

Regional workers' preparatory meeting recommendations

14th ASEAN Forum on Migrant Labour

"Recovery and labour migration in the post pandemic future"

3 September 2021

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

1. ASEAN Member States must improve social protection for all in line with their commitments made in the ASEAN Declaration on Strengthening Social Protection, including portability of benefits that migrant workers can use wherever they are.
 - Governments must include migrant workers in social protection measures on an equal basis as those of its citizens and ensure that criteria for accessing essential services are not based on nationality, citizenship or immigration status. Migrants who have contracted COVID-19 should be treated immediately, and all should be granted access to vaccinations in the same manner as citizens.
 - Create welfare fund for the protection of migrant workers in the event of unemployment, sickness, and other contingencies. The management of the fund should be transparent with the involvement of key stakeholders.
2. Review laws and policies to provide equal treatment and improve migrant workers' labour protection (job security, wage protection, minimum wage coverage, conditions of work, OSH) with focus on uncovered or disadvantaged sectors such as domestic work, agriculture and informal sector.
3. Migrant workers should be provided decent housing and accommodation with sufficient spaces for social distancing, access to medicine and food. They should not be stopped from proactive COVID-19 testing and healthcare assistance and not be excluded from the COVID-19 vaccination programme and financial and other relief measures.
4. There should be moratorium on raids, arrests and detentions of migrant workers who are deterred from coming forward for testing, medical treatment, or to be vaccinated. The fear of accessing

essential services will likely result in an increase in undetected infections that can affect all communities, including spikes in COVID-19 cases in overcrowded and unsanitary detention centres.

5. While awaiting their safe repatriation, migrant workers must have access to adequate food and safe housing, medical services, facilities to communicate with their families, and mechanisms of justice, including recovery of unpaid wages and other benefits.
 - Adopt a policy on the joint and solidary liability of private recruitment/placement agency with the foreign principal/employer. This will advance the protection of the rights and welfare of migrant workers, and an is an important step in sustaining migrant worker access to justice similar to the Philippine regulations.
6. Facilitate immediate repatriation of migrants held at detention centers without any undue delay with standardized health and immigration protocols and procedures, reasonable and humane quarantine regulations, and adequate and humane quarantine facilities.
 - Review immigration procedures and uphold the principle of non-refoulement or not forcing migrants to return to a country where they will be persecuted.

Sub-theme 2. Recovery and the post pandemic future

7. With stakeholders participation, conduct skills needs assessment and mapping in host countries and design market-responsive training and re-training curricula, with emphasis on digital and technology skills.
 - The burden of skills development should not rest mainly on the countries of origin and migrant workers. Bilateral cooperation between countries of destination and origin in skills development should be promoted, such as the establishment of reported training centres and institutions in the Philippines in cooperation with or with the initiative of Singapore. This should be expanded with the engagement of employers' and workers' organizations in both countries of destination and origin.
8. Strengthen labour market information and job referral and facilitation services and networks with the active involvement of the private sector. Membership-based workers organizations and other stakeholders can be effective conduits of information given proper training and support.
9. Reinforce the promotion of fair recruitment practices within and across national borders. These include effective monitoring of the job market, enforcement of applicable laws against illegal

recruitment and other unfair practice; and establishing a governance framework for digital recruitment and placement.

- Prohibit charging of recruitment fees and costs, including no costs related to COVID-19 testing, vaccination and quarantine, on migrant workers.
 - Direct recruitment by employers through alternative means with proper guidance and government oversight could streamline the recruitment process and could result in better skills matching. ASEAN, in consultation with the social partners and other stakeholders, could provide the appropriate technology and platform.
 - Implement an online registration and monitoring of recruitment agencies, and a joint liability clause as exemplified by Philippine regulations should be considered.
 - Adopt an ASEAN policy for 'virtual' migrant platform workers, working from home countries for platforms that could be operating overseas and engaging platform workers from afar.
10. Fast Track mutual recognition, especially of low and medium skills and qualifications, to facilitate labour mobility and reduce the vulnerability of most migrant workers. Support the establishment of sector-based work permits where migrant workers can legally change employers within their sectors, or the elimination of employer-based work permits and/or visas.
11. Establish vehicles and opportunities for migrant workers to invest their hard-earned savings and contribute to the development of their countries of origin. Any investment in this regard should be supported by a sovereign guarantee to operationalize investment support for migrant workers.
12. Give effect to the principle of portability of trade union membership to enable migrant workers to have an effective voice and representation in their host and home countries. Migrant workers and their organizations are effective mediators of complaints and grievances concerning their overseas employment or migration concerns.

National laws and policies should not restrict the right of migrant workers to form or join an association of their own choosing, including

- Membership rights of migrant workers to join or remain members of the unions in their home countries, regardless of temporary cessation of employment in countries of destination.
- Representational rights of migrant workers by national affiliates in destination countries on matters arising from their status as migrant workers.

13. With stakeholder participation, develop measures for effective reintegration of massive numbers of migrant workers forced to return home.
14. Conduct regular high-level social dialogues at the national and ASEAN-level to strengthen trust among key actors in labour migration for better solutions and balanced crisis responses. Stakeholders should be part of the implementation, monitoring and review of ASEAN mechanisms such as the ASEAN Comprehensive Recovery Framework and the ASEAN Consensus on Migrant Workers.
 - Reach out to stakeholders, migrant workers and their families to learn more of their concerns and issues, which should be integrated in national or ASEAN plans and programmes.

The meeting was held online on 3 September 2021.