



**The 16th ASEAN Forum on Migrant Labour (AFML)
“Enhancing the Effectiveness of Legal Pathways for Labour Migration in ASEAN”**

25-26 October 2023, Jakarta, Indonesia and Virtually

RECOMMENDATIONS

The 16th ASEAN Forum on Migrant Labour (AFML) was hosted by Indonesia in Jakarta and virtually on 25-26 October 2023. Representatives from the governments, employers’ organisations, workers’ organisations and civil society organisations of ASEAN Member States, alongside representatives from the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC)¹, ASEAN Employees Services Trade Union Council (ASETUC), Task Force on ASEAN Migrant Workers (TFAMW), Global Alliance Against Traffic in Women (GAATW), Mekong Migration Network (MMN), International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and ASEAN Secretariat participated in the 16th AFML. Representatives from Australia, Canada, Switzerland, Japan and Timor-Leste participated as observers.

The 16th AFML’s theme “Enhancing the Effectiveness of Legal Pathways for Labour Migration in ASEAN” was in accordance with the theme of the ASEAN Chairmanship 2023 “ASEAN Matters: Epicentrum of Growth” and aimed to highlight inclusive, gender-responsive, safe, affordable, accessible and efficient legal pathways for labour migration in ASEAN and alignment of legal pathways with labour market demands. Two sub-themes were identified, notably: Sub-theme 1: Improving Labour Migration Programmes in ASEAN, and Sub-theme 2: Ensuring Legal Migration Pathways that are Inclusive and Responsive to the Labour Market.

The 16th AFML acknowledged the various measures taken by ASEAN Member States to promote legal pathways for labour migration and their achievements, challenges and lessons learned, as well as follow-up actions to the 15th AFML Recommendations.

The 16th AFML recommended the following actions by various stakeholders to achieve the aforementioned objectives and support the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

¹ ATUC raised concerns around the denial of the nomination and participation of the Confederation of Trade Unions of Myanmar (CTUM).

Improving Labour Migration Programmes in ASEAN

1. Simplify and streamline migration processes to better protect and promote the rights of migrant workers by working towards elimination of administrative hurdles to make regular migration channels easier, faster, affordable, and accessible for migrant workers such as removing unnecessary duplication of medical tests;
2. Establish integrated information systems to ensure clarity and transparency, prevent misinformation and make regular migration channels attractive and accessible through one-stop integrated services for migrant workers;
3. Digitalise recruitment, deployment and admission processes with clear timelines for each step and with consideration of national laws and regulations of ASEAN Member States, data privacy and protection of migrant workers' rights. In this regard, digital literacy support for those who may face challenges in using digital platforms shall be provided;
4. Enhance the support of governments and financial institutions in promoting digital wage payments for migrant workers. The government should ensure that migrant workers in elementary occupations are provided with no less than the minimum wage in accordance with the laws and regulations of the receiving states;
5. Promote policies, regulations and measures to work towards the prohibition of recruitment fees and related costs chargeable to migrant workers such as an affordable employer-paid model for recruitment fees and related costs, and lower costs of passports, visas, work permits and other essential documents issued by governments in both sending and receiving states, and publication of those costs for transparency;
6. Allow migrant workers to change employers by notifying the previous employers and renewal of work permits while residing in the receiving states as well as to modify conditions with minimal administrative burden, in accordance with the laws, regulations and policies of the sending and receiving states;
7. Ensure documented migrant workers in all sectors enjoy comprehensive protection of their rights, including provision of gender-responsive and human rights-based standard employment contract or proper documentation for their work without substitution or duplication, where applicable, social protection, rights to join trade unions and associations, right to health services including sexual and reproductive healthcare, support services including essential services for victims of gender-based violence, and access to justice and legal remedies. Protect the basic human rights of all migrant workers regardless of their legal status;

8. Make regular pathways more equitable and inclusive to migrant workers by addressing discrimination, violence and restrictions based on the grounds of gender, disabilities, age, and parental status;

Ensuring Legal Migration Pathways that are Inclusive and Responsive to the Labour Market

9. Promote opportunities and systems for skills development, certification and recognition which will support better job matching and improve remuneration equivalent to the skills levels of migrant workers;
10. Based on labour market requirements, consider adoption of memorandum of understanding and admission policies covering all skills levels;
11. Consider introducing options for moving from temporary labour migration to longer-term labour migration programmes;
12. Collect and utilise accurate and disaggregated data on migrant workers to inform evidence-based labour migration policies by improving and investing in the data collection, analysis, management and dissemination capacities. Promote unification of national databases and data exchange on migrant workers between sending and receiving states while respecting privacy and data protection;
13. Call for more dialogue and collaboration among the governments, employers', workers' and civil society organisations in ASEAN on skills development, skills recognition and jobs matching to promote mutual understanding on the skills needs and requirements from the various industries in the receiving states while taking into consideration the skills shortages in sending states;
14. Promote a whole-of-government and whole-of-society approach to ensure policy coherence across all sectors and levels of government concerning the placement and protection of migrant workers. In this regard, capacity building and technical assistance to be provided at local level to enhance the effectiveness and accessibility of legal pathways in cooperation with relevant stakeholders;
15. Strengthen cross-border cooperation, joint law enforcement and referral systems to ensure the safe and regular movement of migrant workers, protect them from malpractices and digital scams in recruitment, smuggling and trafficking, and prevent the criminalisation of victims. ASEAN Member States to collaborate when ASEAN migrant workers are in urgent needs of protection, rescue and evacuation in times of crisis.

The participants extended their appreciation to the Government of Indonesia, particularly the Ministry of Manpower, for the excellent arrangements of the Forum. The participants also

congratulated the Government of Lao PDR as the incoming ASEAN Chair in 2024 and expressed appreciation for its confirmation to host the 17th ASEAN Forum on Migrant Labour next year.
