

Recommendations from Indonesia National Tripartite Preparatory Workshop

14th ASEAN Forum on Migrant Labour

"Recovery and labour migration in the post pandemic future"

25 August 2021

Sub-theme 1: Protection of migrant workers during the COVID-19 pandemic – Current situation

1. Ensure that all migrant workers and their family members already residing with them have equal access to COVID-19 testing, free vaccines, and healthcare, including mental health, without discrimination based on, but not limited to, gender, nationality, race, age and disability, regardless of documentation status. Include vaccination status of migrant workers overseas in the government app/platform. Ensure that vaccines provided in Indonesia are acknowledged by countries of destination and vice versa. Ensure that information on access to vaccination registration processes, vaccination, testing, and health care is available to migrant workers in languages they understand.
2. Ensure non-discrimination and non-stigmatisation of migrant workers in the fight against COVID-19. Provide migrant workers infected overseas equal access to COVID-19 treatment in Indonesia.
3. Enable social distancing, ensure access to adequate PPE and observe strict health protocol at work, in housing and during transportation, as needed by the sector. Establish minimum safety standards for domestic workers and other sectors. Ensure decent living conditions. Costs for regular testing of migrant workers should be covered by the employer or government.
4. Provide effective grievance mechanisms and remedies for wage violations, other labour and recruitment related violations, and breaches of health protocols, including the right to compensation. Strengthen MOUs by including provisions on access to remedies and compensation in countries of destination.
5. Ensure decent livelihood, care and personal freedoms during workplace closures as a public health measure, including for hard to reach groups such as plantation workers, fishermen in distant waters, agricultural workers, sex workers, domestic workers and caretakers in private households. Ensure evacuation of COVID-19 infected workers to hospitals for proper monitoring when in critical condition. No infected workers should be quarantined in their workplace, per measures in the country of destination.

6. Ensure equal treatment of migrant workers with local citizens in the case of pandemics, natural disasters or other crises.
7. Include migrant workers in government social security and emergency income support in countries of destination. Improve social security and social protection schemes and access to support services in Indonesia.
8. Impose a moratorium on quick evictions, deportations and arbitrary arrest or detention of migrant workers in case of pandemics or natural disasters. Implement temporary programmes to regularise undocumented migrants and provide timely and adequate visa extension for all migrants with rights to healthcare, housing and work, during the pandemic, as a way to facilitate migrants' access to rights to an adequate livelihood and to protect public health until the pandemic or disaster is declared ended. Ensure safe and health conditions in detention centres, or release the detainees, and ensure their free access to health care during the pandemic.
9. Address increased risk of all kinds of violence, including gender-based violence, during movement restrictions.

Sub-theme 2: Recovery and the post pandemic future

10. Improve labour protection in line with ratified ILO Conventions, especially for currently excluded groups of migrant workers and workers in remote, private or hard-to-access workplaces. These include but are not limited to plantation workers, fishers in distant water, agricultural workers, domestic workers, caretakers in private households, and other vulnerable jobs.
11. Ensure migrant workers' access to healthcare and remedy for violations and crimes committed against them before imposing sanctions on them for possible immigration violations.
12. Acknowledge the effectiveness and expertise of civil society actors, including self-helping groups and public interest lawyers, in responding to the special needs of migrant workers. Allocate more resources to responses implemented by civil society organisations that already have trusted relationships with migrant workers. Ensure the participation of civil society in the development, implementation, enforcement and evaluation of government programmes and policies.
13. Strengthen labour inspection, including women in inspectorates and inspections in hard to reach sectors and workplaces. Regularly conduct inspections, even during the pandemic, and raise migrant workers' and general publics' awareness on labour inspection. Ensure follow up of cases and adequate action by authorities. Ensure a gender-responsive, human rights-based and dignified approach to labour inspection, and participation of civil society in labour inspection.

14. Promote recognition and utilisation of migrant workers' skills (language skills, cooking skills etc.), upskilling, and employment for returnees. Disseminate information on job matching platforms to returning migrant workers to promote their access to local labour markets.

15. Create a database on returning migrant workers, including data on their vaccination and health status, skills profiles and interest in jobs in local labour markets to facilitate returnees' reintegration. The development and management of the database should involve government, employers, recruiters, trade unions and civil society.

16. Ensure that recruitment fees and related costs, including COVID-19 testing and vaccinations, are not charged to migrant workers but are borne by the employer, as per the ILO General Principles and Operational Guidelines on Fair Recruitment. Disseminate information on the prohibition of charging recruitment fees and costs to Indonesian migrant workers. The cost structure should be transparent and disclosed to migrant workers.

17. Include provisions in MOUs and bilateral agreements to ensure decent, safe and healthy housing conditions for migrant workers in countries of destination, as per the ILO Workers' Housing Recommendation, 1961 (No. 115) and relevant sectoral standards.

18. Promote migrant workers' freedom of association and right to organise as an essential element of protection in crisis, as recognised in ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The meeting was held in Jakarta, Indonesia, and online on 25 August 2021.