



## THE 6<sup>th</sup> ASEAN FORUM ON MIGRANT LABOUR

26-27 November 2013, Bandar Seri Begawan, Brunei Darussalam

The 6<sup>th</sup> ASEAN Forum on Migrant Labour which carried the theme “Enhancing Policy and Protection of Migrant Workers Through Data Sharing, and Adequate Access to the Legal and Judicial System During Employment, Including Effective Complaints Mechanisms” was held on 26-27 November 2013 in Bandar Seri Begawan, Brunei Darussalam. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum.

The 6<sup>th</sup> ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2010-2015 and ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants recommended concrete actions to promote and protect the rights of migrant workers in ASEAN Member States, facilitate the formulation of evidence based migration policies through labour migration data sharing and adequate complaint mechanisms and grievance handling mechanisms, as follows:

**(a) Facilitate data collection, analysis and sharing concerning migrant workers in both countries of origin and destination**

The Forum recognises that knowledge and information are critical to formulate, implement and evaluate labour migration policy and practice, and therefore its collection and application should be given priority, with the objective to enhance the protection of migrant workers. The process of data sharing should be done within the context of national legislations and in a transparent manner that protects this data and ensures respect for workers privacy.

1. Encourage development and strengthening of inter-agency collaboration efforts, including the designation of a lead agency, to

collect, analyse, share and harmonise labour migration data at the national level;

2. A regional and updated database on labour migration is called for. ASEAN Member States, social partners and CSOs recognise the importance of sharing labour migration data and support the development of a labour migration database to be piloted in ASEAN with the technical and financial assistance, including capacity building, of international and other organisations;
3. Consider developing an ASEAN Framework on Labour Migration Statistics with common definitions to ensure the comparability of data within ASEAN;
4. Promote regular exchange and updating of labour market information, analysis of trends and patterns;
5. With reference to the Technical Meeting on ASEAN International Labour Migration Statistics Database organised by the ILO on 4 November 2013 in Bangkok, Thailand, the Forum supports the initiative for setting up a Working Group on International Labour Migration Statistics, which should meet on a regular basis;
6. Endeavour to have a regular exchange of labour migration data between countries of destination and origin to ensure coherence of such data;
7. Consider the following data sets, among others, for the collection, analysis, and sharing to include:
  - Inflows, outflows and stocks of migrant workers, disaggregated, where possible, by sex, country of origin, age, level of qualification, industry, occupation
  - Data on remittances
  - Information on recruitment channels, licensed agencies, fees and costs
  - Labour market information, including available and in-demand jobs and skills
  - Data on occupational safety and health
  - Data on salaries and benefits of migrant workers
  - Data on returning migrants
  - Bilateral labour migration flows in ASEAN (to monitor implementation of AEC)
  - Data on the families of migrant workers in the countries of origin and destination
  - Nature and incidence of complaints filed
  - Data on irregular migrants and trafficking of persons, where possible;

8. Develop guidelines and a compendium of good practices on data collection, analysis and sharing (based on the experiences of ASEAN Member States, social partners, and CSOs).

**(b) Promote effective complaint mechanisms and grievance handling mechanisms**

The Forum recognised the importance of and access to effective complaint mechanisms by migrant workers in countries of origin and destination in order to promote and protect the rights of migrant workers in line with international human rights and labour standards.

For better access to complaint mechanisms, where appropriate, family members may file a report or complaint on behalf of migrant workers.

9. Develop and strengthen the existing complaint mechanisms for migrant workers in ASEAN Member States that are transparent, accessible and simplified during recruitment, employment and in case of termination and deportation. In this regard, it is important to ensure that the integrity of complaints be carefully examined;
10. Ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers;
11. Support the development of “one-stop” service centre for migrant workers that among others, facilitate access to complaint mechanisms and assistance, including interpretation and free legal counseling/referral, in collaboration with all stakeholders including migrant communities, workers’ and employers’ organisations, and CSOs to ensure that the service are accessible to migrant workers;
12. Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
13. Ensure and strengthen the roles of labour attaches, embassies, and consular officials to include support services on availing of complaint mechanisms for migrant workers;
14. Dispute resolutions, mediation, and other alternative dispute settlement mechanisms should be fully explored before administrative or judicial litigation processes;
15. Ensure timely notification and communication between the countries of destination and origin on judicial cases of migrant workers and extend

cooperation to provide access to migrant workers to file cases for violation of rights in the country that the violation took place;

16. Promote inter-country trade unions collaboration to support migrant workers in case of complaints;
17. Ensure, where possible, the joint accountability of employers and recruitment agencies in case of migrant workers' complaints when the recruitment agencies are responsible for recruiting and placing workers abroad;
18. Ensure adequate arrangements in case of return and repatriation to be shouldered by the employers;
19. Promote sharing of experiences and information among ASEAN Member States in implementing their respective complaint mechanisms through stock taking of the processes in handling grievances of migrant workers;
20. Consider developing regional guidelines and tools on the establishment of key aspects and standards of complaint mechanisms for migrant workers.

The participants agreed that the progress and challenges of implementation of these and previous recommendations will be shared by ASEAN Member States at the 7<sup>th</sup> ASEAN Forum on Migrant Labour in 2014. For this purpose, each ASEAN Member State should make preparation with the involvement of tripartite partners and civil society for the information sharing prior to the Forum. The process and outcomes of the ASEAN Forum on Migrant Labour could be shared with other partners outside the region.

The participants extended their appreciation to the Government of Brunei Darussalam, particularly the Department of Labour, Ministry of Home Affairs for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government Myanmar for its role as the incoming ASEAN Chair for 2014 and host of the 7<sup>th</sup> ASEAN Forum on Migrant Labour in 2014.

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