174000 on S Pass	1.1 million (regularized)	n/a
<b>No. of regulatory personnel assigned to inspect/monitor</b>	27	n/a	462	n/a	6	170	154	50 <sup>4</sup> 7 126 574

Source: ILO forthcoming c.

n/a = data not available.

1 The Philippines reported 493 land-based recruitment agencies and 149 sea-based recruitment agencies with valid licenses in 2021.

2 Thailand has 132 agencies that recruit Thai workers for work overseas, and 243 agencies that bring migrant workers to Thailand. There are another 229 recruiters licensed to recruit Thais for jobs in Thailand.

3 In 2017 the POEA reported 420,000 new hires of land-based workers + 378,000 new hires of seafarers.

Sources: Various, including responses to the Questionnaire; ILO, 2015.

4 Viet Nam's Ministry of Labour, Invalids and Social Affairs (MOLISA) has regulatory personnel from different departments, operating at different levels of administration. Based on the questionnaire responses, 50 officers from the Division of Inspectorate and Legal Affairs, and the Division responsible for that particular labour market, in the Department of Overseas Labour have the responsibility to inspect and supervise, through the review and approval of, the list of recruited and trained workers prior to departure for overseas employment, and through the inspection activities on the operation of licensed service enterprises. Seven officers from the Section of Labour Policies Inspection in MOLISA's Inspectorate are also involved. At the provincial level, the Departments of Labour, War Invalids and Social Affairs (DOLISAs) has assigned two inspectors for each province, which totals to 126 inspectors (two inspectors per province, for 63 provinces). Finally at the district level, the DOLISAs provide an officer for each district which totals to 574 officers (one officer per district for 574 districts).

## 2.6 Cluster F - Equal labour protection and decent conditions of work

Migrant workers have been disproportionately impacted by the COVID-19 pandemic, which has limited their access to decent work (ILO 2021b). The AFML Recommendations adopted at the 13th and 14th AFMLs seek to address this issue and build on the many recommendations adopted at previous AFMLs to address gaps and challenges in migrant workers access to decent work, including wage protection (see Box 6). The importance of providing adequate housing and living conditions were also key recommendations adopted at recent AFMLs. For a list of all recommendations grouped in this cluster see Appendix II.

### ▶ Box 6. Wage protection for migrant workers

Non-payment of wages or wage loss is commonly experienced by migrant workers, an issue that was exacerbated during the COVID-19 pandemic (ILO 2021b). An ILO (2021c) survey reported that 36 per cent of surveyed migrant workers, both women and men, had experienced wage losses as a result of the COVID-19 pandemic. The AFML recommendations adopted at the 13th and 14th AFMLs recognized the need to ensure decent wages for migrant workers and protect their wages during times of pandemic. Access to remedy for wage violations and speedy resolutions of migrant workers cases were also key recommendations adopted at the AFMLs.

Examples of effective wage protection for migrant workers are sparse and existing complaint mechanisms are often not easily accessible. Reported progress has been limited, although a notable positive outcome for migrant workers emerged in Malaysia in 2020.

The Malaysian Government instituted the Movement Control Order (MCO) under the Prevention and Control of Infectious Diseases Act 1988 on 18 March 2020. The MCO required that all enterprises, except those involved in essential services, cease their operations. Some companies were allowed to continue operations with permissions issued by the Ministry of International Trade and Industry. Soon after the start of the MCO, the Migrant Worker Resource Centres (MRCs) operated by the Malaysian Trades Union Congress (MTUC) started to receive complaints from migrant workers who had not been paid their salaries during the closure and were struggling without money to support themselves.

#### **MRT construction case**

In early May of 2020, five network leaders representing 10,455 migrant workers contacted the MTUC MRC in Selangor to lodge a complaint against 13 sub-contractors of a major construction project in Kuala Lumpur and Serdang. The construction project had to stop during the MCO, and the 13 sub-contractors had stopped wage payments to their total of 10,455 men migrant employees. The construction workers from Bangladesh, Indonesia, Myanmar, Nepal and Viet Nam were left without money for basic expenses, including food.

Due to the urgency of the matter, the MRC and MTUC leadership decided that informal mediation was the fastest way to proceed. Filing a case at the relevant government agency would not have been helpful, as at that point no cases were being heard. MTUC officers contacted the 13 sub-contractors concerned to investigate why the salaries were not paid. The sub-contractors claimed that they could not pay because they had not received payments for the work done from the main contractor, or that they intended to conserve their cash flow by not making any wage payments. The MTUC, however, informed the companies that regardless of the situation, non-payment of salary is a fundamental breach of contract and if a case were to be filed, the companies would be ordered to pay the due wages. Constant reminders and follow-up calls were made to human resources personnel and the directors of the 13 companies as well as to the five network leaders to check on the status of salary payments.

With consistent pressure and negotiations, due wages were finally paid to the 10,455 migrant workers. The total amount of the settlement was 12,546,000 Malaysian ringgit (US\$3,100,840), equalling a payment of 1,200 ringgit (US\$297) to each of the 10,455 migrant workers. The five network leaders confirmed that all workers received their pay.

### Manufacturing case

In another case, seven network leaders representing 4,441 workers from Bangladesh, India, Indonesia, Myanmar (including from Rakhine State), Nepal, Pakistan and Viet Nam brought a complaint against seven different manufacturing companies producing wood and steel products, furniture, electrical components and other products. These companies were allowed to continue operating at a reduced capacity during the MCO, but the permission granted by the MITI stipulated that only 50 per cent of the staff were allowed to report to work. The companies selected 50 per cent of their staff for continued work and paid salaries only to those 50 per cent. The migrant workers who were not working and did not receive their salaries complained about non-payment of wages. They also claimed that the companies did not explain clearly how the selection of the 50 per cent was made and that the selection was not done in a fair manner.

Migrant worker network leaders in the seven companies consulted their co-workers and coordinated among themselves, and then approached the MTUC MRC together. The concerned workers did not want to lodge a formal complaint against their employers, as they were afraid of losing their jobs, but sought the MTUC's assistance in negotiating with the employers to receive their due wages and to be able to resume work. The MRC contacted human resources personnel in each of the seven companies to investigate the issue. The companies claimed that they could not pay wages to those workers who were not working, as they needed to preserve their business cash flow. As in the previous case, the MRC officers informed the companies that payment of salary is a fundamental breach of contract and insisted on payment of due wages.

Finally, the persistence of the MRC officers led to the seven companies agreeing to pay due wages to the 4,441 migrant workers. The total value of the settlement was 5,329,200 Malaysian ringgit (US\$1,317,153), including 1,200 ringgit (US\$297) payments to each of the 4,441 migrant workers.

Source: ILO, 2021b.

## 2.6.1 Strengthen labour laws and extension of coverage

The COVID-19 pandemic further highlighted gaps in existing labour legislation, underlining the need to review existing labour laws to ensure equitable protection of migrant workers. This is especially important for migrant workers employed in sectors such as agriculture, fisheries, and domestic workers that are currently excluded from labour law protections. Reviewing and aligning national laws with international standards, such as the ILO Domestic Workers Convention, 2011 (No. 189), would also contribute towards strengthening migrant workers labour protections.

In January 2020, **Thailand** extended labour protection to workers in the fishing sector. The Ministerial Regulation on Labour Protection in the Sea Fishing Work B.E. 2565 (2022) increased the protection measures for fishing workers who work outside national waters in terms of wages, welfare and occupational safety and health. The new regulation brings national labour laws more closely in line with the ILO Work in Fishing Convention, 2007 (No. 188).

**Thailand** also continued work on its ministerial regulation governing the working conditions for domestic workers, both Thai and migrant workers. Following a gap analysis of the ILO's Domestic Workers Convention

No. 2011 (No. 189) with the current legislative framework, the Thai Ministry of Labour prepared a draft revision of the existing Ministerial Regulation in 2020. Work continued in 2021 and a second draft was made available in June 2021. This draft includes a number of protections that will ensure better working conditions for domestic workers. The changes include the introduction of a minimum wage in line with other workers and domestic workers are entitled to an eight-hour workday. Domestic workers would also be eligible for 98 days of maternity leave, of which 45 will be paid, and termination of employment due to pregnancy will be illegal. If adopted the revised version of the Ministerial Regulation will close significant protection gaps related to minimum wage and working hours, bringing Thailand's legal framework in close alignment with the ILO Domestic Workers Convention, 2011 (No. 189).

Another development reported in **Thailand** is that the DPLW is currently in the process of amending two ministerial regulations that provide protections for workers employed in the informal sector, including migrant workers. These include the Ministerial Regulation on the Protection of Labour in Agricultural Work B.E. 2557 (2014) and the Ministerial Regulation (No.14) B.E. 2541, both issued under the Labour Protection Act B.E. 2541 (1998).

**Malaysia** has undertaken substantive labour law reforms in recent years as required under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) free trade agreement. The Industrial Relations Act;<sup>15</sup> Occupational Safety and Health Act;<sup>16</sup> Employment Act;<sup>17</sup> Children and Young Persons (Employment) Act;<sup>18</sup> and Employees' Minimum Standards of Housing, Accommodations and Amenities Act<sup>19</sup> have all been reviewed and amended. The Trade Unions Act is currently in the process of being amended, while the Sabah and Sarawak Labour Ordinances are expected to follow suit in due course. In addition, other relevant laws that have been amended in recent years include the Employees' Social Security Act, Private Employment Agencies Act and Anti-Trafficking in Persons and Smuggling of Migrants Act (ATIPSOM).

Strengthening labour laws and extending their coverage to uncovered sectors is a policy area that requires further work before migrant workers access to equal labour and social protections is realized. One tool that can be employed to strengthen migrant workers understanding of their rights and responsibilities while employed in countries of destination is through the provision of employment contracts that are in line with core labour standards (see Box 7 on migrant workers employment contracts).

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15 Largely in force since 1 January, 2021 except provisions relating to plurality of unions, pending adoption of the Trade Union Act.

16 Adopted by Parliament on 27 December, 2021, received Royal Assent, and will be entering into force on a date yet to be appointed by the Minister.

17 Adopted by Parliament on 30 March, 2022, received Royal Assent, and entered into force on 1 January, 2023.

18 In force since 1 February 2019.

19 In force since 1 June, 2020, while the ensuing Employees' Housing Regulations came into force on 1 September, 2020.

► **Box 7. Migrant worker employment contracts**

Several AFMLs have adopted Recommendations on the importance of providing migrant workers with transparent and rights-based employment contracts, considered a key tool to promote fair and decent working conditions for migrant workers. The employment contracts should be in line with core labour standards and national labour laws, and importantly Article 22 of the ILO's Migration for Employment Recommendation (Revised). Contracts should also be available in a language understandable to migrant workers and signed by employers and workers before departure.

Information provided by stakeholders for this progress review indicates that progress on the implementation of transparent and rights-based employment contracts for migrant workers is limited. This is further confirmed by findings from study conducted by the Fishers' Rights Network between March and June 2021. The study surveying 520 fishers in eight Thai provinces revealed that 87 per cent of surveyed workers did not have a physical copy of their employment contract and almost all (96 per cent) surveyed fishers did not completely understand their contract. A large majority (89 per cent) of fishers did not have their contract translated to a language they can understand, which is a central AFML recommendation. This suggests that further work is required to ensure all migrant workers have access to standard employment contracts and that the practice of contract substitution and issuance of sub-standard employment contracts should be eliminated.

Source: TCIJ, 2021.

## 2.6.2 Adequate housing and living conditions

Access to adequate housing is a fundamental human right and recognized in the ILO's Declaration of Philadelphia (ILO 1944) as well as in international law and in ASEAN regional standards (ILO 2022b). Migrant workers access to decent housing in the ASEAN region is limited, especially for low-wage migrant workers and migrants with irregular status. It is common for migrant workers to live in housing provided by their employers, for example dormitories or shared apartments where migrant workers share rooms and, in some cases, also beds (ILO 2022b). The substandard housing conditions of migrant workers became a risk factor during the COVID-19 pandemic, with many migrant workers unable to physically distance and lacking access to adequate hygiene measures (ILO 2022b). Recommendations addressing the poor housing and living conditions of migrant workers were adopted at the 13th and 14th AFMLs.

Housing standards are more fully established in **Malaysia** and **Singapore**, and both countries introduced improvements in migrant worker housing laws as a consequence of the COVID-19 pandemic (Table 16). **Thailand** has no legislation addressing migrant workers' housing, but housing standards for the construction sector were established in the 2016 Standards of Accommodation as Labour Welfare for Employees in the Construction Sector. During the pandemic the Ministry of Labour published a notification to extend these requirements to all employer-provided housing. However, the notification is only a guideline with no penalty for non-compliance (ILO 2022b).



► **Table 16. Housing standards for migrant workers in Malaysia and Singapore**

	Malaysia	Singapore
<b>Housing legislation</b>	Workers Minimum Standards of Housing and Amenities Act (Act 446).	Foreign Employee Dormitories Act (FEDA), 2015. *
<b>Floor area of sleeping space</b>	Dormitory: 3 m2 Non-dormitory: 3.6m2	Dormitory: 4.2 square meters.
<b>Sanitary facilities: No. of workers per toilet and bathroom</b>	Dormitory: 15 Non-dormitory: 6	Dormitory: ≥ 1 set of en-suite toilet, bathroom, and sink: 6 residents. ≤
<b>Basic amenities – per worker (not shared)</b>	<ul style="list-style-type: none"> <li>▶ Single bed: 1.7 m2</li> <li>▶ Double-decker (or bunk) beds should be a minimum of 0.7 m apart.</li> <li>▶ Mattress at least 4 inches thick, with pillow and blanket.</li> <li>▶ Locked cupboard: minimum measurements of 0.35 m long, 0.35 m wide, 0.9 m high.</li> </ul>	<ul style="list-style-type: none"> <li>▶ 1 bed per resident.</li> <li>▶ 1 lockable cabinet per resident.</li> <li>▶ ≥ 1 meter spacing between beds, double-decker beds allowed.</li> <li>▶ Minimum 1 power socket per resident per sleeping area.</li> </ul>

Source: ILO, 2022b; MOM Singapore, 2021b.

\*As of 1 April 2023, FEDA will be expanded to include migrant worker dormitories with seven or more beds.

Note: Housing standards for Singapore refer to improved housing standards for migrant workers introduced in September 2021. These standards will apply to applications to develop a dormitory submitted on or after 18 September 2021. Existing dormitories will continue to operate under the prevailing infrastructure requirements that were imposed during their initial approval. MOM Singapore is currently engaging employers and dormitory operators to transition existing dormitories to the improved infrastructure standards.

COVID-19 outbreaks at migrant worker residencies were reported in **Malaysia** in April 2020, resulting in the government placing the residencies under lockdown. Migrant workers residing in these residencies reported limited access to sanitation facilities such as running water and struggles with isolation and stress during confinement (ILO 2022b). Prior to the outbreak of the pandemic in 2019, amendments were made to the Workers Minimum Standards of Housing and Amenities Act (Act 446) that came into force on 26 November 2020. Four revised Regulations for the implementation of Act 446 were published in August 2020 and two were published in 2021:

- ▶ Employees’ Minimum Standards of Housing, Accommodations and Amenities (Processing Fees for Application of Certificate for Accommodation) Regulations 2020;
- ▶ Workers’ Minimum Standards of Housing and Amenities (Nurseries) (Amendment) Regulations 2020;
- ▶ Employees’ Minimum Standards of Housing, Accommodations and Amenities (Maximum Rental or Charges for Accommodation) Regulations 2020;
- ▶ Employees’ Minimum Standards of Housing, Accommodations and Amenities (Accommodation and Centralized Accommodation) Regulations 2020;
- ▶ Minimum Standards of Housing, Accommodation and Facilities for Employees (Employees Required to be Provided Accommodation) Regulations 2021; and
- ▶ Minimum Standards of Housing, Accommodation and Employee Facilities (Compounding of Offenses) Regulations 2021.

The amendments aimed to improve housing standards and expand the Act's coverage to include all sectors of employment that provide housing for workers, including both employer-provided housing and centralized accommodation providers. The Regulations specify the minimum requirements of worker housing including a sleeping area with minimum floor area of 3.6 square meters for non-dormitory accommodation and three-square meters for dormitories. Deductions for accommodation is also capped at 100 ringgit (approximately US\$24). Migrant domestic workers are however, not covered by the amendments.

The Malaysian government further amended Act 446 with the Emergency (Employees' Minimum Standards of Housing, Accommodations and Amenities) (Amendment) Ordinance 2021 ("Emergency Ordinance") that came into force on 26 February 2021. The emergency ordinance required housing providers to "replace, alter or repair accommodation that does not comply with Act 446" (section 24FA), and move workers from overcrowded accommodation to temporary housing approved by the Director-General of Labour. Housing providers found in violation risked a fine of 200,000 ringgit (approximately US\$48,219) or up to three years in prison (ILO 2022b). The Emergency Ordinance was annulled on 25 October 2021 (Loheswar 2021). Following the annulment, the Government stated its intent to include the provisions of the Emergency Ordinance in additional amendments proposed for Act 446 (Carvalho, Rahim and Tan 2021). In December 2021, it was reported that close to half (46.7 per cent) of employers were yet to comply with Act 446 (Bernama 2021).

**Singapore's** Ministry of Manpower employed a similar response to Malaysian authorities following a COVID-19 outbreak in dormitories housing migrant workers, electing to isolate workers to limit the spread of the virus (ILO 2022b). However, many of the dormitories were overcrowded and unsanitary, limiting migrant workers' ability to physically distance and maintain adequate hygiene. In an attempt to enable physical distancing, authorities moved migrant workers to temporary housing such as public housing apartments and military camps. The operators of the temporary housing were provided with guidelines on how to manage the accommodation that specified safe distancing measures, meal catering arrangements, hygiene standards and cleaning requirements, and management of migrant workers wellbeing (ILO 2022b). The government also provided isolated migrant workers with PPE, hygiene maintenance, Wi-Fi access to communicate with family and access entertainment, and food delivery (ILO 2022b).

In **Singapore**, dormitory housing that accommodates 1,000 or more migrant workers is regulated by the Foreign Employee Dormitories Act, 2015 (FEDA). In September 2022, the Ministry of Manpower announced that FEDA will be expanded to include migrant worker dormitories with seven or more beds from 1 April 2023 (MOM Singapore, 2022d). This will bring the regulation of all dormitories under one single Act (MOM Singapore, 2022d). In September 2021, the MOM Singapore, Ministry of National Development and Ministry of Health announced improved standards for new migrant worker dormitories. The revised standards include a room occupancy capped at 12 persons, ensuite toilets, and communal facilities capped at 120 residents. The standards require residents to have at least 4.2 square meters living space and Wi-Fi available in all common areas and rooms. Ventilation requirements to provide sufficient air circulation are also included. (MOM Singapore, 2021b). The new standards apply to all new dormitories submitted for approval after 18 September 2021 and the government is reviewing the feasibility of improving existing dormitories (MOM Singapore, 2021b). Moreover, the government already has plans to construct purpose-built dormitories in line with the new housing standards for up to 100,000 workers (Yufeng 2021).

At the height of the pandemic in **Thailand**, the government introduced a policy referred to as "bubble and seal." This was a highly controversial policy adopted by the Thai government in February 2021 in Samut Sakhon, the centre for Thai seafood production. The policy resulted in the mass COVID-19 testing of seafood processing workers, with published results revealing that 7,878 out of 50,000 workers had tested positive for COVID-19 infections (Bangkok Post, 2021). This led to a lockdown of Samut Sakhon, where 260,000 registered and as many as 140,000 undocumented workers were residing (Wongsamuth 2021). The "bubble" policy required employers to provide migrant workers transportation between their accommodation and the workplace, with workers living far away required to install mobile tracking apps. The "seal" policy confined workers to the premises of their workplace, in employer provided dormitories (ILO 2022f). This confined many workers to unsafe and unhygienic

living conditions, where they received little support from employers or the government (ILO 2022b). Despite the policy's negative impact on workers, in particular migrant workers, the Thai government introduced similar bubble and seal measures in an additional ten provinces in June of 2021 (Associated Press 2021).

In February 2021, the Ministry of Labour issued a notification on the Provision of Welfare for Business Establishments which Provide Accommodation for Employees to Prevent any Risk of Contracting Coronavirus 2019 (COVID-19). The notification stated that employers or private sector actors that own or manage worker accommodation shall provide sanitary accommodation with each resident to have no less than three square meters and their own bed. Requirements for natural ventilation in the form of a door, window or vent was required as well as handwashing facilities or alcohol sanitizer. However, accommodation providers that did not follow the notification did not face any penalty for non-compliance.

The pandemic brought attention to the poor housing conditions of migrant workers and in some instances prompted the development of revised housing standards for migrant worker housing. Housing is, however, a policy area that requires urgent attention to ensure that national housing standards guarantee migrant workers adequate housing and living conditions. Housing standards should be in alignment with international and regional standards and strict monitoring of their application should be prioritized by relevant authorities.

### 2.6.3 Occupational safety and health compliance and enforcement

Occupational safety and health (OSH) in the workplace is integral towards achieving decent work. The adoption of a new resolution to include occupational safety and health in the ILO's Fundamental Principles and Rights at Work at the 110th International Labour Conference in June 2022 further endorses the importance of a safe and healthy work environment (ILO 2022c). The AFML has also adopted several recommendations calling for the strengthening of OSH practices for migrant workers, recommendations whose importance has become especially relevant during the COVID-19 pandemic when migrant workers access to adequate personal protective equipment and hygiene facilities has been limited (ILO 2021a; ILO 2021d).

The Department of Labour Protection and Welfare (DLPW) in **Thailand** issued the Notification on measures to monitor and prevent the Coronavirus 2019 pandemic for enterprises. Moreover, the DLPW disseminated COVID-19 related occupational safety and health information to both Thai and migrant workers. A digital platform, where migrant workers could access OSH information, was developed to ensure the information was readily available. The Employers Confederation of Thailand continued to conduct OSH trainings for women and men migrant workers, and OSH information was disseminated to employers and other key stakeholders on protection against harassment and violence in the workplace.

The **Indonesian** government implemented Law No. 12/2022 concerning the Criminal Act of Sexual Violence that seeks to provide victims of sexual violence access to justice as well as clarify their right to protection and to recovery. Law No. 12 applies to all victims of sexual harassment and violence including migrant workers.

Effective labour inspection and other compliance mechanisms are central to ensuring employers compliance with national labour legislation and OSH standards and securing decent work for migrant workers. The AFML recommendations recognize the importance of allocating resources and strengthening the capabilities of labour inspection departments.

In **Indonesia**, the government introduced several regulations to monitor occupational safety and health, reinforcing the labour inspectorates mandate to monitor and ensure employers compliance with relevant legislation during the pandemic. The government also issued a regulation promoting employers' voluntary compliance of migrant workers' rights. The Government Regulation No. 34 of 2021 concerning the Employment of Foreign Workers contains provisions regarding the obligations and prohibitions of employers, reporting requirements for employers of foreign workers and sanctions for non-compliance.

The DLPW in **Thailand** introduced measures to strengthen labour inspection through capacity building initiatives. The trainings provided labour inspectors with skills to identify victims of human trafficking and forced labour and

increase participants understanding of labour protection laws and enforcement. A labour inspection handbook focusing on women migrant workers, domestic workers, fishers, forced labour, violence and harassment was also developed.

Improving safety and health standards at the workplace for migrant workers is an area that requires further attention. The COVID-19 pandemic has highlighted the vulnerabilities of migrant workers and the consequences of not having adequate OSH measures in place. Occupational safety and health policy implementation should be strengthened across the ASEAN region and measures addressing the specific risks faced by migrant workers, including migrant domestic workers, should be adopted. Moreover, an effective inspection system to monitor employers' compliance with labour legislation and OSH standards should be implemented. Data on injuries should be disaggregated by sex and migrant status (as required by SDG Indicator 8.8.1) to target measures to promote safe and secure working environments for migrant workers, in particular women migrants. The advancement of corporate social responsibility among private sector actors would also provide valuable support in the protection and promotion of the rights of migrant workers in global supply chains.

## 2.6.4 Network building and trade union organizing

The AFML recommendations call for the promotion of migrant workers' voice and representation in collective bargaining and social dialogue by ensuring their freedom of association. Ensuring migrant workers access to trade unions and associations, particularly workers employed in unorganized sectors of work, is also advocated for in the AFML recommendations. Currently, migrant workers are entitled to join trade unions in three out of four of the ASEAN net countries of destination, however, their ability to form trade unions is more restricted (Table 17).

► **Table 17. Migrant workers' access to trade unions in ASEAN countries of destination**

	Brunei Darussalam	Malaysia	Singapore	Thailand
<b>National laws on freedom of association and collective bargaining</b>	Trade Union Act of 1961	Trade Unions Act 1959, Industrial Relations Act 1967	Trade Unions Act 1940	Labour Relations Act, B.E. 2518 (1975)
<b>Are migrant workers allowed to join trade unions?</b>	- <sup>c</sup>	Yes <sup>a</sup>	Yes <sup>a</sup>	Yes <sup>a</sup>
<b>Are migrant workers allowed to hold leadership positions in trade unions?</b>	- <sup>c</sup>	Situational <sup>b</sup>	No <sup>d</sup>	No
<b>Are migrant workers allowed to form their own trade unions?</b>	- <sup>c</sup>	No	No	No

Sources: Villar and Ahn, 2022; ATUC, 2020.

a Migrant workers are not explicitly mentioned in the respective national laws but are included, in principle, under the law's definition of "worker and employee" and are thus covered in relevant Articles or sections unless stated otherwise. For domestic workers exclusion see also Napier-Moore, 2017.

b Section 30 of the Trade Unions Act provides that the Minister may declare absolute or conditional exemptions to sections 28 and 29 as reasonably necessary.

c There is no trade union in Brunei Darussalam. The Trade Union Act of 1961 does not mention nationality, though its Schedule 1 and 2 asks whether each officer to be registered with the government is a Brunei national.

d Trade Unions Act Section 31(3) provides that "no person who is not a citizen of Singapore shall act as an officer of a trade union or any branch thereof unless the prior written approval of the Minister has been obtained".

The International Domestic Workers Federation (IDWF) is assisting the organizing of Indonesian migrant domestic workers in **Malaysia** and **Singapore** with support from the ILO Safe and Fair programme. Persatuan Pekerja Rumah Tangga Indonesia Migran (PERTIMIG) was established in Malaysia in December 2020 with 90 members, and Ikatan Persaudaraan Pekerja Migran Indonesia (IP2MI) Singapore was initiated in March 2021 with eight members. The IDWF also builds capacity of domestic workers' organizations and supports policy advocacy on migrant domestic workers rights. Overall, in 2021 a total of 3,395 women migrant workers were organized into workers' unions and associations with support from the ILO Safe and Fair programme.

In **Thailand**, the International Transport Workers' Federation through the Fishers' Rights Network recruited and organized over 3,000 new members in four fishing ports in Ranong, Songkhla, Trat and Chumphon provinces with support from the ILO Ship to Shore Rights SEA programme. The programme also supports bilateral exchanges and the development of bilateral cooperation along the Thailand-Cambodia migration corridor between the Cambodia Labour Confederation and the Fishers' Rights Network. In **Indonesia**, KAMIPARHO-FSB is strengthening women's participation in trade unions in seafood processing factories, negotiating more gender-responsive collective bargaining agreements, and recruiting new members, also with ILO Ship to Shore Rights SEA support.

Few other dedicated initiatives to strengthen migrant workers' access to trade unions have been implemented during the reporting period. Trade unions across the region however run Migrant Worker Resource Centres (see section 2.3.2) that provide services to migrant workers and raise their awareness of the union and the importance of organizing (Villar and Ahn 2022).

In terms of legislation, the **Malaysian** parliament approved the Trade Unions (Amendment) Bill 2022 on 5 October 2022 which permits workers to join or form unions of their choice and for more than one union to be present at a single workplace (Ong 2022). Although not specifically mentioned, the amendments in the law also apply to migrant workers in Malaysia. **Thailand** is in the process of reviewing its Labour Relations Act. The current draft allows migrant workers to hold leadership positions as well as form their own trade unions, but it is uncertain if these provisions will remain in the final version of the revised Act. In **Lao People's Democratic Republic**, a workshop was delivered to review and improve the skills of two outreach teams operated by the Lao Federation of Trade Unions. The outreach teams conduct awareness raising outreach to 30 garment factories in Vientiane Capital City and Vientiane Province.

Other initiatives reported by stakeholders focused on community organizing. In **Thailand**, a migrant worker group titled "Ruam Raeng Ruam Jai" (translated as "in solidarity") was founded in Chiang Mai in 2020 with support from the MAP Foundation and migrant worker leaders. The group consists of migrant leaders from four construction campsites with twenty-three members in total. The group has collectively formulated a workplan of chairmanship that will rotate among the leaders in the four construction campsites. Throughout 2021 the leaders received training to provide them with the skills needed to address the concerns of workers at the construction sites. Moreover, the group worked to expand their membership to include workers from other construction sites in Chiang Mai.

Another initiative with potential impact in several ASEAN Member States is the building of migrant women's peer support networks and strengthening of organizing amongst women migrant workers and returnees in **Cambodia**, **Myanmar** and **Thailand** supported by the ILO's TRIANGLE in ASEAN. Following the launch of the manual "For women, by women: Guidance and activities for building women migrant workers' networks" in 2020, a pilot activity led by the CSO Gender and Development Cambodia (GADC) was initiated. The pilots were expanded to Myanmar and Thailand in 2022.

Progress towards ensuring migrant workers access to trade unions and organizing remains limited in the ASEAN region. More initiatives addressing this gap are needed throughout the region and the implementation of AFML recommendations focusing on organizing and trade union rights should be implemented to advance this issue.

## 2.7 Cluster G - Equal access to health care and social protection

Migrant workers in the ASEAN region have experienced disproportionate health impacts and job losses as a consequence of the pandemic. This has been further exacerbated by migrant workers limited access to healthcare, including vaccines, and difficulty accessing or exclusion from social protection and emergency income support (ILO 2021b). Recommendations from the 13th and 14th AFML call for all migrant workers to have equal access to health care and for the removal of discriminatory practices hindering migrant workers access to crucial health services. The recommendations from the two recent AFMLs also reiterated the importance of extending social protection to migrant workers and continuing work on the portability of social security benefits, key recommendations adopted at earlier AFMLs. For a list of recommendations grouped in this cluster see Appendix II.

### 2.7.1 Equal access to health care

Equal access to health care services, including COVID-19 testing, treatment and vaccines as well as mental health services, is not a guarantee for migrant workers. The AFML has adopted key recommendations calling for the reform of national healthcare systems to be more inclusive and non-discriminatory thereby improving migrant workers access to healthcare services. The implementation of these recommendations in ASEAN will be crucial as migrant workers equal access to healthcare remains elusive in most countries of destination.

In **Thailand**, healthcare costs associated with COVID-19 were covered through extending the Universal Coverage for Emergency Patients to both nationals and non-nationals. This ensured patients could access treatment for COVID-19 at the nearest hospital free of charge (ILO 2021b). However, access to COVID-19 treatment was challenging for migrant workers due to limited hospital capacity. The Ministry of Public Health also operated COVID-19 testing, including for migrant workers irrespective of legal status. However, there were reports that healthcare providers avoided testing migrant workers due to the high costs associated with treatment and the difficulties obtaining reimbursement (ADB/OECD, and ILO 2022). During the vaccine rollout, many migrant workers were excluded from receiving the vaccine and only workers covered by the Section 33 of the Social Security Act with employers that registered them under the vaccination programme were eligible (ILO 2021b).

Other dimensions influencing vaccination rates among migrant workers in Thailand include workers' perceptions of the vaccine, which was explored in a study conducted by the International Organization for Migration (IOM) (see Box 8), challenges in registering to receive a vaccine through the MorProm platform, limited information available in migrant-accessible languages about vaccine safety and accessibility, and lastly, fear among migrants, both documented and undocumented, to approach vaccination centres that were perceived to have other government authorities present. Efforts to increase vaccination rates among migrant workers were introduced, for example through targeted vaccination drives. The Ministry of Public Health, together with other stakeholders, implemented mobile vaccination services at construction camps employing migrant workers in Bangkok and adjacent provinces (Kummetha 2022). Other important initiatives included a significant scale up in outreach activities led by vital Migrant Health Volunteers supported by different health agencies and organizations (IOM and World Vision Foundation of Thailand) to overcome gaps in information and the administrative challenges that migrants were reporting to have faced.

► **Box 8. COVID-19 vaccine perceptions among Myanmar and Cambodian migrant workers in Thailand**

The International Organization for Migration (IOM) conducted a survey of 4,431 migrant workers between November 2021 and February 2022 in ten Thai provinces. Over half (64 per cent) of the surveyed migrant workers were from Myanmar with the remaining workers from Cambodia (36 per cent).

The surveyed migrant workers were asked a series of questions relating to COVID-19 infection, perception, and attitudes towards the vaccine. Among the respondents, 18 per cent had not been vaccinated, with Myanmar respondents more likely to not be vaccinated than Cambodian respondents, 20 per cent and seven per cent respectively.

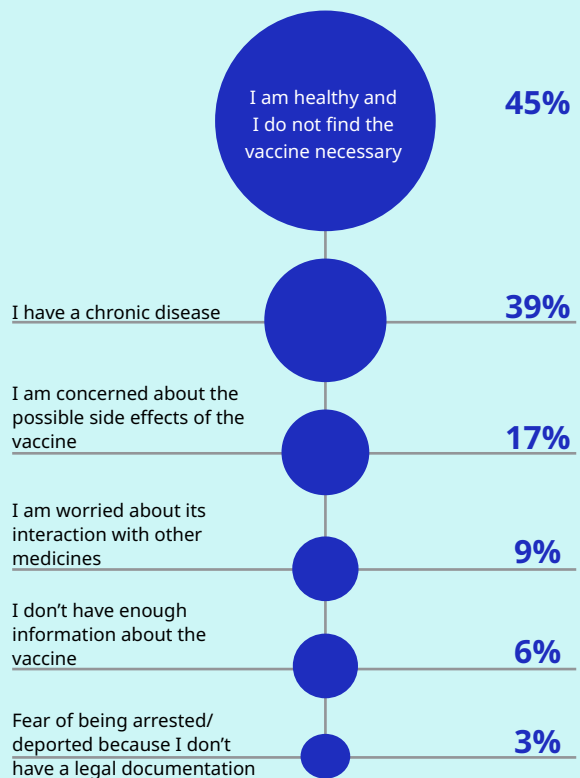
A large majority (96 per cent) of unvaccinated respondents were aware of the availability of COVID-19 vaccines in Thailand, however, 32 per cent of unvaccinated respondents indicated that they were hesitant or would not get the COVID-19 vaccine. Myanmar respondents were more hesitant or unwilling to receive the vaccine than Cambodian migrant workers. The primary reasons cited for vaccine hesitancy and refusal were that the vaccine was unnecessary as the respondent was healthy (45 per cent) or concerns related to a pre-existing chronic disease (39 per cent) (Figure 2).

At the other end of the scale, the most frequently reported reason for receiving the vaccine were the effectiveness of the vaccination (57 per cent), vaccination requirements imposed by employers (42 per cent), and resumption of travel (41 per cent).

IOM completed a further two rounds of this survey in 2022 to monitor how these perceptions were evolving during the pandemic response and to provide evidence-informed recommendations to its project activities, and support advocacy messages to health stakeholders.

Source: IOM, 2022.

► **Figure 2. Main reasons for COVID-19 vaccine hesitancy and refusal**



In **Singapore**, all migrant workers were eligible for free testing and treatment of COVID-19 at regional medical centres; however, employers were still responsible for covering other healthcare costs (MOM Singapore, 2021c). In June 2021, the Ministry of Manpower issued a Request for Proposal for the provision of primary healthcare services to migrant workers to strengthen the existing (and largely reactive) healthcare available to migrant workers (Xiang and Ying 2021). Later the same year (in November), the MOM Singapore appointed four Anchor Operators to operate the new primary healthcare system for migrant workers. The new primary healthcare system is organized into six geographical sectors, each run by an Anchor Operator. The selected Anchor Operators have experience providing care services to migrant workers and will provide care services at medical centres

as well as with 24/7 telemedicine services. Mobile rapid response teams will also provide assistance at migrant worker dormitories. The healthcare providers will communicate in migrant worker native languages through IT-enabled multilingual translation capabilities. All migrant workers in Singapore will automatically be enrolled at the medical centre in their geographical area of residence. The new healthcare system for migrant workers is complemented by designated General Practitioner Clinics (MOM Singapore, 2021a).

In addition to the new primary healthcare system, Singapore's MOM introduced a Primary Care Plan (PCP) from 1 April 2022. The PCP is mandatory for all Work Permit holders and S Pass holders that stay in dormitories of work in construction, marine shipyard, and process sectors of employment, however it does not include migrant domestic workers. PCP is designed to ensure that healthcare services for migrant workers are affordable, with prices ranging from 108 to 138 Singapore dollars per worker per year, payable by monthly instalments. Coverage under the PCP grants migrant workers access to medical consultations and treatments, medical examination for work pass purposes, and telemedicine services. All workers eligible for PCP coverage are to be registered by 31 March 2023 (MOM Singapore, 2022b).

A new digital tool also emerged in **Singapore** when the Ministry of Manpower launched the FWMOMCare app in May 2020 to monitor migrant workers' health status. Over the course of the pandemic the contents and user experience of the app improved, and migrant workers can now use the app to monitor their health, access medical records and seek medical assistance. The app allows migrant workers access to medical consultation with its 24/7 telemedicine service. Information in the app is available in eight different languages and workers can view videos and infographics on the latest government recommendations (MOM Singapore, 2022a).

Access to healthcare, COVID-19 testing and treatment for migrant workers in **Malaysia** has varied during the pandemic. Initially, all migrant workers irrespective of their migration status were provided free testing and treatment, however this was reversed on 29 April 2020 (ADB, OECD, and ILO 2022). In December 2020, mandatory COVID-19 tests for migrant workers were announced as a requirement before they could return to work. The costs would be covered by the Social Security Organization for contributing migrant workers, and employers covered testing costs for workers with irregular status (The Star 2020).

As with the provision of treatment and care for migrant workers during COVID-19 the **Malaysian** governments' provision of vaccines for migrant workers had a similar trajectory. All migrant workers, including those with irregular status, were initially informed that they would receive free COVID-19 vaccines. Migrant workers with irregular status were also guaranteed that they would not be arrested when receiving the vaccine. This changed on 29 May 2021 when the Home Ministry announced that irregular migrant workers would be located and arrested. Around 350 migrant workers were detained during raids conducted in June 2021. This deterred many migrant workers from registering to receive the vaccine. To combat the trend, a number of initiatives were introduced targeting individuals hesitant to receive the vaccine. For example, a walk-in vaccination programme administered by NGOs was initiated on 1 August 2021 in Kuala Lumpur and Selangor. The UN Country Team supported a number of initiatives including facilitation and awareness raising on the COVID-19 Vaccine Rollout for Vulnerable Non-Citizen Groups, as migrants and refugees were included in the government led COVID-19 vaccination initiative. This programme sought to create migrant-friendly vaccine registration processes and to disseminate vaccination related information. Further, another public-private partnership emerged between the federal government and companies in prioritized sectors. Companies participating in the partnership paid a small administrative fee to allow their workers to receive vaccines (ADB, OECD, and ILO 2022).

The treatment of migrant workers, especially in destination countries, during the pandemic highlights that further work remains before all migrant workers enjoy access to health care, including mental health services, while employed. This is especially true for migrant workers with irregular status and for workers employed in informal sectors of work such as domestic workers. Reforming national health care systems to be more inclusive and non-discriminatory should be prioritized in all ASEAN countries. Furthermore, fear of sanctions for immigration violation should be delinked from health concerns of migrant workers.



## 2.7.2 Extending migrant workers social protection

The COVID-19 crisis has made it abundantly clear that migrant workers are among the least protected when it comes to social protection unable to access unemployment benefits or other forms of income support (ILO 2021b). The AFML recommendations promote equal access to social protection for all migrant workers, including workers employed in the informal sector. Recommendations adopted at the 14th AFML reiterated the importance of extending social protection to all workers as well as the extension of government emergency income support to migrant workers during times of crisis.

Migrant workers eligibility for social protection in the four ASEAN countries of destination is often restricted, due to limited legal coverage, access being conditional on fulfilling certain criteria, or employment in sectors of work not covered by social security (Oliver 2018). Other protection mechanisms can be employed by countries of origin to fill gaps in social protection, for example through migrant welfare funds or migrant inclusive social security programmes (see Box 9).

**Thailand** is one of few ASEAN countries that provides social protection, including unemployment benefits, to migrant workers. However, their ability to access social protection is connected to their migration status, sector of employment and duration of employment making access unattainable for most migrant workers. These constraints also impacted migrant workers' ability to receive financial support from the economic stimulus packages introduced by the Thai government. Despite the challenges of receiving benefits under the social security fund, in 2020 a total of 103,785 insured migrant workers (65,178 Myanmar, 12,663 Cambodian, 7,282 Lao and 92 Vietnamese) received benefits under the Social Security Fund. During the January to July 2021 period, a total of 62,343 migrant workers (38,847 Myanmar, 3,895 Cambodian, 3,051 Lao and 31 Vietnamese) received benefits (ILO 2021b).

In Mae Sot, **Thailand**, the social security department announced that workers employed with a border pass (Section 64) would be eligible for social security. Many workers employed with border passes in Mae Sot work in the agricultural sector, however, the border pass is also used to employ factory workers. Although this policy change has been announced it is yet to be rigorously enforced in Mae Sot. In June 2022, the Social Security Office (SSO) hosted a training workshop for a number of CSOs supporting migrant workers to increase CSO capacity on how to assist migrant workers to claim benefits under the SSO and workmen compensation funds.

**Malaysia** extended the Employees Social Security Act 1969 and the Employment Insurance System Act 2017 to cover domestic workers on 1 June 2021. This development is important for domestic workers that are excluded from key provisions in the Employment Act 1955, such as paid annual leave and weekly rest. However, the policy change only covers migrant domestic workers under the employment injury scheme and not the Invalidity Scheme or the Employment Insurance Scheme. The policy change is expected to benefit 104,000 domestic workers, 86 per cent of whom are migrant domestic workers (Perkeso n.d.; Tang 2021).

During the pandemic **Cambodia** adopted a social protection net to support vulnerable groups. The initiative, called COVID-19 Cash Transfer Programme for ID Poor Households, aimed to reach 540,000 households living in poverty. Households identified as eligible to receive support via the programme registered with an administrator at the commune level and could then withdraw monthly payments at any e-payment provider with an ID Poor equity card. Many returning migrant workers however did not have the documents required to apply for the programme and were unable to benefit from the financial support.

While some advancements in the provision of social security for migrant workers have been reported, for many migrant workers, access to social protection and emergency financial support remains elusive. The extension of social security to domestic workers in Malaysia is a key development and an important step towards securing decent work for domestic workers. Recognizing that social protection constitutes one of the four pillars of decent work, incorporating AFML recommendations into policies and practices governing social protection for migrant workers should be adopted across the ASEAN region.

► **Box 9. Country of origin funds to protect migrant workers**

An ILO study (forthcoming) reviewed funds managed by countries of origin in ASEAN to consider to which extent they were successful in protecting migrant workers during the global COVID-19 crisis and to identify good practices and lessons learned which can be applied in future. The study assessed five funds established within ASEAN, including migrant welfare funds in the Philippines, Thailand and Viet Nam, migrant-inclusive social protection in Indonesia, and a guarantee deposit in Cambodia. The five funds reviewed are below:

- In Cambodia, the Guarantee Deposit paid into by recruitment agencies, established under Sub decree 190, and administered by MLVT.
- In Indonesia, the social security fund, Badan Penyelenggara Jaminan Sosial Ketenagakerjaan (BPJS Ketenagakerjaan), which includes regular migrant workers.
- In the Philippines, the Welfare Fund for Overseas Workers administered by the Overseas Workers Welfare Administration (the OWWA fund).
- In Thailand, the Fund for Job-Seekers Working Abroad (FJWA) administered by the Ministry of Labour for regular Thai migrant workers.
- In Viet Nam, the Fund for Overseas Employment Support (FES) to which regular migrant workers and registered recruitment agencies are required to contribute.

The **Philippines** is the only fund found to have supported a significant number of migrant workers in proportion to the number of overseas Filipino workers abroad during the pandemic. The review found that at least 814,734 migrant workers and their dependents received assistance from the OWWA Fund, which is approximately 9.4 per cent of the funds active and inactive members. Prior to the pandemic, the fund held US\$387 million, which decreased by 69 per cent over the course of the pandemic.

The funds operated by Indonesia and Thailand were also found to have provided tangible protection to a substantial number of migrant workers, however, as they only provided protection to regular migrant workers many were unable to benefit from the funds. In **Indonesia**, the exact number of workers that accessed compensation via the BPJS is unknown, although there is evidence that benefits were paid to members in areas where migrant workers are eligible. Prior to the pandemic, migrant workers contribution to the BPJS fund was estimated to be US\$9.79 million, although the exact amount spent on migrant workers during the pandemic is unknown.

In **Thailand**, around 1,732 migrant workers were compensated through the FJWA, which equates to 1.7 per cent of migrant workers who contributed during and immediately prior to the pandemic. Migrant workers contributions to the fund during the pandemic were estimated at US\$590,858, which is lower than the direct compensation provided to migrant workers (US\$870,816) during the pandemic. The higher expenditure than contribution suggests a reasonable level of utilization from migrant workers.

The two remaining funds reviewed in the study were found to have only reached a very small number of workers (Viet Nam) and no migrant workers at all (Cambodia). The limited reach of the **Vietnamese** fund was primarily a consequence of the complex claims process and the small amounts of compensation available to migrant workers via the FES. During the pandemic the fund compensated 206 migrant workers, equally 0.14 per cent of workers eligible for FES membership at the start of the pandemic. Prior to the pandemic in 2019 migrant workers contributed approximately US\$671,132, however only US\$70,132 was spent via FES on direct compensation to migrant workers during the pandemic.

**Cambodia** did not directly compensate any migrant workers from the estimated US\$11.6 million held

in the Guarantee Deposit during the pandemic. This despite 68,040 regular migrant workers migrating for work in 2019, that were eligible for assistance via the Guarantee Deposit. The lack of compensation available to migrant workers via the Guarantee Deposit indicates a need to reform it into a migrant welfare fund or use the finances in the Guarantee Fund to extend Cambodia's social protection to overseas migrant workers.

The study's findings indicate that there is a need to strengthen the management of funds in countries of origin to ensure they benefit migrant workers. The funds should be easier to access and more flexible and responsive to the needs of migrant workers, in emergencies and crises. Crucially, the gaps in the implementation of funds today indicate a need to transform the level of accountability in their execution, to ensure that migrant workers genuinely benefit from the funds.

Overall, the study concludes that while the primary responsibility for providing migrant workers equal social protection lies with the countries of destination, the management of protection mechanisms by countries of origin can be a way to complement the protection available for overseas workers.

Source: ILO (forthcoming).

### 2.7.3 Portability of social security benefits

The introduction of bilateral and multilateral agreements to facilitate the portability of social security benefits are key AFML recommendations. AFML recommendations developed after the outbreak of the COVID-19 pandemic have also called for the expedition of the implementation of the recommendations from Thailand's Study on Portability of Social Security Rights between ASEAN Member States.

The Study on Portability of Social Security between ASEAN Member States was validated at a virtual seminar in November 2020 and endorsed by the ASEAN Committee on Migrant Workers (ACMW) in December 2020. The study was subsequently published the following year. AFML Recommendation No. 12 from the 9th AFML, to explore the feasibility of introducing portable social protection, has therefore successfully been implemented. The study was conducted by the Thailand Development Research Institute on behalf of the Social Security Office in Thailand and assesses the feasibility of portable social protection between ASEAN Member States. The analysis of relevant laws, policies, and existing social security systems in ASEAN lead the authors to conclude with several recommendations whose implementation are required before portable social security benefits could become a reality.

The MLVT in Cambodia completed work on the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN. The declaration was adopted in the 40th and 41st ASEAN Summit in November 2022. The declaration is expected to promote further cooperation amongst ASEAN Member States towards portability of social security benefits for migrant workers and effective management of social security benefits for migrant workers.

Additionally, the ACMW conceptualized a follow-up project titled Development of an ASEAN Guideline on portability of social security benefits for migrant workers. The project's expected output includes not only manual on negotiating a bilateral/multilateral agreements on portability of social security benefits for migrant workers, but also training programme and ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers. The project is led by the Government of Cambodia with support from Viet Nam and other stakeholders. The guidelines are planned for development in 2023.

An important development at the bilateral level is the signing of a Social Insurance Agreement between the Government of Viet Nam and the Government of the Republic of Korea in December 2021. The agreement's purpose was to ensure migrant workers avoid the double payment of social insurance, and that social insurance

time contribution is recognized in both countries. This agreement applies to all Vietnamese and Korean workers that migrate to work in the other country. Such bilateral agreements are essential in making portability of social security benefits a reality for migrant workers.

Continued ASEAN collaboration on the portability of social security benefits is a positive development. However, substantial work remains before portable social protection is a reality for migrant workers in the ASEAN region. Implementing the recommendations from the study on portability of social security benefits should be expedited, as highlighted in AFML Recommendation No. 1 from the 13th AFML.

## 2.8 Cluster H - Inclusive return and reintegration policies and programmes

This cluster of recommendations focuses on return and reintegration programmes and policies and the deterrence of mass deportations. The 14 recommendations included in this cluster focus on the need for effective return and reintegration strategies that provide returned migrant workers with access to support programmes, job counselling, and skills training. The mass returns of migrant workers experienced during the pandemic, highlighted other important recommendations in this cluster, namely the need for rights-based and gender responsive emergency preparedness plans. For a list of recommendations grouped in this cluster see Appendix II.

### 2.8.1 Return and reintegration policies, services and programmes

Migrant workers return and reintegration into their countries of origin represents the final phase of the migration cycle in the context of temporary labour migration. This phase of the migration cycle has traditionally received less attention, with focus lying on policy areas such as recruitment and access to decent work in countries of destination. The need for effective return and repatriation support services during the pandemic has however given renewed energy to initiatives within this policy area in both countries of origin and destination. The experiences of migrant workers during the pandemic have also provided valuable insight into the support needs upon return in countries of origin (see Box 10).

At the time of writing this report, reintegration provisions were incorporated in national migration legislation in four out of six of the ASEAN net countries of origin and support services and programmes were available in four countries (Table 18).

► Table 18. Reintegration legislation, programmes and services, by ASEAN country of origin

	Cambodia	Indonesia	Lao PDR	Myanmar	Philippines	Viet Nam
<b>Are reintegration provisions incorporated in national migration legislation and policy frameworks?</b>	Yes, in the Policy on Labour Migration for Cambodia 2019– 2023.	Yes, in Law 18/2017 on the Protection of Indonesian Migrant Workers.	No	Yes, in the 2nd Five Year National Plan of Action on the Management of International Labour Migration – Section B, Strategic Areas 5.	Yes, in the 1995 Migrant Workers and Overseas Filipinos Act; also enhanced as national policy and the implementing mechanism of “full-cycle reintegration programme” under the new Dept of Migrant Workers (R.A. 11641).	No
<b>Are reintegration programmes and services available for returnee migrant workers?</b>	Yes	Yes	No	Yes*	Yes	No

Lao PDR = Lao People’s Democratic Republic.

Source: ILO, 2019b.

**Regionally**, the ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers were adopted by the 26th ASEAN Labour Ministers Meeting in October 2020. The completion and adoption of the guidelines means that AFML Recommendation No. 14 from the 4th AFML has successfully been implemented. The guidelines provide a crucial regional framework for further developing national policies and programmes on return and reintegration for migrant workers. Some of the areas covered in the guidelines include legal and policy frameworks, institutional mechanisms, collection of age and sex-disaggregated return migration data, economic reintegration support, social-cultural reintegration support, and social protection.

In **Cambodia**, no single government agency holds the sole mandate of providing return and reintegration support to migrant workers, however the Ministry of Social Affairs does coordinate with NGOs and INGOs in Cambodia on this policy area. During the pandemic, the National Committee to Counter Trafficking played an important role in assisting returned workers, especially those returning from Thailand. This committee collaborated with UN Agencies such as the ILO, IOM, UNFPA, UNICEF and WHO to provide support for migrant workers upon their arrival at the border. This support included access to basic health services at quarantine centre, the provision of food and hygiene products, and free transportation to their hometowns. During the pandemic the MLVT was assigned to provide vocational training support to workers that lost their jobs during the pandemic, including for returned migrants. Migrant workers were provided support to find new job opportunities via the National Employment Agency, job centres, and at provincial departments of labour and vocational training. Returned

workers were encouraged to participate in short and long-term technical and vocational trainings with TVET institutions to develop new skills relevant for the domestic job market such as the agricultural sector and new industrial sectors developing in Cambodia. The National Polytechnic Institute of Angkor (NPIA) developed and delivered targeted training courses for returning Cambodian migrant workers in electrical wiring, air conditioning and refrigerator servicing in 2022, with support from the IOM's PROMISE programme. CSOs such as LSCW provided valuable emergency support including food, sanitation products and masks to migrant workers quarantined along the Cambodian border.

The **Philippines** developed an online platform called the Overseas Filipino Workers Assistance Information System (OASIS) to support the safe and orderly repatriation of overseas Filipino workers. The platform was developed by the Department of Labour and Employment and the Overseas Workers Welfare Administration, that also provided several assistance packages including free repatriation flights, quarantine facilities and transportation to migrant workers hometowns. Upon return, migrant workers were able to benefit from competency assessment and certification, job-matching, skills development as well as the availability of financial assistance to support e-commerce, agriculture, and entrepreneurial activities. The availability of the support services however, varied and not all migrant returnees were equally able to benefit from the government's assistance. The new law creating the Department for Migrant Workers also strengthened the policy and operational provisions for a gender-responsive and holistic national reintegration programme for OFWs.

The **Indonesian** government facilitated the return and repatriation of Indonesian workers stuck in countries of destination. Return and reintegration programmes were made available to returned migrant workers and Indonesian migrant workers were provided COVID-19 testing and vaccines. First, the Self-Employment Programme provided support with entrepreneurial skills development for returned workers and their families. This programme sought to empower workers to apply their skills gained overseas to pursue entrepreneurial opportunities. Second, the Ministry of Manpower through its Productive Migrant Village Development (Desmigratif) programme continued to support returned workers and their families. Desmigratif has four main programmes including migration services, community parenting, production business and designative cooperatives. Third, the Indonesian Migrant Worker Protection Agency provided entrepreneurial skills training for returnees to support their reintegration into local communities.

In 2020, at an early stage during the COVID-19 pandemic, the **Myanmar** government adopted return and repatriation programmes for Myanmar migrant workers who were unable to remain in countries of destination during the pandemic. Support services were available to returning migrant workers, especially in the Thai – Myanmar and China – Myanmar border areas. Civil society organizations provided various reintegration services such as psychosocial counselling and information dissemination on COVID-19, as well as emergency assistance including goods aid and care packages. As noted earlier in this report, the capacity of CSOs to provide support services to migrant workers has considerably decreased following the military coup (ILO 2022d).

Return and repatriation programmes were also implemented by the **Vietnamese** government to facilitate the return of migrant workers during the pandemic. The government repatriated over 9,000 workers from Taiwan (China), Guinea Bissau and Uzbekistan covering flight tickets, meals, quarantine accommodation and COVID-19 treatment if required. In Viet Nam, reintegration programmes are generally limited to existing public training schemes, assistance to trafficking victims including socio-psychological support especially by international organizations, and financing schemes for self-employment. Moreover, research is currently underway in Viet Nam on employment policies for returned migrants. The study aims to identify the conditions required for migrant workers to best reintegrate into local communities following employment overseas. Findings will also inform how best to utilize the skills and experiences migrant workers acquired while working abroad.

Return and repatriation support is also provided in countries of destination. In **Thailand**, the DOE and relevant organizations facilitate the return and repatriation of migrant workers via the Post-Arrival and Reintegration Centres in Tak, Srakaeo, Nong Khai, Mukdahan, and Ranong. Under normal circumstances the staff at the centres check the status of migrant workers leaving Thailand and coordinate with the Immigration Bureau for their successful return and repatriation. However, during the COVID-19 pandemic the services of the centres were limited due to government mandated COVID-19 prevention measures.

**Thailand** also provided support to returning Thai migrant workers through the Overseas Employment Administration Division of the DOE. Returned workers were encouraged to register as jobseekers with the Nationwide Employment Offices to facilitate their reintegration to the Thai labour market. Another initiative was the establishment of the Reintegration Programme that selected a number of returned migrant workers to serve as role models to transfer their knowledge and experience from working overseas and reintegration experiences with potential migrant workers and other interested persons.

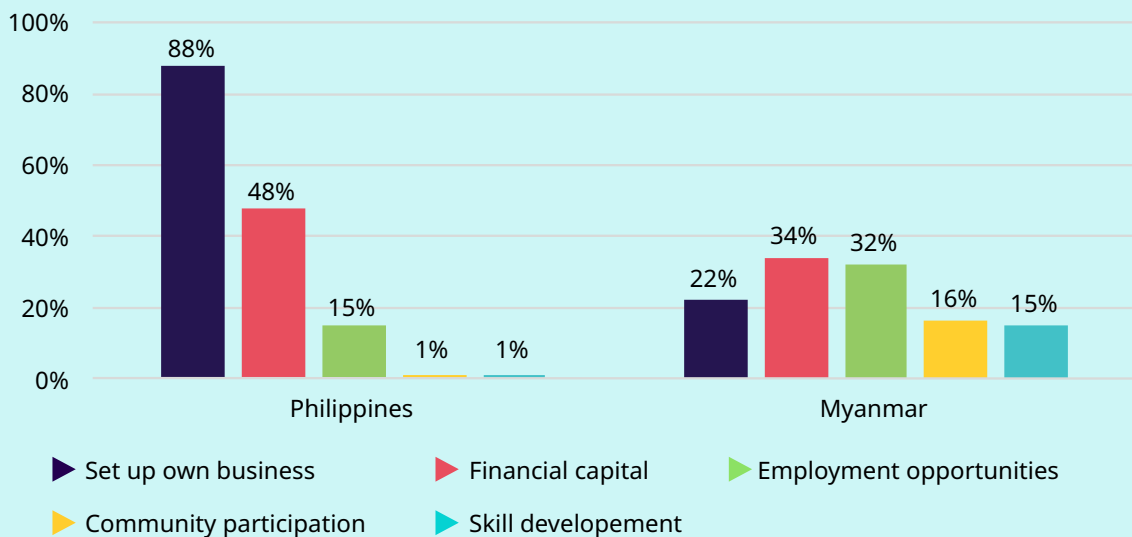
Looking ahead, it is encouraging that return and reintegration is one of five focus areas prioritized under the updated ACMW Action Plan (2018-25). The application of the Guidelines on Effective Return and Reintegration of Migrant Workers across the region should be prioritized by all stakeholders. Moreover, the past two years have emphasized the importance of ensuring national and regional emergency preparedness plans are in place that are both cohesive and responsive to the needs of returning migrant workers.

► **Box 10. Support needed to successfully reintegrate migrant workers**

An ILO study focusing on the experiences of ASEAN migrant workers during the COVID-19 pandemic provided valuable insight into the support needs required by migrant workers to successfully reintegrate. Returned migrant workers from the Philippines and Myanmar were surveyed for the study.

In the Philippines the majority (88 per cent) of returned migrant workers stated that support for setting up a business and financial capital (48 per cent) were the most important support needs. Responses differed amongst Myanmar returnees, with access to financial capital (34 per cent) and support with employment opportunities (32 per cent) the primary needs identified. Returned Myanmar workers, however, also reported access skills development (15 per cent) and community participation (16 per cent) to a greater extent than returned Filipino workers (see Figure 3).

► **Figure 3. Support needed to successfully reintegrate into the community by origin country**



Source: ILO, 2021c.  
 n = 95 for the Philippines and n = 82 for Myanmar.

## 2.9 Cluster I - Collecting, sharing and analysing labour migration data

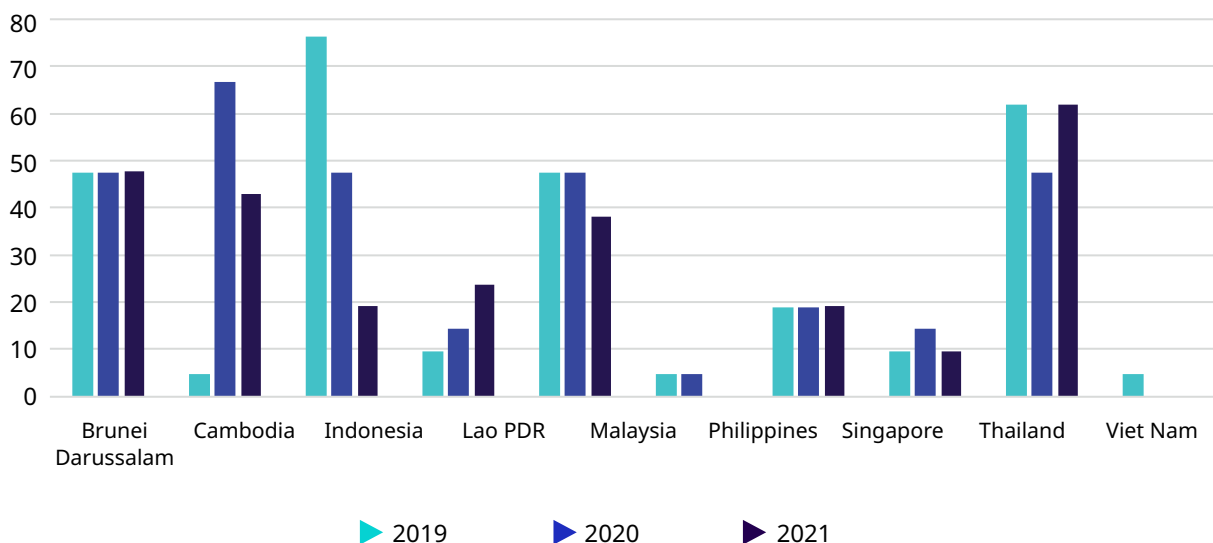
This cluster includes 15 recommendations focused on the importance of collecting, sharing and analysing labour migration data. Many of the recommendations stem from the 6th AFML that focused on the importance of data collection to enhance policy and protection of migrant workers. The importance of data collection has however been a recurring recommendation at several later AFMLs, to improve knowledge on, for example, OSH-related injuries and most recently to support the recovery of labour migration in the new normal. For a list of recommendations grouped in this cluster see Appendix II.

### 2.9.1 International labour migration statistics

In ASEAN, the International Labour Migration Statistics (ILMS) database continues to lead the collection and sharing of official labour migration statistics in the region. The ILMS database has been published annually since December 2014 as a special collection on the ILO's central database, ILOSTAT. Statistics from official sources, mainly labour force surveys, censuses, and administrative datasets, are collected on International Labour Migration Questionnaires developed by the ILO. Over the past two years, the eighth and ninth round of data collection for the ILMS database was successfully completed and the data has been made available on the ILOSTAT portal. The completeness of the ILMS database in ASEAN continues to advance, however, as can be seen in Figure 4, work remains before all datasets are complete.

The annual collection of data in ASEAN is done by ILMS focal specialists who are government officials stationed at national statistics institutions in all the ASEAN Member States. This network of specialists meets on a regular basis to discuss global and regional updates on the collection of labour migration statistics. In 2020 and 2021, the sixth and seventh Technical Meeting of Focal Points on International Labour Migration Statistics were held online. As the meetings were held online, they were attended by more stakeholders, including ILMS focal points, as well as staff responsible for various administrative records related to labour migration. In 2022, the eighth Technical Meeting of Focal Points on International Labour Migration Statistics in ASEAN was convened online and in person with 123 participants to increase census and administrative data submissions. The meetings offer stakeholders the opportunity to share lessons learned from previous rounds of data collection and overall, an important investment in the advancement of data collection in the ASEAN region.

► **Figure 4. Completeness of data percentages submitted to the ILMS database**



Source: ILMS database. Analysis by ILO consultant Richard Horne, 2022.



**Indonesia** has the highest completion rate of ILMS indicators in the ILMS database. Importantly, it is also working on the integration of all sources of migration data through its One Data on International Migration Initiative (ILO 2022a).

In **Viet Nam**, MOLISA and the General Statistics office have started cooperating to improve the collection and sharing of sex-disaggregated labour migration data. This initiative is supported by international organizations including the ILO, the Asian Development Bank, the World Bank, and IOM. The activities conducted so far include the collection and analysis of economic and other pertinent data on the impact of the pandemic and similar crises on the national economy, in particular on incomes and employment, labour migration outflows and return.

The **Philippine** Statistics Authority is taking steps to make revisions in data collection protocols and tools to address gaps in the ILMS database. Likewise, **Brunei Darussalam** introduced a workplan to improve the ILMS data based on existing administrative data. The workplan includes a data harmonization phase due to start in late 2022, which includes harmonization of definitions and standards as well as data verification.

The collection, sharing and analysis of labour migration statistics continues to advance in the ASEAN region, however, work remains before a complete labour migration database is a reality (see Box 11). Further efforts are required to ensure that all labour migration data is disaggregated by sex and occupation, and that data on access to social protection and OSH-related data is also collected.

#### ▶ Box 11. International Labour Migration Statistics (ILMS)

The report *Measuring labour migration in ASEAN: Analysis from the ILO's International Labour Migration Statistics (ILMS) database* was published in 2022. The report analyses the data collected during the past rounds of ILMS collection in ASEAN and points out remaining gaps and next steps in improving the collection of ILMS in accordance with international standards in the region.

The report presents up-to-date data on the presence of international migrant workers of working age in the labour markets of ASEAN Member States, with details on their socio demographic profiles and work characteristics, such as sectors of employment, occupations and wages. It also includes data on inflows of international migrant workers, outflows of labour migration from the ASEAN region as well as inflows of return migrant workers to the region. While other datasets in the region and globally provide estimates, this dataset presents government data itself.

#### Key data analysis to highlight includes:

- ▶ The proportion of youth in the migrant labour force is larger than among non-migrants. Malaysia has a particularly **high share of young workers** among migrant workers, with 29 per cent of the migrant labour force being youths; in Thailand youths represent 18 per cent of the total migrant labour force. This may reveal that the youth are migrating for employment in ASEAN destination countries due to limited or lack of opportunities to transition from school to work in their home countries or that the labour market in destination countries may be looking for younger workers.
- ▶ **Men make up the majority of documented, employed migrants** in Brunei Darussalam, Malaysia, and Thailand, with women accounting for an average of 35 per cent of employed migrants across the three net destination countries for which we have sex-disaggregated data. Singapore does not provide this data. Note that it is estimated that more women than men work informally, thus this percentage may be lower than if undocumented migrants were included.
- ▶ The majority of **women migrants are working in the service sector**, which includes domestic work, representing on average 55 per cent of all migrant women workers in Brunei Darussalam, Malaysia and Thailand. In these countries, 34 per cent of migrant women work in the industrial sector; and only 11 per cent of migrant women work in agriculture.

- ▶ In Brunei Darussalam, Malaysia and Thailand, **most employed migrant workers are in medium-skilled jobs** (57 per cent), with 38 per cent in elementary occupations, according to the ILO's International Standard Classification of Occupations (ISCO-08) skills classifications. This is particularly surprising as the countries do not have admission policies or Memoranda of Understanding on labour migration for recruitment of medium-skilled migrant workers.
- ▶ Thailand provides wage data, which reflects **lower pay for migrants and women among them**. Migrant workers in Thailand on average, and in aggregate, receive a monthly wage that is 38 per cent lower than their non-migrant counterparts. This difference becomes more pronounced when compared by sex. Men migrant workers receive about 35 per cent less in wages than non-migrants, while women migrant workers receive about 41 per cent less.

Source: ILO, 2022a.

## 2.10 Cluster J - Multi-stakeholder cooperation

Recommendations in this cluster focus on the promotion and strengthening or cooperation among governments, employers' organizations, workers organizations' and CSOS to advance the protection and promotion of the rights of migrant workers. For a list of recommendations grouped in this cluster see Appendix II.

### 2.10.1 ACMW activities under the ASEAN Consensus Action Plan

The ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) is the key ASEAN Sectoral Body in the field of labour migration governance and protection of migrant workers' rights. It is a subsidiary body of the ASEAN Labour Ministers Meeting (ALMM), under the ASEAN Socio-Cultural Pillar.

The main framework for ACMW work is the Action Plan 2018-25 to Implement the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. This cross-sectoral action plan includes activities led by various ASEAN bodies, but the ACMW is the main implementing body with a total of 25 activities for 2018-25. These include 12 projects carried over from the previous ACMW Work Plan 2016-20 and 13 new projects. As of 8 June 2021, among the total 25 activities, five were completed, five were ongoing, 14 are planned and one is recurring (the AFML). Two of the 14 activities with 'planned' status are carried over from the previous ACMW Work Plan 2016-20, which indicate substantive delays in implementation (ASEAN 2021). Some activities have moved from 'planned' status to 'ongoing' within 2022, and these updates are included in Table 19 below.

► **Table 19. Completed, ongoing and recurring ACMW activities under the Action Plan 2018-25 to implement the ASEAN Consensus**

Project title	Status	Country coordinator
1. <b>Workshop on educational initiatives for migrant workers</b>	Completed (2018)	Singapore
2. <b>Repository of legislations and policies on migrant workers of ASEAN Member States</b>	Ongoing	ASEAN, ASEC
3. <b>Public campaign on safe migration</b>	Ongoing	Indonesia*, Philippines*
4. <b>a. Study on the demand and supply of migrant workers in receiving and sending countries in ASEAN.</b> <b>b. Capacity building and sharing best practices on labour market</b>	Ongoing	Viet Nam Indonesia
16. <b>Workshop on strengthening the capacity of labour officials in the prevention of TIPs</b>	Completed (2019)	Lao PDR*
17. <b>Regional Multi-stakeholder Forum: Responsible Business Conduct for Safe Labour Migration in ASEAN</b>	Completed (2018)	The Philippines
18. <b>Study on the portability of social security for migrant workers across ASEAN Member States</b>	Completed (2020)	Thailand
19. <b>Research on migrant worker rights based on standard employment contracts</b>	Ongoing	Indonesia*
20. <b>ASEAN Forum on Migrant Labour</b>	Recurring annually	ASEAN Chair*
21. <b>Review mechanism of AFML recommendations</b>	Ongoing	ASEC
22 <sup>b</sup> . <b>Development of ASEAN guidelines on the protection of migrant workers in crisis situations</b>	Ongoing	Indonesia*
27. <b>Development of ASEAN guidelines on the portability of social security benefits of migrant workers</b>	Ongoing	Cambodia*
47. <b>Reintegration programme for returning migrant workers</b>	Completed (2020)	Indonesia*

\*Supported by the ILO.

Source: ASEAN, 2021 and ILO updates.

## 2.10.2 Ratification of international instruments

Recommendations adopted at AFMLs over the years promote universal human rights and fundamental principles and rights at work and advocate for the ratification of various international instruments including:

- ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- ILO Private Employment Agencies Convention, 1997 (No. 181);
- ILO Domestic Workers Convention, 2011 (No. 189); and
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The AFML recommendations encourage the ratification of several ILO Conventions and other international instruments. Since January 2020, the international conventions listed in Table 20 have been ratified by ASEAN Member States.

► **Table 20. Ratification of International Conventions since January 2020**

ASEAN Member State	Date	International Convention
<b>Lao PDR</b>	4 July 2022	C155 - Occupational Safety and Health Convention, 1981 (No. 155)
<b>Lao PDR</b>	4 July 2022	C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
<b>Malaysia</b>	21 March 2022	P029 - Protocol of 2014 to the Forced Labour Convention, 1930
<b>Myanmar</b>	8 Jun 2020	C138 - Minimum Age Convention, 1973
<b>Viet Nam</b>	14 July 2020	C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

Lao PDR = Lao People's Democratic Republic.

Source: ILO n.d.

On 1 August 2020, the **Viet Nam** – EU trade agreement entered into force. Under this agreement both parties have agreed to ratify the eight fundamental Conventions of the ILO and respect, promote, and effectively implement the principles of the ILO concerning fundamental rights at work; and involve independent civil society in monitoring the implementation of these commitments. Viet Nam made progress on the ratification of the fundamental conventions with the ratification of ILO Convention on Abolition of Forced Labour Convention, 1957 (No. 105) in June 2020. Viet Nam has also stated that it will ratify the ILO Convention on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) by 2023. Preparations are also underway for the ratification of the 1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Malaysia** ratified the Protocol of 2014 to the Forced Labour Convention, 1930 on 21 March 2022, becoming the second ASEAN Member State to ratify the Protocol. Malaysia also launched a National Action Plan on Forced Labour (NAPFL) 2021-25 and the National Action Plan on Trafficking-in-Persons, known as NAPTIP 3.0, that outlines efforts to combat human trafficking in Malaysia between 2021 and 2025. NAPFL has a specific strategic goal that “By 2025, migration management, including recruitment practices, will be strengthened.” NAPTIP 3.0 comprises four pillars, prevention, prosecution and enforcement, protection, and partnership to combat human trafficking. Moreover, NATIP 3.0 also includes many important commitments to improve labour migration governance.

Overall, progress remains among the ASEAN Member States to ensure that their national laws and legislation is in line with international standards.

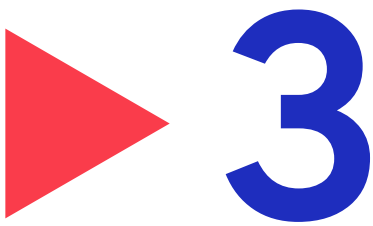
### 2.10.3 Strengthening tripartite-plus dialogue through partnership

The AFML recommendations recognize the importance of consulting stakeholders from government, employers' and workers' organizations and civil society organizations while developing labour migration policy in the ASEAN region. Actively engaging and consulting stakeholders in developing and implementing information campaigns and services for women and men migrant workers throughout the migration cycle are also highlighted in AFML recommendations.

Stakeholders that contributed to this report highlighted that the COVID-19 pandemic has impacted social dialogue processes, however some progress was reported. In **Indonesia**, social dialogue between key stakeholders was able to continue despite movement restrictions through the adoption of a hybrid format. In **Thailand** the DLPW initiated a project to strengthen working relationships with CSOs to strengthen labour protection. The project aimed to provide government officials and CSO staff with knowledge and understanding of the roles and duties of their respective organizations, as well as develop an operational model to work together to address labour rights issues and human trafficking. The project organized two events during December 2021 in Surat Thani province and Bangkok with fifty participants at each event.

**Regionally**, the AFML remains one of the more established forums for tripartite plus social dialogue. The AFML serves as a valuable forum for stakeholders to share experiences, challenges and good practices to promote the advancements of migrant workers' rights in the region. The Virtual Open Session at the ASEAN Committee on Migrant Workers Workshop on Planning for the Actin Plan in 2021-25 hosted in July 2020, was another example of constructive social dialogue with a wide array of ASEAN stakeholders.

In line with the ILO principle of tripartism - dialogue and cooperation between governments, employers, and workers – all ILO migration projects ensure participation of governments, employers and trade unions, as well as other key stakeholders, in all its activities. This includes participation in trainings, workshops, policy dialogues and other events with ILO support. The ILO also ensures broad based consultation of these groups as key informants and end-users for all research projects, in the development of and training on guidelines, tools etc.



# ▶ 3

## Successes and challenges in implementing AFML recommendations

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Experiences during the COVID-19 pandemic highlighted that migrant workers make an indispensable contribution to the economies and societies both in countries of destination and origin. Many migrant workers are employed in essential sectors of work such as public services, transport, agriculture and, care and healthcare work which kept the societies going through the lockdowns and border closures, and cessation of international recruitment led to acute labour shortages in many industries (ILO forthcoming a). Unfortunately, too often, migrant workers do not enjoy the respect, protection, and rights commensurate to their importance to our societies. The past two years have brought the decent work deficits faced by migrant workers into the limelight and exposed structural gaps within the existing labour migration governance system.

Despite the pandemic, an analysis of the initiatives and developments reported for this progress review indicate that progress has been made within certain policy and implementation areas, while other areas urgently require further work. It is hoped that this report prepared by the ILO can help ASEAN Member States applaud their previous successes and begin working to remedy gaps in policies and implementation.

## Information dissemination and campaigns

The dissemination of labour migration information continues to be a group of AFML recommendations where an abundance of different stakeholders in the ASEAN region actively contribute to their implementation. Through the ability to transition more information sharing to digital channels, such as radio, social media and websites, stakeholders in the ASEAN region have continued to share important information to migrant workers, despite the physical limitations brought on by the pandemic. Increased efforts to disseminate information in languages understandable to migrant workers, and in formats for those with limited literacy were reported, for example, the Thai DOE's animated materials on COVID-19 prevention and healthcare.

## Pre-departure and post-arrival training, skills training and recognition

Pre-departure trainings are available in all ASEAN countries of origin. A transition to digital orientations and trainings was seen in some countries such as Thailand and Indonesia, and materials were modified to include details and safety measures related to COVID-19. The continued use of digital tools, in combination with face-to-face training, provides stakeholders with an opportunity to increase the reach of the trainings, but monitoring effectiveness will be a new challenge. In addition, a few countries offer post-arrival orientation programmes for migrant workers. Singapore is currently the only ASEAN Member State providing pre-employment orientation programmes for employers of migrant workers. See Tables 2 and 3 for summaries of pre-departure and post-arrival orientations.

The Philippines and Singapore are two ASEAN countries that have well established skills training and certification systems, that are available to migrant workers, but positively, the provision of skills training and certification to migrant workers in a few other ASEAN countries is growing (see Tables 4 and 5). Overall migrant workers' access to skills training, certification and recognition remains limited in ASEAN, but some promising practices and pilots are emerging in the region.

## Access to complaint mechanisms and legal support

Government operated complaint channels are operational in most ASEAN countries (see Table 6), however, migrant workers' access and ability to seek redress via the complaint channels remains limited. Crucially, many legal support centres remained operational during the COVID-19 pandemic. Positively, some initiatives were reported to improve migrant workers' access to complaint mechanisms, for example, the multilingual Thailand DOE Help Me online complaint channel. Overall, strengthening the effectiveness and accessibility of complaint mechanisms should be prioritized, as well as ensuring the sustainability of legal support services (see Table 7), both financially and in terms of capacity.

## Other support services

Migrant Worker Resource Centres (see Figure 1) and support for migrant workers affected by the crisis were provided by one-stop service centres, hotlines (see Table 8) and others provided emergency relief over the past two years. Labour attachés and consular staff also supported migrant workers stranded in destination countries (see Table 9). Investing in the sustainability and capacity development of these crucial support services is key as is expanding provision of gender-responsive and disability-inclusive support.

## Effective labour migration policies and fair recruitment

During this period revised labour migration policies were adopted in Viet Nam and Lao People's Democratic Republic that incorporated important advancements for migrant workers (see Table 12 for existing policies in ASEAN Member States). An increasing number of initiatives target the protection and promotion of the rights of women migrant workers. Of course, the period included policy responses to the COVID-19 pandemic, including visa amnesties or visa extensions for workers.

Lao People's Democratic Republic stood out for having a new policy targeting the management of recruitment agencies (see Tables 12 and 13). Implementation of Codes of Conduct (see Table 14) and piloting monitoring systems of recruitment agencies continued in both Cambodia and Myanmar. Yet, because the regulation of recruitment fees in many ASEAN countries still allow charging of recruitment fees and related costs, migrant workers continue to pay high fees and costs to work abroad. This is not in line with the ILO General Principles and Operational Guidelines for Fair Recruitment that state that migrant workers should not be charged for recruitment related costs.

## Equal labour protection and decent conditions of work

The extension of labour laws across the ASEAN region continues to require urgent attention before migrant workers' access to labour and social protections is fully realized. Developments since January 2020 were reported for Thailand, where labour law protection was extended to workers in the fishing sector and work continued on the revision of the Ministerial Regulation governing the working conditions for domestic workers. A policy area that emerged as a key area of concern during the pandemic was migrant workers' access to decent housing and living conditions. Substandard housing became a risk factor during the pandemic, prompting revisions to housing standards in Singapore and Malaysia for instance (see Table 15). The pandemic also highlighted the consequences of not having adequate occupational safety and health measures in place. Few OSH initiatives were reported specifically targeting migrant workers. An effective inspection system to monitor employers' compliance with labour laws and OSH standards should be implemented. Finally, there were no policy developments that specifically make it easier for migrants to join, lead or form trade unions (see Table 16). Thus, the region remains restrictive of migrants' access to unions.

## Equal access to health care and social protection

Equal access to health care services is out of reach for certain categories of migrant workers, which during the pandemic limited their access to COVID-19 testing, treatment and vaccines. This is especially true for workers in informal sectors and migrant workers with irregular status. Some initiatives specifically targeting migrant workers during the pandemic were reported by stakeholders, such as mobile vaccine services, but in some countries, these came after nationals were prioritized (ADB, OECD, and ILO 2022). Fear of sanctions for immigration violations hindered some workers from accessing even these services.

The pandemic has also made it abundantly clear that migrant workers lack adequate social protections. They were largely excluded from emergency financial support in countries of destination, as well origin. One notable development was the extension of the Employees Social Security Act 1969 and the Employment Insurance System Act 2017 to cover domestic workers, including migrant domestic workers, in Malaysia. Moreover, the Social Insurance MOU signed between Viet Nam and the Republic of Korea is an important development on the portability of social protection.



### **Inclusive return and reintegration policies and programmes**

The large-scale return of migrant workers during the pandemic has given renewed energy to return and reintegration initiatives. Countries of origin introduced policies and services to support returning migrant workers, for example the Overseas Filipino Workers Assistance Information System (OASIS) worked to support the repatriation of Philippines workers or the Self-Employment Programme that provided entrepreneurial skills for returned workers in Indonesia. It is encouraging that return and reintegration is one of the prioritized focus areas under the ACMW Action Plan (2018-25).

### **Collecting, sharing and analysing labour migration data**

The annual collection of data for the ILMIS database continued in the ASEAN region, and encouragingly several ASEAN Member States initiated improvements to data collection. More work remains before labour migration data in ASEAN is complete and disaggregated by sex and occupation, among others. Continued investments in labour migration data collection would assist policy makers and stakeholders in development of labour migration policies and practices that are evidence-based and gender-responsive.

### **Multi-stakeholder cooperation**

Four ASEAN Member States ratified ILO Conventions, including Viet Nam, Malaysia, Myanmar and Lao People's Democratic Republic (see Table 18). The ratification of key Conventions for women migrant workers such as the Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention, 2019 (No. 190), is a policy area that requires further attention. In the area of multi-stakeholder social dialogue, the AFML remains a prominent forum for stakeholders from across the region to share and discuss challenges and good practices to advance the rights of migrant workers. Overall, the ASEAN region would benefit from actively engaging and consulting stakeholders from government, employers' and workers' organizations, and civil society organizations when developing and implementing policies, strategies and projects at all stages of the migration cycle. Crucially, the voices of diverse migrant workers as members of trade unions or as part of CSOs should be among them in discussions on labour migration.



# ▶ 4

## Next steps for the AFML

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This report has illustrated that there are policy and implementation areas that are well-established and other areas where stakeholders' attention is needed to ensure the AFML recommendations do not remain on paper but rather are commitments that ASEAN Member States put into practice. As the ASEAN region moves into a post-pandemic future, there is ample opportunity for new initiatives to strengthen the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

There are several policy areas where progress has been limited and where stakeholders may focus their efforts in the coming years. Moreover, there are policy areas where gaps have been magnified during the pandemic. Areas for consideration at upcoming AFMLs include:

1. Ensuring all migrant workers have access to healthcare, including mental healthcare. The COVID-19 pandemic has exposed the gaps in existing healthcare systems and adjusting national health care systems to be more inclusive and non-discriminatory needs to be prioritized across the region. The fear of sanctions for immigration violations should be delinked from health concerns of migrant workers.
2. Migrant workers coverage under social protection programmes including emergency income support, should be strengthened across the ASEAN region, including migrant workers employed in the informal sector. Social security agreements supporting the portability of social security benefits are an important mechanism to increase migrant workers social protection in the region.
3. Strengthening existing housing legislation and crucially ensuring compliance with said legislation to improve the living conditions for migrant workers is a priority. This is a policy area that would benefit from increased scrutiny and could be a thematic focus for a future AFML.

4. The COVID-19 pandemic has heightened the decent work deficits of migrant workers in the ASEAN region. Areas needing particular attention include extending labour law coverage to previously uncovered sectors, women migrant workers, and migrant workers right to organize. More investment needs to be made in strengthening labour inspections and other compliance mechanisms to monitor compliance with legislation.
5. With labour migration resuming post-pandemic, focus should be on ensuring the effective implementation of migration policies to ensure safe migration experiences for all migrant workers. Regulation of recruitment fees and moving to zero recruitment fees for migrant workers needs to be prioritized.
6. Facilitating skills training, certification, and recognition to support employability of workers in the ASEAN region should be a focus area for stakeholders. Advancing the implementation of the Mutual Recognition of Skills, and including medium skilled work, between ASEAN Member States is a policy area that would benefit from further discussions at future AFMLs.

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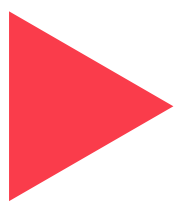


# Appendix I.

## List of respondents

Country	Name of respondent
<b>Brunei Darussalam</b>	No responses were received from Brunei Darussalam
<b>Cambodia</b>	Ministry of Labour and Vocational Training Cambodian Federation of Employers and Business Associations Legal Support for Children and Women (LSCW)
<b>Indonesia</b>	Ministry of Manpower
<b>Lao People's Democratic Republic</b>	Lao Federation of Trade Unions
<b>Malaysia</b>	No responses were received from Malaysia
<b>Myanmar</b>	Mawk Kon Local Development Organization Northern Shan State Baptist Convention Agency for Basic Community

Country	Name of respondent
<b>Philippines</b>	Department of Labour and Employment, Bureau of Workers with Special Concerns Department of Labour and Employment, International Labour Affairs Bureau Philippine Migrant Rights Watch
<b>Singapore</b>	Singapore National Trades Union Congress Forum Asia
<b>Thailand</b>	Ministry of Labour Employers' Confederation of Thailand Foundation for Labour and Employment Promotion MAP Foundation
<b>Viet Nam</b>	Ministry of Labour, Invalids and Social Affairs Institute for Population, Family and Children Studies (IPFCS) Viet Nam National University Hanoi



## Appendix II.

# Clustering and sub-categories for the 3rd - 14th AFML Recommendations

### Clustering and sub-categories for the 3rd - 14th AFML Recommendations

AFML #	Rec #	Narrative
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#### A. Information dissemination and campaigns

1. Information dissemination to migrant workers and their families.
2. Information campaigns targeting the general public.

#### A1. Information dissemination to migrant workers and their families.

3rd	1	Strengthen <b>information and services</b> to better protect <b>women and men migrant workers</b> 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.
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3rd	2	Ensure that <b>information services</b> are more accessible to <b>women and men migrants</b> 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 <b>information campaigns and services for women and men migrant workers</b> at all stages of the migration cycle.
3rd	6	The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the <b>provision of information and services</b> , promote the <b>development and use of user-friendly information materials</b> between and among ASEAN states and increase migrant workers' ease of <b>access to and understanding of publicly available information on laws, guidelines and other information materials</b> 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.
5th	8	Ensure <b>availability of information to the public</b> on recruitment and emigration procedures and costs (such as fees, visas, passports, work permits, health examinations, 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 <b>information on recruitment and emigration procedures and costs</b> 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	12	Disseminate <b>information to the public</b> 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).
5th	19	Optimize the potential and role of returning migrant workers in <b>information sharing</b> with the communities on gender differential migration experiences, recruitment costs, agencies and practices, and emigration procedures.
7th	14	<b>National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers</b> , 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 <b>well informed to migrant workers</b> and stakeholders, including through one-stop services and migrants resource centres at national and local levels.

<b>7th</b>	17	<b>Briefings for and assistance to the families of migrant workers</b> should be provided to enable them in coping with the challenges of overseas employment.
<b>8th</b>	7	<b>Raise awareness of migrant workers</b> on the role and purpose of labour inspections through information in languages understandable to migrant workers, to ease their fear of reporting or making complaints, and provide contact information to relevant government departments and embassies.
<b>9th</b>	9	Provide <b>information on social protection</b> 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.
<b>13th</b>	6	<b>Information of COVID-19 related migration, labour, health and safety policies</b> should be <b>accessible to migrant workers in languages understood by them</b> and, where possible, electronically. Responses to COVID-19 and other potential pandemic in future should be included in the occupational safety and health policies at the workplace to ensure better protection of all workers including migrant workers.
<b>14th</b>	8	Ensure <b>all public communications</b> related to labour and COVID-19 pandemic management are <b>accessible and understood by migrant workers in their languages</b> through the use of competent translation and interpreters, where available and practical, to improve the communication competency in the health care of migrant workers. Governments and similar bodies are responsible to inform employers, who will provide accurate and timely information pertaining to COVID-19 and related policies to migrant workers through digital access, where available.

## A2. Information campaigns targeting general public

<b>4th</b>	4	Collect and disseminate factual information through <b>the media and other channels</b> on the contributions of migrant workers to the economy and society in host countries.
<b>4th</b>	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 <b>TV, commercials, exhibitions, radio talk shows, cultural performances</b> , and the commemoration of International Migrants Day.
<b>10th</b>	1	Recognize domestic workers as workers and <b>remove outdated terminologies that diminish the dignity of domestic workers</b> . Towards this end, ASEAN Member States should progressively move towards the inclusion of domestic workers in their labour and social legislations.
<b>10th</b>	15	<b>Increase public awareness</b> and strengthen commitment of relevant parties to protect the rights of migrant domestic workers and recognize their contributions.
<b>13th</b>	5	Provide access of migrant workers, especially domestic migrant workers and laid-off migrant workers, to mental health support and services. <b>Stigmatization, xenophobia, and discrimination against migrant workers</b> , especially those infected by COVID-19, should be addressed through, among others, <b>public campaigns</b> .

## B. Pre-departure and post-arrival orientation, skills training and recognition

1. Pre-departure and post-arrival orientation.
2. Skills training and skills recognition.

### B1. Pre-departure and post-arrival orientation

4th	1	Deliver comprehensive <b>pre-departure education in sending countries, not only about culture and social norms</b> , but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others.
4th	2	Conduct <b>post-arrival orientation programs</b> 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.
7th	16	The <b>pre-employment, pre-departure and post-arrival orientation programs</b> 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.
8th	1	Integrate and/or strengthen OSH training and materials in <b>pre-employment, pre-departure and post-arrival orientation programs</b> 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.
10th	10	Provide <b>standardized education and information</b> 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	11	The Receiving States to ensure <b>pre-employment orientation to employers of migrant domestic workers</b> , and promote good practices in the employment of domestic workers.
11th	2	Promote the use of digital tools, such as smart devices and social media, in <b>training</b> or job matching of migrant workers, including: <b>pre-departure and post-arrival information programs</b> ; dissemination of information; and skills upgrading and certification.
12th	1	Improve <b>pre-departure and post-arrival orientation/training programs</b> through cooperation of social partners to support integration of migrant workers with the locals, especially on <b>life skills</b> (e.g. financial literacy, language proficiency), national labour laws and regulations of the Receiving States, as well as issues and rights of migrant workers.

### B2. Skills training and skills recognition

4th	6	Undertake a regional study on the programs of <b>skills trainings, pre-departure and post-arrival orientations</b> , and return and/or reintegration support offered by ASEAN Member States.
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<b>5th</b>	20	Encourage the <b>recognition of the skills of migrant workers through certification / testimonial of employment</b> , including employment history, experiences, skills and language, by employers and other entities where applicable.
<b>10th</b>	14	Promote the establishment of <b>skills training programs and certification systems</b> to promote professionalization 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>11th</b>	2	Promote the use of digital tools, such as smart devices and social media, in <b>training</b> or job matching of migrant workers, including: pre-departure and post-arrival information programs; dissemination of information; and <b>skills upgrading and certification</b> .
<b>12th</b>	12	Improve and share relevant <b>labour market information to guide migrant workers on relevant skills to acquire</b> and to support evidence-based migration policies and responses, including on development priorities and <b>skills in demand</b> in the receiving states; skill levels of migrant workers in the sending states; job opportunities across labour markets; required travel and work documents; and prevailing laws and procedures.
<b>12th</b>	13	Support the employability of migrant workers in the future of work through the promotion of: <ul style="list-style-type: none"> <li>▶ Access of migrant workers to <b>skilling, re-skilling and up-skilling opportunities</b> especially on digital skills and soft skills;</li> <li>▶ Responsiveness of vocational training programmes to new skills requirement;</li> <li>▶ Development of <b>skill standards and classification</b> of jobs such as for domestic work and care work;</li> <li>▶ <b>Certification of skills and prior learning</b> by employers and TVET and higher education institutions;</li> <li>▶ <b>Skills recognition</b> systems by governments, employers and TVET and higher education institutions to be less cumbersome and more effective;</li> <li>▶ Gender equality in employment and trainings including in <b>non-traditional sectors and occupations</b>; and</li> <li>▶ Awareness and willingness of migrant workers to enhance their skills.</li> </ul>
<b>13th</b>	10	Strengthen the employability of migrant workers who lost their jobs due to the pandemic through <b>improving their access to available re-skilling and up-skilling programs</b> , including digital literacy, public employment programs, job placement and skills certification and recognition, with due consideration to the needs and realities of women migrant workers.
<b>14th</b>	13	<b>Upskill and reskill migrant workers at all stages of migration</b> to ensure their competencies, including digital literacy, would remain relevant amidst the changing demands of labour markets. Skills development of migrant workers is the responsibilities of governments, employers and workers. Explore further efforts to <b>improve skills certification and recognition</b> in countries of origin and countries of destination to enhance the migrant workers' abilities to contribute to social and economic development. Governments to incentivise employers to invest in upskilling, reskilling, and skills development through tax incentives and other measures.

### C. Access to complaint mechanisms and legal support

1. Access to complaint mechanisms, including administrative, judicial and alternative dispute settlement.
2. Legal support services.
3. Inter-country collaboration in handling complaints cases.

#### C1. Access to complaint mechanisms, including administrative, judicial and alternative dispute settlement.

<b>3rd</b>	3	Provide <b>accessible channels</b> for women and men migrant workers to <b>report and seek redress for violations</b> of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments.
<b>5th</b>	17	Establish <b>effective complaint mechanisms</b> in ASEAN Member States that should be widely disseminated to and accessible by migrant workers with legal aid and assistance.
<b>6th</b>	9	Develop and <b>strengthen the existing complaint mechanisms</b> 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.
<b>6th</b>	10	Ensure that <b>complaint mechanisms</b> are gender sensitive and responsive to the vulnerability of migrant workers.
<b>6th</b>	12	Ensure that information of the availability of such service centres and <b>complaint mechanisms</b> is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programs, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions.
<b>6th</b>	14	<b>Dispute resolutions, mediation, and other alternative dispute settlement mechanisms</b> should be fully explored before administrative or judicial litigation processes.
<b>6th</b>	19	Promote <b>sharing of experiences and information</b> among ASEAN Member States in implementing their respective <b>complaint mechanisms</b> through stock taking of the processes in handling grievances of migrant workers.
<b>6th</b>	20	Consider developing regional guidelines and tools on the establishment of key aspects and standards of <b>complaint mechanisms</b> for migrant workers.
<b>8th</b>	10	Strengthen <b>complaint mechanisms on OSH and employment conditions</b> 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.



<b>8th</b>	15	Improve <b>mechanisms of claiming and payment of workers' compensation benefits</b> in a timely manner, even after returning to their countries of origin, through effective procedure to verify the beneficiaries; assistance of embassies/ labour attachés, 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.
<b>11th</b>	4	Support <b>inter-agency coordination</b> , where relevant, in developing accessible digital feedback and <b>complaint and grievance-handling</b> mechanisms for migrant workers. These mechanisms should: authenticate valid feedback; track the progress of the response including remedy; and be referred to the relevant support service providers.
<b>13th</b>	3	Ensure <b>decent wages</b> of migrant workers and <b>protect their wages during pandemics</b> through <b>effective complaint mechanisms and support services</b> . In this regard, complaints on wages and grievances, claims and labour disputes of migrant workers who lost their jobs due to the pandemic should be investigated and handled immediately and, where possible, prior to returning home without increasing health risks due to a prolonged stay.
<b>14th</b>	5	Ensure speedy <b>remedies for wage and benefits violations and other labour and recruitment-related violations</b> , which the migrant workers can access before, during and after employment, including legal services and remediations across borders via improved interagency coordination. Facilitate returning migrant workers' access to recovery of unpaid wages and other benefits, including through enhanced international and bilateral coordination mechanisms, more effective legal assistance to migrant workers and support from trade unions and civil society.

## C2. Legal support services (On other support services, see cluster D)

<b>3rd</b>	4	Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and <b>responding to rights violations</b> 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.
<b>4th</b>	16	Provide <b>access to legal support</b> and essential services, including consular services, for migrant workers and members of their families.
<b>6th</b>	11	Support the development of <b>"one-stop" service centre</b> for migrant workers that among others, <b>facilitate access to complaint mechanisms and assistance</b> , including interpretation and free <b>legal counselling/referral</b> , in collaboration with all stakeholders including migrant communities, workers' and employers' organizations, and CSOs to ensure that the service are accessible to migrant workers.
<b>10th</b>	13	<b>Improve capacity and provide adequate human and financial resources</b> 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.

### C3. Inter-country collaboration in handling complaints cases

<b>6th</b>	15	Ensure timely notification and <b>communication between the countries of destination and origin on judicial cases</b> 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.
<b>6th</b>	16	Promote <b>inter-country trade unions collaboration</b> to support migrant workers in <b>case of complaints</b> .
<b>7th</b>	8	<b>Referral systems between countries of origin and destination</b> should be set up and function well and assistance of the <b>embassies</b> 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.
<b>7th</b>	19	Cooperation between the <b>countries of origin and destination in providing assistance to migrant workers with health concerns</b> should be strengthened in order to ensure access to treatment and relevant social welfare services.
<b>8th</b>	15	Improve mechanisms of <b>claiming and payment of workers' compensation benefits in a timely manner, even after returning to their countries of origin</b> , 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.
<b>13th</b>	12	Increase <b>cross-sectoral referral mechanisms and collaboration to strengthen national policy framework for protection of migrant workers in time of pandemic</b> . Protection of women migrant workers and victims of gender-based violence during the pandemic and their access to coordinated essential services should be strengthened. The heightened risks of forced labour and human trafficking during the pandemic and post pandemic recovery should be addressed.
<b>14th</b>	5	Ensure speedy remedies for wage and benefits violations and other labour and recruitment-related violations, which the migrant workers can access before, during and after employment, including legal services and remediations across borders via improved interagency coordination. Facilitate returning migrant workers' access to recovery of unpaid wages and other benefits, including through <b>enhanced international and bilateral coordination mechanisms</b> , more effective legal assistance to migrant workers and support from trade unions and civil society.

## D. Other support services

1. Service centres.
2. Labour attachés and consular services.
3. Digital services.

### D1. Service centres

<b>5th</b>	10	Develop affordable <b>“one-stop-centre” services</b> , such as online portals in sending countries, that are widely informed to and accessible by migrant workers.
<b>6th</b>	11	Support the development of <b>one-stop service centres</b> for migrant workers that among others, <b>facilitate access to complaint mechanisms and assistance</b> , including interpretation and free <b>legal counselling/referral</b> , in collaboration with all stakeholders including migrant communities, workers’ and employers’ organizations, and CSOs to ensure that the service are accessible to migrant workers.
<b>6th</b>	12	Ensure that information on the availability of such <b>service centres</b> 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 programs, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions.
<b>7th</b>	7	<b>One-stop services</b> and <b>migrants resource centres</b> 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.
<b>10th</b>	13	<b>Improve capacity and provide adequate human and financial resources for consular and labour services</b> of embassies or foreign missions and <b>migrant resource centres</b> to support migrant domestic workers including access to complaint mechanism, justice and redress.
<b>13th</b>	12	Increase cross-sectoral referral mechanisms and collaboration to strengthen national policy frameworks for the protection of migrant workers in time of pandemic. Protection of women migrant workers and <b>victims of gender-based violence</b> during the pandemic and their <b>access to coordinated essential services should be strengthened</b> . The heightened risks of forced labour and human trafficking during the pandemic and post pandemic recovery should be addressed.

### D2. Labour attaché and consular services

<b>3rd</b>	4	Strengthen and raise the visibility of <b>labour attachés and consular staff</b> 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.
<b>4th</b>	16	Provide access to legal support and essential services, including <b>consular services</b> , for migrant workers and members of their families.

<b>5th</b>	16	Enhance the functions of labour attachés and consular officials in ASEAN Member States to <b>verify information of job offers and employment contracts</b> , as feasible, in receiving countries.
<b>6th</b>	13	Ensure and strengthen the roles of <b>labour attachés, embassies, and consular officials</b> to include <b>support services</b> on availing of complaint mechanisms for migrant workers.
<b>7th</b>	9	<b>Labour attachés</b> should be well trained and adequately supported to provide effective <b>on-site protection</b> . Gender balance amongst labour attachés should be proportionate to the composition of male and female migrant workers.
<b>7th</b>	14	National legislation, 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 <b>labour attachés and embassies</b> .
<b>10th</b>	13	Improve capacity and provide adequate human and financial resources for <b>consular and labour services of embassies or foreign missions</b> and migrant resource centres to support migrant domestic workers including access to complaint mechanism, justice and redress.

### D3. Digital services

<b>11th</b>	2	Promote the use of digital tools, such as smart devices and social media, in <b>training</b> or job matching of migrant workers, including: <b>pre-departure and post-arrival information programs</b> ; dissemination of information; and <b>skills upgrading and certification</b> .
<b>11th</b>	6	As migrant workers are at various levels of readiness to benefit from digitalization, and <b>not all services may benefit from digitalization</b> , maintain existing avenues while building workers' capacity to benefit from digitalization.
<b>11th</b>	7	<b>Coordinate efforts between stakeholders in developing digital services for migrant workers</b> , to avoid unnecessary duplication and to ensure clarity of avenues, including effective referral pathways for migrant workers.
<b>11th</b>	8	Governments and other relevant stakeholders should consider <b>providing support, such as funding, to digital services that meet the needs of migrant workers</b> , such as remittance, financial services, and social protection. Migrant workers should not bear the costs of the development of these services.
<b>11th</b>	9	All stakeholders should <b>educate migrant workers on the availability of digital services</b> ; cyber security; and risks of false information, through appropriate media platforms such as <b>information campaigns</b> and pre-departure/post-arrival training.
<b>11th</b>	10	Content providers and owners of digital platforms should <b>ensure that information provided is accurate</b> , and undertake efforts to eliminate misinformation through measures such as online information verification and regular fact-checks.
<b>11th</b>	12	Recognising the importance of <b>data privacy and security</b> , introduce and strengthen robust protection frameworks that secure the collection, use, and sharing of data, such as legal provisions or guidelines.

**11th** 13 Ensure that digital platforms for **migrant workers are migrant-centred**, accessible and user-friendly. This includes, where appropriate, adopting measures such as visual and audio messaging; simplified interfaces, and migrant workers' local languages. As users, migrant workers should also be empowered and actively involved in the creation and enhancement of these platforms via consultation and user feedback.

**11th** 14 **Enhance capacity in the development and utilisation of digital platforms** through research and sharing of progressive practices; collaboration with relevant stakeholders; and introducing appropriate training, including strengthening digital literacy for all target stakeholders.

**11th** 15 **Raise awareness** on the benefits of leveraging technology in inclusive and sustainable growth in the future of work, e.g. through green efforts.

**13th** 9 **Maximize digital technology** in the online processing of migrant workers' immigration and employment documents, and ensure its accessibility to migrant workers to reduce physical contacts in time of pandemic.

## E. Effective labour migration policies and fair recruitment

1. Labour migration policies.
2. Regulation and enforcement of recruitment procedures and costs.
3. Regulation and licensing of recruitment agencies.
4. Right to stay.

### E1. Labour migration policies

<b>5th</b>	1	<p>Adhere to the following principles in promoting and protecting the rights of migrant workers:</p> <ul style="list-style-type: none"> <li>▶ Universal human rights and fundamental principles and rights at work must continue to apply to migrant workers;</li> <li>▶ Transparency, accountability and affordability should be practiced throughout the entire cycle of migration process;</li> <li>▶ Vulnerability issues of migrant workers in the entire cycle of migration process should be addressed comprehensively through wide coverage of labour and social laws in all types of employment including those in vulnerable sectors;</li> <li>▶ Migration policies, strategies and practices should be made gender responsive and cater to the specific needs of female migrant workers especially in vulnerable sectors of labour; and</li> <li>▶ Mainstreaming of migration and migrant worker issues in community level activities, especially those in the rural areas, of poverty alleviation, women's empowerment and development plans and programmes in ASEAN Member States.</li> </ul>
<b>8th</b>	11	<p>Ensure the inclusion of OSH, employment conditions and, where possible, the role of labour inspections and labour attachés in <b>bilateral and multilateral Memorandums of Understanding (MOU)</b> concerning migrant workers to promote OSH preventive measures and to ensure legal protection of migrant workers in time of OSH and employment conditions violation.</p>
<b>10th</b>	4	<p>Promote the negotiation of <b>bilateral Memorandums of Understanding</b> 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.</p>
<b>12th</b>	7	<p>Promote the use of technology to better <b>govern labour migration</b>; facilitate easy access to job opportunities, recruitment, and skills training; and protect the rights of migrant workers.</p>
<b>12th</b>	10	<p>Reduce irregular migration by improving access to regular channels of migration and raising awareness of migrant workers on the risks of undocumented migration.</p>
<b>12th</b>	11	<p>Promote gender responsive, non-discriminatory policies and practices to <b>ensure women migrant workers' access to safe and regular migration pathways</b>; remove gender pay gaps; and a victim-centred approach to all forms of violence and sexual harassment in the workplace.</p>

**12th** 12 Improve and share relevant **labour market information** to guide migrant workers on relevant skills to acquire and **to support evidence-based migration policies and responses, including on development priorities and skills in demand in the receiving states; skill levels of migrant workers in the sending states;** job opportunities across labour markets; required travel and work documents; and prevailing laws and procedures.

**14th** 11 Assess the opportunities for **regional or bilateral collaboration mechanisms for labour mobility to resume during the recovery period and fair and ethical deployment of migrant workers** in the post pandemic and enhance the **effectiveness of legal pathways** for labour migration. Labour mobility may be facilitated in line with labour market requirements, and the formal channels be streamlined to reduce time and cost.

## E2. Regulation and enforcement of recruitment procedures and costs

**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** 18 Promote meaningful involvement in and partnerships with tripartite partners, the private sector (such as transport company's 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).

**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.

**11th** 1 Digitalise, where appropriate, the **recruitment, placement, employment, and return and reintegration processes**, such as providing **one-stop digital platforms** and e-documentation, to support easier, more efficient, less costly and transparent labour migration.

12th	4	Take measures for safe and fair recruitment of migrant workers, and <b>recruitment fees and related costs are reduced, with the view of eventually not charging migrant workers.</b>
12th	7	Promote the use of technology to better govern labour migration; <b>facilitate easy access to job opportunities, recruitment,</b> and skills training; and protect the rights of migrant workers.
13th	4	Consider that <b>fees related to recruitment and redeployment</b> , including additional costs for COVID-19 testing, quarantine and health insurance, <b>should not be charged to migrant workers in accordance with the ILO General Principles and Operational Guidelines for Fair Recruitment.</b> In line with this, migrant workers who paid recruitment fees and were not deployed should be reimbursed. In this regard, regulations and monitoring of the practices of recruitment agencies should be strengthened.
13th	9	<b>Maximize digital technology</b> in the <b>online processing of migrant workers' immigration and employment documents</b> , and ensure its accessibility to migrant workers to reduce physical contacts in time of pandemic.
14th	15	Work towards ensuring that (a) <b>recruitment fees, visa renewal fees, and any COVID-19 associated costs in all stages of the recruitment cycle are regulated, transparent and not be charged to migrant workers</b> seeking new employment in the new normal and that (b) fair recruitment principles* need to be made clear and are operationalized through national legislations, bilateral and multilateral agreements, and employment contracts to safeguard migrant workers from the aforementioned costs.

\* As per ILO's General Principles and Operational Guidelines for Fair Recruitment and definitions of recruitment fees and related costs, ILO Convention No. 181, and in line with the Global Compact for Safe, Orderly and Regular Migration (GCM), Objective 6.

### E3. Regulation and licensing of recruitment agencies

4th	3	Raise awareness and build the capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and <b>monitoring of recruitment and placement services</b> , and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers' rights.
5th	11	Abolish intermediaries in recruitment practices other than <b>registered/licensed recruitment agencies</b> in ASEAN Member States which would contribute to the affordability of recruitment costs and elimination of malpractices.
5th	13	<b>Regulate recruitment agencies and practices</b> by laws, regulations and policies that clearly define the <b>migration cost structures</b> in ASEAN Member States.
5th	14	Effectively <b>monitor recruitment agencies and practices</b> 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 <b>licensing system of recruitment agencies</b> and, where applicable, an accreditation system of foreign employers of direct recruitment agencies to effectively monitor their practices in ASEAN Member States.



<b>6th</b>	17	Ensure, where possible, the <b>joint accountability of employers and recruitment agencies</b> in case of migrant workers' complaints when the recruitment agencies are responsible for recruiting and placing workers abroad.
<b>7th</b>	10	<b>Recruitment agencies should be capacitated</b> , where relevant, in securing better packages of remuneration and benefits of migrant workers including minimizing or eliminating fees to be charged to migrant workers.
<b>10th</b>	12	<b>Promote fair recruitment practices</b> 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.

**E4. Right to stay**

<b>7th</b>	12	Workers filing complaints should be given support to <b>stay within the country of destination while complaints are being processed</b> . 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.
<b>10th</b>	8	In case of legal disputes, migrant domestic workers should have <b>the right to stay and work in the Receiving States</b> until the legal or labour cases are settled in accordance with national laws and regulations.
<b>14th</b>	10	<b>Protect workers whose contracts expire but who cannot go back</b> by providing them with a free short-term visit pass or special <b>pass and moratorium on sanctions</b> on overstayers, allowing them to work in the same or other industries, pending their repatriation during the COVID-19 pandemic. Provide safe and cost-free return mechanisms for migrant workers who wish to return home.

## F. Equal labour protection and decent conditions of work

1. Strengthen labour laws and extend coverage.
2. Employment contracts.
3. Wage protection.
4. Adequate housing and living conditions.
5. Occupational Safety and Health (OSH).
6. Organizing trade union rights.
7. Right to change employers.
8. Right to communication and access to mobile phones.
9. Compliance and enforcement.

### F1. Strengthen labour laws and extend its coverage

<b>5th</b>	1	<p>Adhere to the following principles in promoting and protecting the rights of migrant workers:</p> <ul style="list-style-type: none"> <li>▶ Universal human rights and fundamental principles and rights at work must continue to apply to migrant workers;</li> <li>▶ Transparency, accountability and affordability should be practiced throughout the entire cycle of migration process;</li> <li>▶ Vulnerability issues of migrant workers in the entire cycle of migration process should be addressed comprehensively through wide coverage of labour and social laws in all types of employment including those in vulnerable sectors;</li> <li>▶ Migration policies, strategies and practices should be made gender responsive and cater to the specific needs of female migrant workers especially in vulnerable sectors of labour;</li> <li>▶ Mainstreaming of migration and migrant worker issues in community level activities, especially those in the rural areas, of poverty alleviation, women's empowerment and development plans and programmes in ASEAN Member States.</li> </ul>
<b>10th</b>	1	Recognize 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 <b>inclusion of domestic workers in their labour and social legislations</b> .
<b>10th</b>	3	<b>Align national laws and policies with international instruments</b> related to labour migration and <b>domestic work</b> , taking into account different contexts of ASEAN Member States.
<b>11th</b>	3	Encourage further efforts in <b>using technology in enforcing migrant worker rights</b> , such as <b>timely and accurate payments of wages</b> and benefits; organizing of migrant workers; labour inspections; access to justice; and cross-border dispute settlements.
<b>12th</b>	8	Promote a <b>transition from informal employment, such as in agriculture, fishery and domestic work, to formal employment</b> to ensure labour rights protection of migrant workers in those sectors.

**14th** 14 **Review national labour laws and policies to cater for new work environments and to holding governments accountable**, as necessary, to **ensure equitable protection of migrant workers** with respect to labour rights including, job security, wage protection, working conditions and minimum wage coverage (in countries implementing minimum wage policies), especially migrant workers in sectors that are currently excluded from these protections, and their responsiveness to the current and future changes in labour markets. Updated and new legislations should be evidence-based, respect fundamental rights of migrant workers in accordance with the relevant ILO and UN instruments and be communicated effectively to stakeholders. Enhance the capacities of labour inspection and adopt human-centred approach in order to better respond to the specific challenges posed by the pandemic.

## F2. Employment contracts

**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.

**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 recognized 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.

**12th** 6 Ensure migrant workers are provided with **clear and transparent contracts** or proper documentation with terms and conditions of employment in a language they understand based on national legislation and policies, taking references from relevant international labour standards and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

### F3. Wage protection

<b>4th</b>	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"> <li>▶ Policies and strategies should be established to look after the return of migrant workers, e.g. “State Policy on the Reintegration of Migrant Workers”;</li> <li>▶ Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and</li> <li>▶ Follow up / monitoring system of the returnees, particularly on their livelihood and reintegration.</li> </ul> <p>(b) Responsibilities of receiving countries:</p> <ul style="list-style-type: none"> <li>▶ Prior to the return of migrant workers, receiving countries should have specific programs for the returnees, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;</li> <li>▶ Provision of proof of employment by the employers; and</li> <li>▶ <b>Ensure that migrant workers receive a decent wage and no unlawful wage deductions</b>, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards.</li> </ul>
<b>13th</b>	3	<p>Ensure <b>decent wages</b> of migrant workers and <b>protect their wages in time of pandemic</b> through effective complaint mechanisms and support services. In this regard, the complaints on wages and grievances, claims and labour disputes of migrant workers who lost their jobs due to the pandemic should be investigated and handled immediately and, where possible, prior to returning home without increasing health risks due to a prolonged stay.</p>
<b>14th</b>	5	<p>Ensure speedy <b>remedies for wage and benefits violations and other labour and recruitment-related violations</b>, which the migrant workers can access before, during and after employment, including legal services and remediations across borders via improved interagency coordination. Facilitate returning migrant workers’ access to recovery of unpaid wages and other benefits, including through enhanced international and bilateral coordination mechanisms, more effective legal assistance to migrant workers and support from trade unions and civil society.</p>
<b>14th</b>	14	<p>Review national labour laws and policies to cater for new work environments and to holding governments accountable, as necessary, to <b>ensure equitable protection of migrant workers</b> with respect to labour rights including, job security, <b>wage protection</b>, working conditions and <b>minimum wage coverage</b> (in countries implementing minimum wage policies), especially migrant workers in sectors that are currently excluded from these protections, and their responsiveness to the current and future changes in labour markets. Updated and new legislations should be evidence-based, respect fundamental rights of migrant workers in accordance with the relevant ILO and UN instruments and be communicated effectively to stakeholders.</p> <p>Enhance the capacities of labour inspection and adopt human-centred approach in order to better respond to the specific challenges posed by the pandemic.</p>

#### F4. Adequate housing and living conditions

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|-------------|---|---|
| <b>14th</b> | 3 | Enable and enforce <b>effective social distancing</b> during recruitment, deployment, repatriation, at work, <b>in housing</b> , and during transportation for all workers by allocating more resources and effective planning in the work cycles across all sectors and industries, where possible. Industries must ensure all workers have access to appropriate Personal Protection Equipment (PPE) without cost according to the work environment. <b>Workers shall strive to adhere to and comply with all SOPs</b> as implemented by the authorities and agreed policies implemented by the employers at the workplace, transportation and <b>accommodation</b> . |
| <b>14th</b> | 4 | <b>Strengthen minimum safety and health standards</b> for workplaces and <b>housing</b> , where necessary, for migrant workers with sufficient spaces for social distancing and access to medicine and food, <b>in alignment with international and regional standards</b> . Take measures for effective implementation of such standards, including through supporting labour inspectors and training for employers and migrant workers.   |
| <b>14th</b> | 7 | In case of workplace closures or “sealing” due to COVID-19, <b>ensure that migrant workers’ quarantine facilities are safe and humane, and allow social distancing</b> , and are equal to quarantine facilities provided to local population. Ensure migrant workers’ access to adequate health care, including psychological support, food, water, basic income support and essential services and integrated gender-based violence support during such closures.  |

#### F5. Occupational safety and health (OSH)

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| <b>7th</b> | 6 | <b>Occupational safety and health (OSH)</b> 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.   |
| <b>8th</b> | 1 | Integrate and/or strengthen <b>OSH training and materials</b> in pre-employment, pre-departure and post-arrival orientation programs 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.  |
| <b>8th</b> | 2 | Develop <b>OSH guidelines</b> , including on access to employment injury benefits, which should be available in languages understandable to employers and migrant workers, and ensure implementation by employers.   |
| <b>8th</b> | 3 | Promote <b>OSH prevention culture</b> 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 programs; 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. |
| <b>8th</b> | 4 | Strengthen <b>OSH policy implementation</b> 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 <b>OSH committee and/or management system at enterprise level</b> with the involvement of migrant workers or trade unions.
8th	6	Strengthen <b>OSH policy implementation</b> by the labour department in coordination with other relevant government agencies (health and foreign affairs) and stakeholders (embassies/labour attachés, trade unions, employers' organizations, overseas placement agencies, civil society organizations) within and across ASEAN Member States.
13th	2	Improve safety and health standards at the <b>workplace and employer-provided housing for migrant workers</b> including hygiene, sanitation living conditions, and Personal Protective Equipment (PPE) as preventive measures to reduce migrant workers' exposure to the COVID-19 infection. In this regard, minimum standards for decent living conditions of live-in domestic workers that respect their safety and privacy should be ensured.
13th	6	Information on COVID-19 related migration, labour, health and safety policies should be accessible to migrant workers in languages understood by them and, where possible, electronically. <b>Responses to COVID-19 and other potential pandemics in the future</b> should be included in the <b>occupational safety and health policies at the workplace</b> to ensure better protection of all workers including migrant workers.
14th	3	Enable and <b>enforce effective social distancing</b> during recruitment, deployment, repatriation, at work, in housing, and during transportation for all workers by allocating more resources and effective planning in the work cycles across all sectors and industries, where possible. Industries must ensure all workers have <b>access to appropriate Personal Protection Equipment (PPE) without cost according to the work environment</b> . Workers shall strive to adhere to and comply with all SOPs as implemented by the authorities and agreed policies implemented by the employers at the workplace, transportation and accommodation.
14th	4	<b>Strengthen minimum safety and health standards for workplaces</b> and housing, where necessary, for migrant workers with sufficient spaces for social distancing and access to medicine and food, in alignment with international and regional standards. Take measures for effective implementation of such standards, including through supporting labour inspectors and training for employers and migrant workers.
<b>F6. Organizing, trade union rights</b>		
7th	11	Measures should be taken to facilitate access of men and women migrant workers in to <b>trade unions and associations</b> , particularly those in sectors where workers are not organized.
7th	20	<b>Workers' organizations in ASEAN Member States</b> should strengthen their cooperation for effective protection mechanisms for migrant workers.
10th	7	Foster opportunities and an enabling environment for <b>migrant domestic workers' voices to be heard</b> through migrants' associations, <b>workers' organizations</b> , and civil society organizations in accordance with national laws and regulations.
12th	9	Promote migrant workers' voice and representation in collective bargaining and social dialogue by ensuring their <b>freedom of association</b> .

### F7. Right to change employers

**10th**      7      National policies of the Receiving States concerning migrant domestic workers should allow for **greater flexibility in changing employers**.

### F8. Right to communication and access to mobile phones

**11th**      11      Ensure that all migrant workers are accorded the **right to information and communication**, such as **ownership; access; and reasonable usage to mobile phones or other ICT gadgets**. More attention should be placed on isolated and vulnerable workers, including increasing connectivity in hard-to-reach places.

### F9. Compliance and enforcement

**7th**      5      Governments should take and enhance measures and allocate resources to protect and promote the rights of migrant workers, including regularly conducting **labour inspections**, 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.

**8th**      8      Strengthen **labour inspections** for decent employment and working conditions and OSH through capacity building and an 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 attachés 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.

**10th**      6      Strengthen **labour inspections** 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. Labour inspections continue to play an important role in securing decent employment and working conditions in the ASEAN region; however, work remains to be done before employees working in vulnerable and hard-to-reach sectors fall within the scope of existing compliance mechanisms. The use of technology is a central AFML recommendation that would improve the governments' capacity to enforce migrant workers' rights, and should be considered by all ASEAN Member States. Additionally, the promotion of corporate social responsibility is another area that would support the sustainability of the private sector and protect the rights of workers throughout the supply chain.

**11th**      3      Encourage further efforts in **using technology in enforcing migrant worker rights**, such as timely and accurate payments of wages and benefits; organizing of migrant workers; labour inspections; access to justice; and cross-border dispute settlements.

<b>11th</b>	5	Develop and improve <b>labour migration information systems</b> to facilitate the <b>identification of errant employers and recruitment/employment agencies</b> and transparency of recruitment costs. Where appropriate, encourage the sharing of information between relevant parties, including inter-agency and inter-government collaboration, while prioritising data privacy and security.
<b>12th</b>	5	Protect the rights of workers in the supply chain through the <b>promotion of corporate social responsibility of private sector</b> which would support sustainability of business and as customers are increasingly becoming more inclined to companies with ethical practices.
<b>14th</b>	1	Support and acknowledge <b>responsible employers in their positive efforts to ensure continuing employment for workers</b> and their <b>access to vaccinations</b> and <b>social protections</b> provided by governments.

### G. Equal access to health care and social protection

1. Equal access to health care including mental health services.
2. Equal treatment in social protection.
3. Extending migrant workers' social protection.
4. Portability of social protection.

#### G1. Equal access to health care including mental health services

<b>13th</b>	1	Ensure <b>access of all migrant workers in all sectors of health care</b> , including COVID-19 testing and treatment, emergency relief measures, income support, social protection, and unemployment benefits, where applicable, of the Receiving States and/or Sending States. Implementation of the recommendations of Thailand's study on the portability of social security benefits for migrant workers should be expedited. Furthermore, the fear of sanctions for immigration violations should be delinked from the health concerns of migrant workers.
<b>13th</b>	5	Provide <b>access to migrant workers</b> , especially domestic migrant workers and laid-off migrant workers, to <b>mental health support and services</b> . Stigmatization, xenophobia, and discrimination against migrant workers, especially those infected by COVID-19, should be addressed through, among others, public campaigns.
<b>13th</b>	12	Increase cross-sectoral referral mechanisms and collaboration to strengthen national policy framework for the protection of migrant workers in time of pandemic. <b>Protection of women migrant workers and victims of gender-based violence</b> during the pandemic and their <b>access to coordinated essential services should be strengthened</b> . The heightened risks of forced labour and human trafficking during the pandemic and post pandemic recovery should be addressed.
<b>14th</b>	2	Grant and promote <b>equal access of migrant workers to COVID-19 testing, vaccines, healthcare, and rehabilitation</b> regardless of migration status to enable all workers to return to work or continue to work safely. Proof of vaccination should be provided to all migrant workers, including those who return home. Cost for COVID-19 testing, vaccines, quarantine, healthcare, and rehabilitation should be covered by the government. Migrant workers who are arrested and detained for immigration-related offences should similarly receive emergency healthcare as necessary. Furthermore, fear of sanctions for immigration violation should be delinked from health concerns of migrant workers.



**14th** 9 **Reform national health care systems**, where appropriate, sustained by adequate budget allocation, to be **more inclusive and non-discriminatory** in recognition of the contribution made by all workers, including migrant workers, during the pandemic including effective access to emergency healthcare to migrant workers with undocumented status. This must respect basic privacy rights and include removing stigma-driven policies towards all infectious diseases and the **inclusion of mental health care as an essential component**.

## G2. Equal treatment in social protection

**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** 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).

## G3. Extending migrant workers' social protection

**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 extending **access to social protection** to migrant 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 programs 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** 13 Support the implementation of the 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' organizations, workers' organizations, civil society organizations, private sectors and migrant communities in raising awareness and implementing **social protection** for migrant workers as relevant.

10th	9	Strengthen social protection legislation to <b>extend the coverage of social security and health insurance for domestic workers</b> .
12th	2	Promote the <b>affordability and coverage of social security</b> for migrant workers especially healthcare, occupational injury benefits, invalidity schemes and social pension in line with the ILO Convention 102.
14th	6	<b>Extend government emergency income support measures and gender-responsive support services to all migrant workers</b> , including those with children and single parents, whose income has been affected by job loss, lockdowns and other COVID-19 control measures in destination countries. Ensure <b>returning migrant workers' access to emergency income support and credit services</b> in countries of origin, including reintegration and support services. Strengthen migrant worker resource centres to provide such services to migrant workers.
14th	12	<b>Extend social protection, including sickness benefits and government provided unemployment benefits or basic income security, during the pandemic or another crisis to all migrant workers in all sectors of the economy</b> , and ensure migrant workers' equitable access to social protection, healthcare and social security benefits. Collaborate to explore portability of social protection benefits for migrant workers in the region. Data collection and dissemination mechanisms on social protection of migrant workers should be strengthened to inform policymakers, respect privacy and be harmonised regionally.
<b>G4. Portability of social protection</b>		
4th	15	Develop <b>bilateral and multilateral agreements for portability of the social security benefits</b> and better implementation of existing schemes.
9th	12	Explore and assess the feasibility of developing <b>bilateral or regional agreements or arrangements on portability of social protection</b> for migrant workers between Sending States and Receiving States, either as a specific agreement and/or included in a Memorandum of Understanding or Bilateral Labour Agreement.
9th	15	Ensure timely <b>remittance of social protection contributions</b> and benefits to migrant workers and their families that are due to them.
9th	16	Promote and support the exchange of information and good practices on <b>social protection and the portability of social security</b> for migrant workers within ASEAN as well as other regions.
10th	4	Promote the negotiation for bilateral Memorandums of Understanding and/or labour and <b>social security agreements for migrant workers, including domestic workers</b> , that are compatible with international labour standards in consultation with relevant stakeholders and social partners.
12th	3	Promote greater <b>access of migrant workers to social security</b> in line with relevant international agreements such as the principles of the ILO Convention 118, including through <b>bilateral or multilateral agreements</b> , as necessary, to facilitate <b>portability of social security benefits</b> .

- 13th** 1 Ensure access of all migrant workers in all sectors to health care, including COVID-19 testing and treatment, emergency relief measures, income support, social protection, and unemployment benefits, where applicable, of the Receiving States and/or Sending States. **Implementation of the recommendations** of Thailand's study on the **portability of social security** benefits for migrant workers should be expedited. Furthermore, fear of sanctions for immigration violation should be delinked from health concerns of migrant workers.

## H. Inclusive return and reintegration policies and programs

1. Return and reintegration policies.
2. Reintegration services and programs.
3. Emergency preparedness plans.

### H1. Return and reintegration policies

**4th** 9 Ensure as much as possible that **mass/group deportation will not take place**.

**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 programs** 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 Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers:

(a) Responsibilities of sending countries:

- **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 livelihoods and reintegration.

(b) Responsibilities of receiving countries:

- Prior to the return of migrant workers, **receiving countries should have specific programs 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 a decent wage and no unlawful wage deductions, decent and safe working conditions and workplace environments, and compliance with international human rights and labour standards.

**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.

## H2. Reintegration services and programs

**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.

**7th** 18 **Support programs, 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.

**13th** 7 **Strengthen migrant workers' return and reintegration programs with adequate resources**. In doing so, special attention to be given to stranded and repatriated migrant workers during pandemic crises including extending to migrant workers in countries of transit and points of entry during deployment and return. If detention facilities are used as the last resort, safety and health standards should be ensured.

## H3. Emergency preparedness plans

**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.

**13th** 8 Integrate rights-based and gender responsive protection of migrant workers and their families\* into national and regional pandemic and emergency preparedness plans. Consultation with migrant workers' associations, trade unions, employers' organizations and civil society is key to ensure cohesive and responsive policies and plans.

\* In the case of Receiving States, families refer to those who are already residing with migrant workers.

## I. Collecting, sharing and analysing labour migration data

1. Collection and sharing of labour migration data.
2. Harmonizing collection of labour migration data.
3. Collection and sharing of data on labour markets, compliance, OSH and social protection.

### I1. Collection and sharing of labour migration data

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| <b>5th</b>  | 7  | Sharing existing <b>sex-desegregated data and information on labour migration</b> , 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.  |
| <b>6th</b>  | 1  | Encourage development and strengthening of inter-agency collaboration efforts, including the designation of a lead agency, to <b>collect, analyse, share and harmonize labour migration data</b> at the national level.  |
| <b>6th</b>  | 2  | A regional and updated database on labour migration is called for by ASEAN Member States, social partners and CSOs to recognize the importance of <b>sharing labour migration data and support the development of a labour migration database</b> to be piloted in ASEAN with technical and financial assistance, including capacity building, of international and other organizations. |
| <b>6th</b>  | 6  | Endeavour to have a <b>regular exchange of labour migration data</b> between countries of destination and origin to ensure coherence of such data.   |
| <b>10th</b> | 16 | Promote the collection and sharing of standardized <b>labour migration data disaggregated by sex and occupations, including migrant domestic work</b> .  |
| <b>13th</b> | 11 | Support the recovery of labour migration flows by <b>strengthening and sharing available disaggregated data, including gender, on labour migration and labour markets</b> , using standardized definitions, while maintaining confidentiality of personal information.   |

### I2. Harmonizing collection of labour migration data

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| <b>6th</b> | 3 | Consider developing an ASEAN Framework on Labour Migration Statistics with <b>common definitions</b> to ensure the <b>comparability of data within ASEAN</b> .  |
| <b>6th</b> | 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 <b>Working Group on International Labour Migration Statistics</b> , which should meet on a regular basis. |

<b>6th</b>	7	<p>Consider the <b>following data sets</b>, among others, for the collection, analysis, and sharing to include:</p> <ul style="list-style-type: none"> <li>▶ Inflows, outflows and stocks of migrant workers, disaggregated, where possible, by sex, country of origin, age, level of qualification, industry, occupation.</li> <li>▶ Data on remittances.</li> <li>▶ Information on recruitment channels, licensed agencies, fees and costs.</li> <li>▶ Labour market information, including available and in-demand jobs and skills.</li> <li>▶ Data on occupational safety and health.</li> <li>▶ Data on salaries and benefits of migrant workers.</li> <li>▶ Data on returning migrants.</li> <li>▶ Bilateral labour migration flows in ASEAN (to monitor implementation of AEC).</li> <li>▶ Data on the families of migrant workers in the countries of origin and destination.</li> <li>▶ Nature and incidence of complaints filed.</li> <li>▶ Data on irregular migrants and trafficking-in-persons, where possible.</li> </ul>
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<b>6th</b>	8	Develop guidelines and a compendium of <b>good practices on data collection, analysis and sharing</b> .
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### 13. Collection and sharing of data on labour markets, compliance, OSH and social protection

<b>6th</b>	4	Promote the regular exchange and updating of <b>labour market information, analysis of trends and patterns</b> .
<b>8th</b>	12	Improve collection and sharing, where available, on <b>disaggregated statistical data on OSH related injuries, diseases and casualties</b> (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.
<b>8th</b>	13	Improve data collection on reported cases on <b>non-compliance with employment standards</b> such as contract substitution and non-payment of salaries. Efforts should be made for timely access to information on the progress of complaints filed.
<b>9th</b>	7	Strengthen a national and regional <b>database on social protection programs</b> , including data on migrant workers, disaggregated by gender and migration status as needed.
<b>9th</b>	11	Identify <b>knowledge gaps</b> on the 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.

## J. Multi-stakeholder cooperation

1. Ratification and implementation of international labour standards and development of regional standards.
2. Tripartite plus social dialogue.

### J1. Ratification and implementation of international labour standards and development of regional standards

<b>4th</b>	13	Encourage the 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 international human rights and labour standards and be legally binding.
<b>5th</b>	5	Encourage the ratification of the ILO Private Employment Agencies Convention, 1997 (No.181) and ILO Domestic Work Convention, 2011 (No. 189) and <b>alignment of national labour laws and legislations with international instruments</b> by all ASEAN Member States.
<b>10th</b>	2	Adopt progressive national plans which include feasibility studies and gap analysis to <b>support the ratification process of ILO Conventions</b> No. 189 (domestic workers), 97 (migration for employment), 143 (migrant workers (supplementary provision), 181 (private employment agencies), and the 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.

### J2. Tripartite plus social dialogue

<b>3rd</b>	5	Actively <b>engage and consult stakeholders from the government, employers' and workers' organizations</b> , 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.
<b>7th</b>	13	<b>Employers' and workers' organizations in close cooperation with civil society organizations</b> should be engaged through <b>institutionalized dialogues</b> in the development, implementation, amendment, and/or monitoring of gender responsive labour migration policies and programs in ASEAN Member States.
<b>10th</b>	18	Continue and strengthen the practices of <b>tripartism and social dialogue</b> at the national level in the formulation and review of laws and policies on protection of domestic workers.
<b>10th</b>	19	Promote <b>cooperation among governments, employers' organizations, workers' organizations</b> , and civil society organizations at bilateral and regional levels towards achieving decent work for migrant domestic workers in ASEAN.







## ▶ **The ASEAN Forum on Migrant Labour**

A review of the implementation of Recommendations (3rd to 14th Forums)

The AFML is an open platform for the review, discussion, and exchange of ideas and best practices among governments, workers' organizations, employers' organizations, and civil society actors on key issues facing migrant workers in ASEAN. Importantly, each year, the AFML adopts a set of recommendations on the specific topic discussed, aimed to advance the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

This report is the sixth in a series of progress review background papers, biennially prepared by the ILO's TRIANGLE in ASEAN programme, that track the progress of ASEAN stakeholders in implementing recommendations adopted at previous AFMLs. This paper was presented at the 15th AFML held on 19-20 October 2022 in Phnom Penh, Cambodia. It reviews progress in implementing past AFML recommendations from January 2020 until mid-2022.

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