

Civil Society Recommendations

14th ASEAN Forum on Migrant Labour

"Recovery and labour migration in the post pandemic future"

2 September 2021

We, the national civil society representatives from the 10 ASEAN Member States (AMS) and regional civil society representatives, make the following recommendations for the 14th AFML with the theme of "Recovery and Labour Migration in the Post Pandemic Future."

The pandemic has brought much suffering and insecurity to the migrant workers in ASEAN and the world. With the daily increase in COVID-19 cases, migrant workers and their families need more protection and support.

Migrant workers in the region remain one of the most vulnerable groups, often lacking access to health services and left out of formal policy responses and social protection measures. The ASEAN civil society expresses solidarity with the Migrant Workers and calls on the ASEAN governments to respect the fundamental labour and human rights to ensure decent work for all migrant workers. In principle, ASEAN must treat all workers in the spirit of non-discrimination and provide equal protection for all.

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

1. To grant equal access to COVID-19 testing, vaccines, and healthcare, and rehabilitation regardless of migration status to enable all workers to return to work or continue to work safely.
2. Enable and enforce effective social distancing 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. Industries must ensure all workers have access to PPEs without cost.
3. Propose rapid remedies for wage theft violations and other labour and recruitment-related violations, which the migrant worker can access in all stages of recruitment, including legal services and remediations across borders via improved interagency coordination.

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4. Ensure that all workers are not denied decent livelihood, care, and personal freedoms during workplace closures as a public health measure.
5. Inclusion of migrant workers in government income support/subsidy programs in destination countries in sectors deemed non-essential and ordered to close temporarily.
6. To facilitate returning migrant workers' access to income support and credit services in countries of origin, including reintegration, reskilling, and victims support services, especially for survivors of modern-day slavery and gender-based violence.
7. To ensure all public communications related to labour and COVID-19 pandemic management are understood by migrants in their languages through the use of competent translation and interpreters to improve the cultural communication competency in the health care of migrant workers.
8. To reform national health care systems, sustained by adequate budget allocation, to be more inclusive and non-discriminatory, in recognition of the contribution made by all workers, including migrant workers regardless of documentation status, during the pandemic. This must include removing stigma-driven policies towards all infectious diseases and the inclusion of mental health care as an essential component.

Sub-theme 2. Recovery and the post pandemic future

9. Improved labour protection mechanisms at the workplace regardless of documentation status, especially for excluded migrant workers.
10. To have Labour Inspection regimes strengthened according to international standards, including having women in inspectorates and inspections in hard-to-reach sectors and workplaces, for example, domestic work. Existing laws and policies restricting such access need to be updated.
11. To have robust and portable social protection systems, including unemployment benefits and the flexibility of employment to be fully extended to migrant workers without discrimination and guaranteed in their contracts. Social Protection claims must be accessible even if migrant workers have returned to their country of origin.

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12. Fair recruitment principles, as per ILO's General Principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs, need to be operationalized via bilateral and multilateral agreements to safeguard migrants from being charged recruitment fees, visa renewal fees, and any COVID-19 associated costs, in all stages of the recruitment cycle.
13. Housing standards are to be improved and enforced according to the physical distancing requirements during the pandemic and incorporated into all designs of workers' housing complexes across all industries in the future.
14. Create flexible amnesty and rehiring programs to facilitate the decriminalization of irregular migrants, especially those who became undocumented not through their fault, giving them the option to return home safely or re-join the labour force.
15. Formulate and integrate evidence-based and gender-responsive policies in labour market planning, remediation, and national recovery solutions for migrant workers at all stages of the migration cycle. This calls for the inclusion of migrant workers in policy-making dialogues with the government.
16. To institutionalize migrant workers' Right to Information related to the COVID-19 pandemic and Occupational Safety and Health (OSH), especially information in migrant languages about access to emergency services in the country of destination.
17. For the global supply chain actors - from investors to brands to manufacturers - to take responsibility for the welfare and respect all workers' rights in the pandemic management, based on the "UN Guiding Principles on Business and Human Rights." Actors who persistently failed to do so may be put on an advisory list circulated to migrant workers to inform them of which abusive companies to avoid when seeking work in the future.
18. To ensure immediate and long-term protection for workers, particularly in sectors with high feminization, we urge all ASEAN members to ratify the ILO Convention 189 on Domestic Workers and ILO Convention 190 on Violence and Harassment Convention.

The meeting was held online on 2 September 2021.