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**Realizing a Fair Migration Agenda: Labour flows between
Asia and Arab States**

Background Paper

For discussion at ILO interregional experts' meeting

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Kathmandu

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Foreword

Labour migration from Asia to the Gulf Cooperation Council (GCC) States represents one of the fastest growing and most dynamic labour flows in the world. With a stock of over 22 million migrant workers, the GCC is also one of the main destination regions globally, and over 15 million of these migrant workers come from Asia. In the GCC States of Bahrain, Kuwait, Qatar, Oman, Saudi Arabia, and the United Arab Emirates, the proportion of migrant to local workers is amongst the highest in the world.

Migration to these wealthy States has provided countless jobs and generated billions of dollars in remittances for migrant workers and their families. In offering the chance to learn new skills and escape poverty in the home country while helping to solve the large labour shortages in the GCC States, migration is generally welcomed by both origin and destination countries.

However, the complicated and expensive processes associated with migrating for work have created a regime which lends itself to exploitative recruitment and working conditions for migrant workers. From the largely privatized recruitment sector and its complex web of intermediaries, to the significant imbalance of power in the application of the sponsorship system in labour relations, a migration agenda that is fair to all parties – including migrant workers - is still a long way off. The issue has attracted the attention of ILO constituents and indeed the international community.

With these issues in the international spotlight, labour migration has become one of the centres of global, regional and national policy debates, a crucial aspect of the development agenda; and it is the ILO and its constituents who are particularly well placed to address the challenges that migration presents to the world of work. It is in this context and against the backdrop of the 2013 UN General Assembly High Level Dialogue on Migration and Development and the ILO Director General's Report on setting an ILO Agenda on Fair Migration, that the ILO Regional Office for Arab States and the Regional Office for Asia and the Pacific, took the initiative to convene an interregional experts meeting to assess the potential for reform and discuss ways forward on fair migration.

This background paper serves to deepen understanding on the key challenges and opportunities for realizing a fair migration agenda between Asia and the GCC States. The background paper informed the deliberations of the Kathmandu Experts Meeting in December 2014, which brought together labour migration specialists and tripartite stakeholders from Arab and Asian nations, and will inform an upcoming inter-regional Ministerial Meeting on Fair Migration planned for the last quarter of 2015.

We hope that this background paper, and the deliberations of the Kathmandu Experts Meeting, will contribute further to dialogue between and among countries of origin and destination, and prove useful in advancing a fair migration agenda in the region.



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1. Introduction and context

Governance of labour migration¹ is of core importance to the ILO and its constituents (i.e. governments, employers' and workers' organizations) and the preamble to the ILO constitution highlights the need to protect workers employed in countries other than their own.

The cross-border movement of workers potentially offers a triple win for the three parties involved. It is a win for destination countries as it contributes to economic growth and provision of labour and skills. It is a win for countries of origin, as it lowers unemployment, increases remittances and provides the possibility of acquiring skills abroad. It is also a win for migrant workers – provided they are offered decent work – as it gives them the opportunity to earn higher incomes and, often, escape poverty and material deprivation.

However, the triple-win is currently not equitably distributed among the parties. So far, migrants do not receive a fair share of the prosperity they help to create. It is thus necessary to build migration regimes that are fair, and that respond equitably to the interests of countries of origin and destination, migrant workers, employers and nationals.

1.1 Recent global developments to advance the protection of the rights of migrant workers and promote migration and development

The Declaration of the UN General Assembly High-level Dialogue on International Migration and Development (HLD) in October 2013 has acknowledged the important contribution of migration in realizing the Millennium Development Goals, and recognized that human mobility is a key factor for sustainable development. A proposed goal for the Sustainable Development Goals is to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. One of the targets under this goal is to “protect the labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment” (United Nations, n.d.). The HLD also underscored the need to protect the human rights of all migrants, to protect women migrants in all sectors including domestic work, and respect and promote international labour standards and respect the rights of migrants in their workplaces.

In follow-up to the HLD, the ILO Technical Tripartite Meeting (TTM) on Labour Migration in November 2013 concluded (ILO, 2013a), inter alia, that the ILO further promote decent and productive employment in all countries so that migration becomes an option and not a necessity. It also recognized labour mobility as a factor of sustainable growth, and concluded that the ILO should continue to advance its rights-based approach to labour migration, while taking into account labour market needs.

At the International Labour Conference in June 2014, the ILO Director-General called for “constructing an agenda for fair migration which not only respects the fundamental rights of migrant workers but also offers them real opportunities for decent work” (ILO, 2014a). This means a fair sharing of the prosperity they help to create, and to build migration regimes which respond equitably to the interests of countries of origin and destination, migrant workers, employers and

¹ This background paper uses the term “migrant worker” in accordance with the international definition in the UN Migrant Workers Convention (1990), as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. It is nonetheless important to note that the Gulf Cooperation Council countries prefer to use the term “temporary contract worker” or “expatriate worker”.

nationals.

1.2 Numbers underpinning the challenge of fair migration

In 2013, the number of international migrants worldwide reached 232 million, or 3.2 per cent of the world's population, up from 175 million in 2000 and 154 million in 1990, and almost half of them are women (UNDESA, 2013a).

Over 30 per cent of the world's migrants (i.e. 71 million persons) are hosted in Asia and Gulf Cooperation Council (GCC) countries (UNDESA, 2013a). Labour migration patterns between Asian countries have been characterized over the past forty years by an increase in migration flows, and the emergence of new countries of origin and destination. With a stock of more than 22 million migrant workers, the GCC region is the main destination for migrants from South and South-East Asia. Given the scale of labour flows and the issues arising, as well as the development potential, these regions together form the main focus of the paper.

In particular, Saudi Arabia and the United Arab Emirates (UAE) host very large numbers of migrant workers, with over 9 million and almost 8 million respectively, and are in the top five global hosts of the largest numbers of international migrants (after the USA, Russia and Germany). The period 2010 to 2013 saw an 11 per cent increase in immigrants into the GCC from 17.5 million in 2010 to over 22 million in 2013. The UAE increased its migrant stock by 7 million between 1990 and 2013, second only to the USA (in terms of increase).

Table 1: Migrants in GCC destination countries from selected Asian countries of origin, 2013

	Bahrain	Kuwait	Oman	Qatar	Saudi Arabia	UAE	Total
Bangladesh	100 444	279 169	148 314	220 403	1 309 004	1 089 917	3 147 251
India	262 855	730 558	644 704	576 776	1 761 857	2 852 207	6 828 957
Indonesia	29 553	82 139	35 027	64 849	379 632	320 684	911 884
Nepal	722	2 006	-	1 583	17 918	7 828	30 057
Pakistan	87 892	2 44 281	1 17 208	1 92 860	1 319 607	953 708	2 915 556
Philippines	43 971	1 22 214	21 669	96 487	1 028 802	477 139	1 790 282
Sri Lanka	9 804	27 251	14 091	21 516	147 032	1 06 394	326 088
Other	194 116	540 435	131 019	426 481	3 096 581	2 019 104	6 407 736
Total	729 357	2 028 053	1 112 032	1 600 955	9 060 433	7 826 981	22 357 811

Source: UNDESA, 2013b.

Note 1: These are drawn from UNDESA estimates of 2013 that mainly use the population census as the source. The data differ significantly in some cases from administrative records (e.g. Nepal).

Note 2: Total migrant stock at mid-year by origin and by major area, region, country or area of destination, 2013.

East Asia began admitting migrant workers in the late 1980s, with countries diversifying their migration policies, leading to inflows from other Asian countries of almost 7.7 million workers in 2013 (UNDESA, 2013a). South-East Asia has also developed a migration sub-system of intra-regional flows. Intra-ASEAN migrants are estimated at 6.5 million persons (UNDESA, 2013a).

Low-skilled migrant workers in the Asia–GCC corridor predominantly migrate for work in services (including domestic work) and construction. Key bilateral migration corridors include, for example, India–UAE, India–Saudi Arabia and Bangladesh–Saudi Arabia. While statistics on construction are not readily available, an estimated 2.1 million people were employed as domestic workers in the Middle East in 2010, nearly double the 1.1 million found in 1995 (ILO, 2013b). Domestic work accounts for 5.6 per cent of total employment in the region, but this share is far exceeded in some countries, such as Bahrain (12.8 per cent in 2009), the UAE (12.8 per cent in 2008) and Kuwait (21.9 per cent in 2005) (ILO, 2013b).

In 2008, the proportion of migrant workers of the labour force in GCC countries ranged from 50 per cent in Saudi Arabia to 94 per cent in Qatar, while it is even higher in construction and domestic work (see Table 2). The percentage of female workers is low, ranging from 8 per cent in Qatar to 23 per cent in Kuwait (Baldwin-Edwards, 2011).

Table 2: Migrant workers as a proportion of the foreign workforce by economic sector, 2009

Sector	Bahrain	Kuwait	Qatar	Saudi Arabia	UAE
Construction	89.9	95.2	99.8	91.0	94.7
Households employing domestic workers	87.9	-	100.0	99.6	94.8

Source: Baldwin-Edwards, 2011, p.23; Note: No data available for Oman.

While migration can be a positive experience, today millions of migrants across the world are trapped in forced labour situations. The ILO Global Report of 2012 on forced labour (ILO, 2012) estimated that, globally, of the 20.9 million victims of forced labour, 44 per cent (9.1 million) are migrants. The same report estimated 11.7 million victims of forced labour in the Asia and the Pacific region and 600,000 victims in the Middle East.

1.3 Governance of migration in the Asia–GCC corridor in brief

Attempts to regulate this complex array of inter- and intra-regional flows have increased over the past two decades and rely primarily on national legislation and enforcement mechanisms. In addition, there are bilateral and international initiatives that are generally limited to memoranda of understanding (MOU). While millions of migrants have found employment through these labour migration systems, and remittances amounting to billions of dollars have flowed back to migrant countries of origin, the consensus among scholars and practitioners is that governments of origin and destination countries have not yet developed a system that equitably shares migration benefits among employers, intermediaries and workers. The admission and employment model implemented by GCC countries, based on relatively liberal entry, restricted rights and limited duration of contracts and visas, has been replicated elsewhere, although with significant differences. Throughout the years, however, this model has been criticised for inflicting poor living and working conditions on many migrants, and has been faulted for lowering wages and inflicting high costs for many migrant workers, and hindering the employment of local workers. In addition, migrants have suffered from abusive recruitment practices, at both source and destination. Notwithstanding these criticisms, little progress has been achieved in increasing the net benefits of

migration for migrants in many countries.

Several regional processes hold potential promise in finding remedies to these criticisms. The Colombo Process aims at enhanced dialogue between countries of origin, whereas the Abu Dhabi Dialogue aims at improving coordination between countries of origin and destination. In addition, some workers' organizations have initiated bilateral agreements with their counterparts to protect migrant workers abroad.

1.4 Key challenges and opportunities

Labour migration between Asia and Arab States is mostly organized by private recruitment and employment agencies, with migration through government-to-government agreements constituting less than 10 per cent of the flow of migrants. These largely privatized recruitment processes are evidently seen as succeeding in generating employment, but they are replete with irregular and/or abusive practices that create excessive costs for employers, put workers at risk of being trafficked and often trap migrants in debt with limited voice and bargaining power (ILO, 2011; ILO, 2014b). Unilateral efforts at both source and destination have so far failed to put an end to these abuses. Multiple reports of abuse of migrant workers prior to migration and after arrival at destination, and including in situations akin to forced labour, are increasingly picked up by social media in an ever more transparent and interconnected world, and put both origin and destination countries at risk of reputational damage. Such situations also cast doubts on the political will to address abusive practices, and raise questions regarding the strength and efficiency of authorities' governance at both origin and destination.

The Kafala system, blamed for some of the most flagrant abuses of migrant workers, has received much attention, including multiple pleas for reform. The employer-employee relationship for migrant workers is often built around the strong dependence of the worker on the kafeel (sponsor), who is given duties and responsibilities that are burdensome and beyond the scope of an employment relationship. The system also limits the mobility of migrant workers in the labour market, hindering an efficient allocation of skills in the labour markets of destination countries. The same system constrains migrants from unilaterally terminating the employment contract, thereby potentially allowing for violations of human and labour rights. The position of migrant workers is made more vulnerable in countries that do not allow them to join or create trade unions.

Furthermore, retaining migrant workers' travel documents is common practice, even in GCC countries – where withholding passports and visas is illegal. The procedures regulating exit clearances have also been challenged, as they provide incentives for abuse of the visa system, increasing informality of work in destination countries. It was, therefore, timely that the 2014 International Labour Conference established tripartite consensus around a Protocol to the Forced Labour Convention. The Protocol strengthens the international legal framework by creating new obligations to prevent forced labour, protect victims and provide access to remedy, such as compensation for material and physical harm. It requires governments to take measures to better protect workers, particularly migrant workers, from fraudulent and abusive recruitment practices and emphasizes the importance of access to remedies. Lack of labour mobility is seen as a possible indicator of forced labour and reduces possibilities for efficient allocations, ultimately damaging employers in destination countries. Renegotiating the control that employers and kafeels exercise on migrants can only reap benefits for both migrant workers and employers in GCC countries.

Domestic work is the occupation that presents perhaps the highest incidence of malpractice, partly

stemming from gender discrimination and from the isolated and often undervalued nature of this work. ILO Convention No. 189 has yet to be ratified and applied in the Arab region (or Asia apart from the Philippines), where many countries have not yet incorporated domestic work into their national labour laws. It is, however, encouraging that some governments have announced plans to increase protections for domestic workers by formalizing their labour contracts. Even so, contracts need to be bound by law in an institutional environment where there is a balance of bargaining power between parties, and where workers have access to justice and dispute-settlement mechanisms. Construction is another sector dominated by migrant workers. Occupational safety and health (OSH) has been a major concern, as evidenced by the number of reported accidents and fatalities.

In both sectors, and for low-skilled work in the region, real wages have stagnated or, in some cases, even declined. In the segmented labour markets of the concerned destination countries, in circumstances where income differentials are a powerful driver of migration, it is seen as acceptable in some quarters for migrants to be offered far lower wages and conditions than those generally prevailing for national workers. Moreover, discrimination can occur between migrant workers from different countries who are undertaking the same job. Progress on skills certification for jobs at the bottom of the income ladder opens prospects for developing wage-fixing mechanisms linked to labour productivity.

Improvements in the governance of the domestic work sector would benefit employers through certification and recognition of specific skills pertaining to childcare, elderly care and disabled care. Similarly employers and workers in the construction sector would benefit from certification and recognition of qualifications (for which a pilot project in UAE and Kuwait is underway).

Remittances are generally considered the most tangible outcome of labour migration. They have continuously increased in recent years, with six of the top ten countries receiving remittances located in Asia. Remittances are valued as a stable source of foreign exchange for countries of origin, although their impact on development could be enhanced. There is room for collaboration among countries of origin and destination, not only on how to lower the cost of remittance transfers, but also on how countries of destination could better participate in development projects in countries of origin, particularly through the involvement of workers who return home at the end of the migration process.

1.5 Proposed interregional process to contribute to achieving a fair migration agenda in Asia and the GCC region

There is a need to bring together relevant stakeholders from both Asia and the GCC to discuss the challenges and opportunities in shaping a fair migration agenda as outlined in the above-mentioned global level processes, and to take stock of the results achieved and lessons learned from international migration policies with the aim of building on promising initiatives.

The Colombo Process and the Abu Dhabi Dialogue are important opportunities in the Asia–GCC regions for such discussion, and the Framework on Regional Collaboration, adopted at a Ministerial Meeting of the Abu Dhabi Dialogue in Manila in April 2012, provides a basic framework for cooperation among countries of origin and those of the GCC. The Kuwait Declaration adopted at the 3rd Ministerial meeting of the Abu Dhabi Dialogue in November 2014 further welcomed

in reducing labour mobility costs, preventing abuse in the recruitment process, protecting workers' rights, improving regulation and strengthening oversight of private recruitment and placement agencies, guided by its Fair Recruitment Initiative within the broader framework of its Fair Migration Agenda.

Learning from those processes and building on them, the ILO will offer opportunities for additional dialogue through a rights-based approach embedded in international labour standards and social dialogue processes relevant to the world of work concerning both employers and workers (both local and migrant).

Such dialogue, facilitated by the ILO, includes the present Experts' Meeting in Kathmandu (on 3-4 December 2014), followed by discussions within origin and destination regions. The Experts' Meeting will be an opportunity for scholars, officials, employers and trade unions to examine – in an informal setting – the potential for reform and discuss ways forward on a fair migration agenda. The results of the technical meetings will inform deliberations at the interregional ministerial meeting in late 2015, which will be planned in close consultation with members of the Abu Dhabi Dialogue.

2. Key issues to review and discuss for a fair migration agenda in Asia and the GCC region

As stated earlier, the proposed fair migration agenda should not only “respect the fundamental rights of migrant workers, but also offer them real opportunities for decent work” (ILO, 2014b). This means creating instruments of governance which result in a fair sharing of the prosperity that migrants help to create, and it means building migration regimes which respond equitably to the interests of countries of origin, destination, migrant workers, employers and nationals, in which the net benefits of migration are more evenly distributed.

The Experts Meeting will review key issues and underlying reasons, assess the potential for reform (opportunities and challenges) and make proposals for constructing and implementing a fair migration agenda. Arising from the challenges identified in the Asia–GCC migration corridor, the discussion during the Experts Meeting will revolve around five key areas as follows:

1. recruitment;
2. decent employment and working conditions for domestic and construction workers;
3. recognizing skills of potential and returning workers;
4. increasing the development impact of migration; and
5. partnerships among governments and social partners.

Each of these five issues will be presented in more detail in the following sections and be further discussed during the Experts’ Meeting.

2.1 Recruitment

International legal/guiding framework

Migrant recruitment issues have been highlighted in international migration discussions in the recent past. Reducing the costs of migration is one of the eight action points in the UN Secretary General’s Statement at the UN High Level Dialogue on Migration and Development (2013). These costs include, inter alia, the high fees paid to recruiters, which reduce the impact of migration on development. The Conclusions of the ILO’s Tripartite Technical Meeting on Labour Migration (2013) urged the ILO to develop guidance to promote recruitment practices that respect the principles enshrined in international labour standards. As part of the Fair Migration Agenda, the ILO has launched the Fair Recruitment Initiative as a multi-stakeholder exercise.

While all international labour standards apply to migrant workers, unless otherwise stated, the following instruments are particularly relevant to recruitment issues and private employment agencies:

- Migration for Employment Convention, 1949 (No. 97) and accompanying Recommendation No. 88;
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and accompanying Recommendation No. 151;
- Private Employment Agencies Convention, 1997 (No. 181) and the related Recommendation No. 188;

- Domestic Workers Convention, 2011 (No. 189) and the related Recommendation No. 201;
- Protocol P029 to the Forced Labour Convention, 2014, and accompanying Recommendation No. 203;
- ILO Multilateral Framework on Labour Migration, 2006.

ILO Convention No. 181 recognized the legitimacy of private employment agencies carrying out their tasks, together and in cooperation with public employment services. While the Convention notes the important role of private agencies, major provisions relate to the adoption of measures by ratifying States to regulate these agencies to protect migrant workers and prevent abuses. In particular, Article 7 (1) reads: “Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.”

Main issues and challenges

The recruitment industry in Asia and GCC states is characterized by a wide range of enterprises or agents varying in size, scale and status. The bulk of recruitment for overseas employment is managed by private recruitment agencies and social networks.

While the private recruitment industry often has a tarnished reputation in the countries concerned, it performs a useful role in the expansion of overseas markets as it is able to assess emerging labour market demands and trends. In this sense, private recruiters perform a useful labour market matching function. They are also more flexible and more easily accessible to potential migrants than government agencies according to CIETT (2006). The dominance of private recruitment agencies in international recruitment in the Asia–GCC migration corridor also needs to be looked at in the context of scale and complexity of cross-border regulations. Employers generally find it more convenient to turn to private recruiters who have networks abroad and who are familiar with immigration laws.

There has been extensive research, policy analysis and commentary, especially on recruitment agencies and their operations and malpractices in Asia and the GCC (Asfar, 2009; Amnesty International, 2010; Amnesty International, 2011; Arif, 2008; Crépeau, 2014; DLA Piper, 2014; Human Rights Watch, 2014; Jureidini, 2014; Migrant Forum in Asia, 2011; Transparency International Sri Lanka, 2010; Verité, 2010; Wickramasekara, 2014). Most of the issues raised are well documented and similar across countries, although there may be country-specific variations. The research literature highlights the following features:

- presence of layers of intermediaries both in origin and destination, collusion between local and foreign agents, which acts to the detriment of migrant workers, and corruption;
- excessive fees that place migrants in onerous debt and forced labour situations and high levels of rentier income in the industry;
- free visas and visa trading that results in irregular status of migrant workers;
- agencies providing false information to the worker on the nature and terms and conditions of employment and contract substitution upon arrival in the destination country;
- withholding and/or confiscation of travel documents;
- ineffective complaints and grievance procedures and insufficient remedies (including sanction and compensation).

Women are among the most vulnerable groups both at origin and destination, and the focus of a number of interventions has been on the safe migration of women. Some countries have attempted to protect workers by selective bans and raising age barriers, which may well discriminate against women and may also result in the undesirable effect of driving them to irregular channels.

Governments of countries of origin have generally responded to recruitment abuses by introducing regulations in terms of licensing requirements, limits on recruitment fees and mechanisms for complaints. GCC countries, such as the UAE and Qatar, have banned placement fees. Yet, overall, there has been limited success in curbing abuses in recruitment.

Given that the supply of workers in low wage countries far outstrips the demand in wealthier destination countries and that there are far more workers intending to work abroad than there are jobs, migrant workers are highly vulnerable to abuses during recruitment. Moreover, the high volume of migration (two million workers from South Asia to the GCC each year), between countries with governance gaps, and the poor bargaining position of migrants, gives rise to rent-seeking behaviour on the part of local recruitment agents and their foreign counterparts as well as politicians and elites. The recruitment fees charged are, by far, excessive in relation to actual costs incurred. This results in an inequitable distribution of the potential gains from migration between migrant workers, employers, and the recruitment industry in countries of origin and destination.

Emerging good practices in destination and origin countries and ways forward

The potential and scope for reform depends on the political will of both origin and destination countries, and support of all concerned stakeholders. There are some encouraging signs regarding recognition of the problem on the part of those governments concerned.

For businesses, unfair recruitment practices can lead to reputational risks. Labour is now considered part of the supply chain and a part of social audits. Moreover, businesses benefit in terms of productivity from recruitment processes that produce a better motivated and satisfied workforce endowed with the appropriate skills.

What needs to be done for a fair recruitment system that efficiently matches jobs with jobseekers and reduces abuse and migration costs?

(a) Legislation and enforcement.

ILO Convention No. 181, as well as other relevant ILO Conventions such as Conventions No. 97, 143 and 189, should be promoted in countries of origin and destination. Furthermore, countries of origin would benefit from developing model legislation on the regulation of recruitment practices that can be used as a yardstick. So far, the main areas that appear to require further attention are:

- recruitment fees and costs;
- regulation of sub-agents;
- incentives for well-performing agencies;
- monitoring and enforcement of legislation, and effective sanctions;

- access to accurate and reliable information and support services to migrant workers;
- coherence and alignment of legislation in countries of origin and destination.

Recruitment reform in countries of destination should consider:

- mechanisms to address visa trading in GCC countries and simplification of immigration procedures where job vacancies are linked to labour market shortages at the sectoral level;
- a review of options for reforming the sponsorship system in different GCC countries, taking into account changes brought about by recent innovative schemes pilot-tested in some sectors of the labour market in the majority of GCC countries;
- recruitment fees and costs incurred by employers and workers in both origin and destination countries;
- a regulatory system of the recruitment industry covering sub-agents, including comprehensive monitoring and sanctions;
- incentives for well performing agencies.

(b) Increasing recruitment options.

Employers and jobseekers can be provided with greater recruitment options that reduce the layers of intermediation and, potentially, the costs. Governments should consider more options for matching employers and jobseekers, not only via private recruitment agencies, but also via public placement agencies and directly through accredited employers and e-recruitment (both with labour attaché attestation). The European Job Mobility Portal (EURES) is a good example of a comprehensive information and job matching system for employers and workers.

In another example, the Republic of Korea introduced the Employment Permit System (EPS) in 2004, which recognized the need for low-skilled workers by Korean enterprises (particularly of small and medium sizes) in construction, manufacturing, agriculture and services, and introduced a government-to-government labour recruitment programme based on mandatory MOUs. A major achievement is the reduction in the average cost paid by a worker from US\$3,509 under the trainee system in 2002 to US\$927 under the EPS system in 2011 (Kyung, 2013). The EPS is geared towards the SME sector and does not cover domestic work.

(c) Awareness and empowerment of migrant workers.

Provision of timely, accurate and reliable information to migrant workers on recruitment risks, rights and obligations, and conditions of work in destination countries through campaigns and migrant worker resource centres (MRCs) would better inform potential migrant workers on the recruitment options and challenges. In South-East Asia, the ILO has helped to establish a network of 21 MRCs operated by governments, trade unions and NGOs. Some of these are located in Job Centres, which provide information and advice on national and international job opportunities.

(d) Fair business standards and practices.

Under the Fair Recruitment Initiative, based on ILO standards and established good practices, the ILO will facilitate global stakeholder consultations, led by social partners (e.g. International Organisation of Employers (IOE), International Trade Union Confederation (ITUC)/affiliates, and CIETT), to map existing tools that include detailed guidance and benchmarks on fair recruitment of migrants.

Another new initiative is the International Recruitment Integrity System (IRIS), launched by the International Organization for Migration (IOM) in 2013, which aims to establish an accreditation framework and auditing protocol for international labour recruitment based on guiding principles.

(e) International cooperation.

Both the Colombo Process and the Abu Dhabi Dialogue processes have given priority to addressing abusive recruitment and promoting good practices. Potentially, these platforms can be used for agreeing on an interregional framework on recruitment.

Core questions for discussion

- (a) How can coherence in laws and enforcement between origin and destination countries be achieved?
- (b) What needs to be done to develop a fair recruitment system that efficiently matches jobs with jobseekers and reduces migration costs to the worker and employer and the risks of forced labour?
- (c) How can participation of social partners and greater involvement of businesses in fair recruitment be achieved?
- (d) What measures can be taken to increase recruitment options?
- (e) What measures should be taken to address the different needs of migrant women and men in the recruitment process?
- (f) What are the capacity-building needs of tripartite constituents and other stakeholders in working towards fair migration?
- (g) How can regional consultative processes and regional integration processes for the promotion of fair recruitment be mobilized?

2.2 Decent employment and working conditions for migrant domestic and construction workers

This section concerns employment and working conditions of Asian migrants in the GCC region, employed in the domestic and construction sectors. These two sectors have been identified as those having the highest deficit in decent working and living conditions in the GCC countries, as well as employing a large number of migrant workers.

The legal/guiding framework of ILO instruments regarding decent employment and working conditions for migrant workers stipulates that:

Equality of treatment, freedom of association, and protection from conditions of forced or child labour and against any form of discrimination stand as the basic principles to ensure decent employment and working conditions of migrant workers.

The fundamental rights Conventions of the ILO – abolition of forced labour, elimination of child labour, freedom of association and collective bargaining, and non-discrimination and equality of treatment in employment and occupation – have special importance, as recognized by the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in 1998. The Declaration stipulates that all ILO Members, including those that have not ratified the instruments in question, have an obligation by virtue of their membership “to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions”. It also places particular attention on the problems of persons with special social needs, with specific reference to migrant workers. The universal application of ILO fundamental rights Conventions to all persons in the world of work has been underscored by ILO supervisory bodies.

Similarly, the widely ratified ILO conventions of general application – such as those dealing with labour inspection, protection of wages, and safety and health at work – apply to all workers, including migrant workers, unless otherwise stated. Aspects related to working conditions can be described according to the following dimensions: (a) working time; (b) employment related income; (c) occupational safety and health; (d) recruitment practices; (e) contractual arrangements; (f) social protection; and (g) prevention of abuses and access to remedies. These have received normative guidance in various ILO Conventions and Recommendations.

Moreover, the ILO has specific instruments that address labour migration governance and the protection of migrant workers: Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), as well as accompanying Recommendations.

In addition, sector specific instruments, such as the Domestic Workers Convention, 2011 (No 201) and the accompanying Domestic Workers Recommendation, 2011 (No. 201), include targeted provision to address the protection needs of migrant workers. While the provisions of the Convention and the Recommendation generally do not distinguish between nationals and non-nationals employed as domestic workers, a number of provisions specifically mention migrant domestic workers and/or address issues particularly affecting them.

Recently, the living and working conditions of domestic workers were articulated in the Domestic Workers Convention, 2011 (No. 189). Specific attention to construction workers is provided in the Safety and Health in Construction Convention, 1988 (No. 167) and the Safety and Health in Construction Recommendation, 1988 (No. 175).²

Finally, the importance of protecting the human and labour rights of migrant workers is underscored in the non-binding ILO Multilateral Framework on Labour Migration, which sets out fifteen principles in nine areas, supported by more detailed guidelines and examples of best practices, to guide constituents in labour migration governance.

Recent developments, issues of concern and challenges regarding decent employment and working conditions of domestic and construction workers

Recent developments and signs of reform towards better treatment of migrant workers, particularly domestic workers, have been noticed recently in the GCC countries:

² Neither Convention has been ratified by the GCC countries.

- Saudi Arabia has signed a bilateral agreement with the Philippines on Domestic Workers Recruitment, which places domestic work under the Department of Labour.
- In Bahrain, some provisions of the labour law now apply to domestic workers, although these provisions are limited and the impact on migrant workers is, as yet, unclear.
- Standard unified contracts for domestic workers have been developed in Kuwait, Oman, and the UAE. However, in the absence of labour law coverage, these contracts are rarely enforced in practice and a number of serious gaps remain between the provisions of these contracts and the stipulations under relevant international labour standards, such as ILO Convention No. 189. The Parliamentary Cabinet in Kuwait has approved a decree to officially change the job title from 'servant' to 'domestic worker' in all its official government documents and transactions.
- Compulsory health insurance is required by law in the UAE.

A systematic analysis of patterns and trends of working conditions in the construction sector could shed light on improvements similar to those highlighted above for domestic workers. In spite of such developments, issues and challenges remain in various areas.

General issues and challenges include:

- **Contracts.** The working contracts signed by migrants and employers before departure are often substituted with new contracts upon arrival, with less favourable terms and conditions.
- **Employers' and migrants' responsibilities and freedoms.** It is the responsibility of employers and migrants to respect the terms of the contract. When such terms are not respected by employers, and migrants have no access to adjudication mechanisms, workers are generally not allowed to terminate the contract, seek other employment, or return home. The current dependence of migrants on kafeels, and the need for exit clearance from employers/kafeels, render those migrants akin to indentured workers. Such practices should be abolished and workers should be allowed to change employer or return home. Wage protection should be enforced in all of its dimensions, from the regularity of payment, to the justification of eventual deductions from the salary agreed upon in the contract. Where employers breach the contract, workers should be able to claim compensation.
- **Travel documents.** Confiscation of documents is a common practice in the Arab region, even in those countries where this is illegal. Document confiscation should be prohibited by law, complaint mechanisms made accessible to workers, and effective enforcement and remedies systems set up to act as a disincentive for employers.
- **Social protection.** The strict temporary nature of migration to the GCC countries does not allow low-skilled workers to acquire the minimum conditions for entitlement to social protection schemes, and this begs for solutions.
- **Skilled–low-skilled divide.** As in other regions of the world, the divide in the treatment of skilled and low-skilled workers keeps increasing. The consequences of this phenomenon are increasing levels of inequality; therefore, it is important to design instruments aimed at closing this gap.
- **Representation.** A number of countries in the GCC do not allow migrants to join or form trade unions, thus preventing them from collaborating to achieve decent working conditions.

Specific challenges and recommendations for enhanced protection of migrant domestic workers include:

- **Labour legislation.** Domestic work relates to the provision of labour services in the household. Accordingly, domestic work should be formally recognized as work like any other form of employment, and should fall under the scope of national labour laws.
- **Access to justice.** An adjudication mechanism should be set up for domestic workers who are victims of abuse and violence. The hotlines and labour dispute and settlement mechanisms, already operative in all countries of the Gulf region, should be strengthened to receive complaints from domestic workers and include compensation mechanisms.
- **Access to information.** Domestic workers should be able to access information about their rights, and be empowered to stand up for their rights.
- **Hours of work.** Domestic workers should also be granted adequate daily and weekly rest. The system of paid overtime should be ruled consistently, with mandatory daily and weekly rest time.
- **Wage institutions.** A national minimum wage should be established throughout the region. Wages should be paid promptly and without deductions. Specific procedures could be studied, such as the opening of bank accounts in migrant's names, to ensure employers' compliance. A minimum wage should be part of a broader wage-setting mechanism aimed to link the skills of the domestic worker with the individual needs of the family in terms of health, elderly and child care, and include reference to language and other skills as required by the employer.
- **Living conditions.** In addition to decent living conditions, respectful of privacy, domestic workers should have access to opportunities to interact and socialize and to a means of social communication.

Specific issues and challenges for construction workers include:

- **Industrial relations.** Create opportunities for dialogue between employers and migrants to minimize conflicts in the interest of both parties through the creation of employer-specific or site-specific associations of migrants.
- **Wages.** Wages of migrants are substantially lower than the wages of national workers (although comparisons are difficult because current statistics do not control for occupations) and there is a wide disparity of wages according to the nationality of the migrant and between skilled and low-skilled workers.³ Appropriate mechanisms should be studied to discourage the increasing erosion of the compensation for migrants and ensure adequate compensation throughout the region.
- **Occupational safety and health.** Construction continues to be a sector prone to accidents. In particular, during the hot summer months it is important that construction workers are granted a break during the hottest hours of the day.
- **Living conditions.** Construction workers are generally lodged in labour camps, where

³ For instance, wages for non-Bahraini are 43 per cent lower than those of nationals, but the divide increases when domestic workers are taken in to account. In Kuwait, the wages of more than half of non-Kuwaiti workers are lower than US\$415. In KSA, in 2013, a Saudi worker in the private sector earned on average four times more than a non-national worker. The lowest average wages are found in agriculture (US\$270) and in construction (US\$393). Source: ILO ROAS analysis of data from national institutes of statistics and employment registries.

attention to improvements concerning the facilities, rest, interaction and social conditions is called for. At the same time, the separation of migrants from the rest of society misses opportunities for the kind of two-way enrichment that results from intercultural dialogue.⁴

Core questions with a view to achieving decent employment and working conditions for migrant workers include:

- What levels of political will are in place in the GCC countries to address the specific aspects of the Kafala system that need reform?
- How do different forms of labour mobility affect living and working conditions of migrants?
- What are the instruments and mechanisms to be developed that can mutually benefit the interests of employers and the working conditions of migrant workers?

2.3 Recognizing the skills of potential and returning workers

ILO legal and policy framework on skills development

The Human Resources Development, Education and Lifelong Learning Recommendation, 2004 (No. 195) and the tripartite conclusions from the 2008 International Labour Conference highlight the importance of skills development as a tool for reducing poverty given the “vicious circle of inadequate education, poor training, poor quality jobs and low wages that trap the working poor and exclude young persons and workers from participating in economic development and social growth.”

In order to contribute to this goal, skills development systems should not only improve workers’ competencies but also send the right signals to the labour market to facilitate worker recruitment, worker mobility, and a fair valuing of workers’ skills.

There is great potential for skills-recognition systems to positively impact on the functioning of labour markets for the benefit of migrants and employers, as well as for countries of origin and destination:

- Skills recognition can result in migrants having their skills recognized, and potentially facilitate a shift towards jobs with higher wages and better working conditions.
- Skills recognition eases recruitment processes. It allows for employers to assess migrants’ productive potential and their capacity to comply with the company’s quality standards and actual skill needs.
- Skills recognition provides useful information to the State on the available migrant labour supply for policy-making purposes (for migration policies and policies of nationalization of the labour force) and in order to make the most of returning migrants’ competencies.

There are several key approaches to upgrading and recognizing the skills of migrant workers that are of particular relevance to the Asia–GCC migration context. These are:

⁴ In this context we should recall the Swiss novelist Max Frisch’ statement in the 1960s: “We asked for workers, but we got human beings instead.”

- **The application of standards in countries of destination for testing potential migrants** (ILO, 2014c). In this model, workers are tested in the country of origin and awarded certificates that demonstrate their competencies match the skill standards required by the country of destination. The country of destination may conduct additional testing upon the worker's arrival for verification, and may conduct skills upgrading tests later on, after migrant workers have acquired additional skills. The assumptions behind the model are: (a) the availability of testing centres, test designers and assessors in the countries of origin; (b) the availability of specific competency standards in the country of destination; (c) a certain level of trust between the two countries that institutions and assessment practices meet required standards of quality; and (d) a system of work permits for countries of destination issued in the countries of origin that can be linked to the certification achieved through the assessment process.
- **Mutual recognition of national skills standards and certificates** (European Training Foundation, 2011). An important dimension to the mutual recognition of different qualifications frameworks is referencing, which involves a correlation between two or more frameworks in terms of levels, credits and types of qualifications. At present, referencing is done mainly between national level systems, and is limited largely to the European context, the Caribbean and Southern Africa, and more recently within the Association of South East Asian Nations (ASEAN). The adoption of this model is often the result of a supra-national project that binds countries together with a common economic vision, but requires countries of both origin and destination to have well developed systems of standards, curricula and certification.
- **Establishment of joint minimum standards** (ILO, 2006). Occupational classifications and qualification frameworks vary considerably across countries in terms of the number of occupational definitions, levels of qualifications, and terminology used. For example, common references to concepts such as 'basic' or 'advanced' or 'skilled' and 'unskilled' are used as occupation or qualification descriptors in a number of countries, but the definition of these terms is not consistent internationally. Joint minimum standards play an important role in cross-border skills recognition as they provide a guide to the scope of skills and knowledge required by the industry. A joint minimum standards framework can be designed to allow for diversity between national frameworks while enabling cross-border comparison. It does not include systematic recognition of certificates as described within the previous model, but acts as a common 'translation tool' to allow the skills of migrant workers to be evaluated simply and effectively.
- **Recognition of returning migrants' skills (ILO, 2010)**. Many migrant workers return without the opportunity to have their newly acquired skills and work experience formally acknowledged in their countries of origin. As a result, the competencies they have acquired during their migration may be not valued properly. This would impact negatively on their employability and on labour market outcomes.

ILO guidelines on the subject recommend:

- (a) provision of advice prior to departure to encourage the creation of a portfolio of evidence attesting to the migrant worker's new skills;
- (b) evaluation of the portfolio data upon return against identified national or international competency standards;
- (c) provision of affordable assessment services to complement the evidence portfolio; and

- (d) official recognition of new skills and work experience, coupled with employment profiling and placement services.

Skills recognition of migrant workers are an important tool for the evaluation of their competencies, and should be implemented as part of a right-based approach to migration policy, where productivity gains from improved abilities are shared in a fair manner between workers and employers.

Core questions for discussion include:

- (a) Among the four approaches presented, what would be the priorities for Asian migrants in the GCC, taking into account the policy priorities of countries of origin and destination, and the available testing capabilities?
- (b) What mechanisms should be put in place from the start to ensure that improved skills signalling (to the labour market) actually translates in improved wages and working conditions for migrants?
- (c) Would it be a way forward to review the current migrant inflows into the GCC, and determine the top five occupations and minimum skills levels required?
- (d) What is the scope for a single skills recognition system for GCC countries?

2.4 Increasing the development impact of migration

The ILO's approach to migration and development and to remittances is a rights-based and migrant-centred approach. Good governance of labour migration, which ensures the protection of migrant workers' rights, is essential to optimizing the development benefits of migration. Migrants are potentially more likely to invest in their country of origin when their status is secure and when they do not have to worry about losing their rights. The portability of social security is an important aspect in this regard. Differential treatment, segmented labour markets, precarious working conditions, discrimination (e.g. wages, social protection), and the absence of skills recognition will have an impact on the employment rates of migrants, their income level and their ability to transfer money to their families. As these issues were covered in other parts of this paper, the next section will focus mainly on remittances.

Overview of remittance flows and costs

The ILO Multilateral Framework on Labour Migration calls for the contribution of labour migration to employment, economic growth, development and poverty alleviation to be recognized and maximized in both countries of origin and destination. Increasing international migration, accompanied by sharply rising remittance flows, have placed the developmental implications of migration and remittances squarely at the heart of public policy discourse in developing countries. South Asia, in particular, has seen a major upsurge in migration and remittance flows in the last two decades. Among the South Asian countries, in 2013 India was the largest recipient of remittances (US\$70 billion) followed by Pakistan (US\$15 billion), Bangladesh (US\$14 billion), Sri Lanka (US\$7 billion) and Nepal (US\$5 billion) (World Bank, 2014). Of the recorded remittance flows to the South Asian region, nearly half emanate from GCC countries (World Bank, 2014). The Philippines is also among the top ten remittance-receiving countries worldwide.

There have been increased efforts to reduce the cost of sending remittances. In 2009, the G8 Heads of State pledged, and the G20 later ratified, a commitment to reduce the global average cost of transferring remittances from 10 per cent of face value to 5 per cent within five years ('5x5' initiative). The Open Working Group on Sustainable Development Goals has proposed the following target under Goal 10 (reduce inequality within and among countries): "by 2030, reduce to less than 3% the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5%" (United Nations, n.d.).

It has been estimated that the G20 initiative to reduce transaction costs to 5 per cent would provide, at least, an extra US\$16 billion annually to economic migrants and their families in their home country. The costs of sending money has declined between 2009 and 2014 in almost every region of the world. Remittance costs are lowest in the South Asian region – nearly 2 percentage points lower than the global average. However, there is scope for further reduction, particularly with recent advances in technology and falling information costs.

Potential for increasing development impact

Remittances are valued by country of origin governments as a stable source of foreign exchange. At the household level, remittances provide a supplementary or main source of income for consumption as well as expenditure on education, health and shelter. It is also a potential source for savings and investment. While recognizing that remittances are private funds, the challenges for policy-makers and service providers centre mainly around:

- how remittance channels (services) can be made more cost effective, accessible, reliable and timely;
- how other costs (e.g. social and recruitment costs) can be reduced in order to increase net income and, therefore, remittances;
- compliance with regulations on money laundering and combating the financing of terrorism;
- financial inclusion, including financial education for remittance senders and recipients.

The reintegration of workers returning to their country of origin and increasing their livelihood options is potentially a significant area for collaboration between countries of origin and destination. Currently there are incipient reintegration efforts in the Philippines and Sri Lanka.

Emerging good practices and ways forward

Several positive initiatives and practices have been identified, including:

- **Remittance cost-comparison websites.** Remittance price comparison websites can increase market transparency and encourage greater competition.
- **Pakistan Remittance Initiative.** The Pakistan Remittance Initiative (PRI) was launched in 2009 by the State Bank of Pakistan, the Ministry of Overseas Pakistanis and the Ministry of Finance for the purpose of (a) facilitating and supporting a faster, cheaper, convenient and more efficient flow of remittances, and (b) to create investment opportunities in Pakistan for overseas Pakistanis. The PRI has encouraged the financial sector to provide greater commitment to remittance services.
- **Encouraging savings and investments.** The Bangladesh Bank, national commercial

banks, and public commercial banks have created a number of investment products aimed specifically at migrants and their families. These products include bonds, deposit pension schemes (DPS), fixed deposits, savings accounts, investment loans, and investments in capital markets through, for instance, the Non-Resident Investor's Taka Account (NITA).

- **Innovative and tailored banking.** The Indian ICICI Bank offers hybrid solutions with remittance kiosks and ATMs in migrant areas and dormitories. Migrant families can use Ready Cash to withdraw money at over 40,000 ATMs in India or use the cards to purchase goods and services. ICICI sees mobile banking as a powerful medium for further financial inclusion.
- **Financial literacy training.** The provision of basic skills to manage finances can have a considerable impact on the choice of modes of remittance transfers, expenditure preferences, savings behaviour and options for converting remittances into assets. In addition to training materials by the ILO, Atikha, an NGO working with migrant workers and their families in the Philippines, has designed and is implementing financial literacy programmes targeted at migrants prior to departure and while overseas, as well as their families remaining at home.
- **Inter-agency coordination.** In order to leverage remittances for development the Philippines government has established the Remittance for Development Council (ReDC), a multi-stakeholder body. Its role is to advice and recommend policies and orchestrate and harmonize the various initiatives through constructive dialogue and interaction between the stakeholders.
- **Return and Reintegration.** The Republic of Korea's Employment Permit System (EPS) has instituted the Happy Return Programme to assist migrant workers with preparations for their return and successful resettlement in their country of origin. Before leaving Korea, workers are provided with vocational training and consulting services (for those interested in starting businesses upon return), certificates documenting their work experience, recruitment services for employment with Korean firms operating abroad, and administrative assistance (such as with claiming insurance benefits). After returning home, workers can register with HRD Korea to help them to find employment with Korean enterprises. While promising, the scale of the programme is limited compared with the number of migrant workers.

Core questions for discussion on ways forward

- (a) How can savings and investments attract a greater share of remittances for the benefit of local economic development, while recognizing that these are private funds?
- (b) How can remittance services be improved?
- (c) How can the transfer of skills and technology to migrant workers' home countries be increased and incentivized?
- (d) What role can the private sector play, both in countries of origin and destination, in the reintegration of returning migrant workers?

2.5 Partnerships among governments and social partners

Legal/guiding framework regarding partnerships in ILO instruments

The ILO Multilateral Framework on Labour Migration (2006) recognized that issues related to the movement of workers across national borders cannot be effectively addressed when countries act in isolation. Principle 2 states: “Governments, in consultation with employers’ and workers’ organizations, should engage in international cooperation to promote managed migration for employment purposes.” ILO Convention No. 143, furthermore, calls for member States to adopt, where appropriate, in collaboration with other Members, a number of measures to determine and suppress clandestine movement and illegal employment of migrant workers.

There are several types of partnerships in the Asia–GCC regions to help govern migration, and these include: (a) Bilateral Labour Agreements (BLAs), and non-binding MOUs between origin and destination countries; (b) cooperation within regional integration communities, such as ASEAN, SAARC and the GCC; (c) regional dialogue, such as the Colombo Process among countries of origin, and the Abu Dhabi Dialogue among Asian countries of origin and GCC countries of destination; and (d) Cooperation among non-state actors such as trade unions, employers and NGOs.

ILO Convention No. 97 stipulates, in Article 10:

In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Further, the ILO Multilateral Framework on Labour Migration (2006) recommends the promotion of “bilateral and multilateral agreements between destination and origin countries” (in guideline 2.3).

The Multilateral Framework also recommends the promotion of “bilateral and multilateral agreements between workers’ organizations in origin and destination countries providing for the exchange of information and transfer of membership” (in guideline 2.6). Such agreements are crucial given the significant gaps in the protection of labour rights, particularly for low-skilled migrant workers. The ILO offers governments a ready-made model of a BLA for temporary and permanent migration in the Migration for Employment Recommendation (revised) 1949 (No.86, Annex).

Issues of concern and challenges regarding partnerships, which hamper the achievement of fair migration

An analysis of BLAs and MOUs in the Asian and GCC regions suggests that most BLAs and MOUs do not explicitly refer to the protection of migrant workers or provide for their equal treatment with nationals. Gender considerations are also absent from most, except in the domestic worker agreements of Saudi Arabia with Asian countries. The need for social dialogue is rarely featured. Few agreements spell out effective ways to address recruitment malpractices.

The role that trade unions at origin and destination can play in protecting the labour rights of migrant workers in destination countries is constrained by restrictions on the formation of trade unions or support for freedom of association principles in a number of destination countries (e.g.

Qatar, Saudi Arabia, UAE). In the GCC, only Bahrain, Kuwait and Oman have legalized trade unions. Also, trade unions have largely been excluded from discussions towards intergovernmental agreements on labour migration and from playing a role in their monitoring.

Partnerships among employer organizations in Asia and the GCC on labour migration are not prominent. However, industry associations in the region (and globally) have developed codes of practice and self-regulation in the framework of corporate social responsibility. In this regard the CIETT Code of Practice for private employment agencies is noteworthy. However few recruitment agencies in the Asian and GCC regions are members or CIETT or even qualify as members.

Promising partnership initiatives that may contribute to better protection of migrant workers and achieving fair migration: Ways forward

BLAs and MOUs among governments tend to be more effective where labour laws offer comprehensive protection of workers in all sectors, including domestic workers. In the design of any BLA or MOU among governments it is recommended to engage social partners, make the texts available to the public (as in the Philippines), and adopt a system of periodic evaluation of their effectiveness, particularly regarding the protection of migrant workers.

Future BLAs and MOUs should make explicit references to the prime importance of protecting migrant workers and provide for treatment equal to that given to nationals, and should include specific provisions regarding fair recruitment. MOUs initiated in Saudi Arabia on domestic workers offer progress in this regard. Ideally, BLAs and MOUs should also include references to conflict resolution mechanisms and freedom of association.

While not a model in all respects, the Employment Permit System (EPS) of the Republic of Korea is a better conceived, funded and implemented foreign-worker programme than most in the region. The EPS MOUs with 15 countries of origin in Asia require that all recruitment and placement of workers for the EPS are covered under government-to-government arrangements (thus taking it out of the hands of private recruiters). This forms part of an overall effort to reduce the high costs of migrating to the Republic of Korea for employment. The Government has also introduced standardized employment contracts for employers and workers.

The Abu Dhabi Dialogue adopted a promising regional partnership framework in 2012. However, implementation has been slow and could be made more broad-based by including social partners. The Abu Dhabi Dialogue holds promise in that it could serve as an interregional platform for promoting multilateral guidelines (as laid out in the ILO Multilateral Framework on Labour Migration) and minimum standards in recruitment, bilateral agreements and standard employment contracts, including for domestic workers.

There have been promising developments in trade union cooperation between origin and destination countries. Sri Lankan and Nepali trade unions, and their counterparts in Bahrain and Kuwait, signed bilateral agreements for the protection of migrant workers. So did the Malaysian Trade Union Congress and the Korean Confederation of Trade Unions (KCTU), demonstrating collaboration between trade unions in countries of origin with those at destination. GEFONT/Nepal's work in building country support teams backed up by destination country unions is important where there are restrictions on trade union work. Such arrangements can assist low-skilled migrant workers to file labour complaints and access redress procedures. They can also prevent recruitment malpractices by alerting workers to their legal rights and maximum fees

payable. In 2013, SARTUC (South Asia) and trade unions in Bahrain, Jordan and Lebanon adopted the Kathmandu Action Plan. Its objectives are the organization of migrant workers, and achieving equal treatment and improved working conditions.

In the context of partnerships among employers, the ASEAN Confederation of Employers (ACE) has developed a three year plan of action on labour mobility and protection of the rights of migrant workers, and this could be considered among employers in South Asia and GCC countries.

Migrant Forum in Asia (MFA), the largest NGO network dedicated to the protection of migrant workers, has facilitated the signing of bilateral MOUs between the National Human Rights Committee of Qatar and National Human Rights Commissions in Nepal, Philippines and Sri Lanka for the period 2012-2013. MFA has also signed a MOU with a number of important global unions in order to promote the rights of migrant workers in the Asia- Pacific region (MFA; APF; DTP, 2012; MFA; DTP, 2013).

Core questions regarding partnerships, for discussion with a view to improving protection of migrant workers and achieving fair migration

- (a) What are the most critical areas and articles to be included in BLAs and MOUs that would ensure the protection of migrant workers from abuse and address the different needs of women and men?
- (b) In what ways can partnerships among GCC countries contribute to fair migration and protection of migrant workers?
- (c) How can partnerships among countries of origin be developed in order to prevent abuse and exploitation at source and avoid a race to the bottom in terms of wages and treatment of migrant workers?
- (d) Given its rights-based approach to labour migration and grounded in the world of work, how can the ILO play an active role in the Abu Dhabi Dialogue and/or assist in establishing a tripartite platform concerning migrant workers?
- (e) In what ways can partnerships among trade unions be strengthened in order to improve the protection of low-skilled migrant workers?
- (f) What is the scope for trade unions to engage with groups other than NGOs, in both the GCC and Asian regions, in order to contribute to protecting migrant workers (e.g. partnerships with women's groups, religious groups, media entities, academics, and others)?

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