

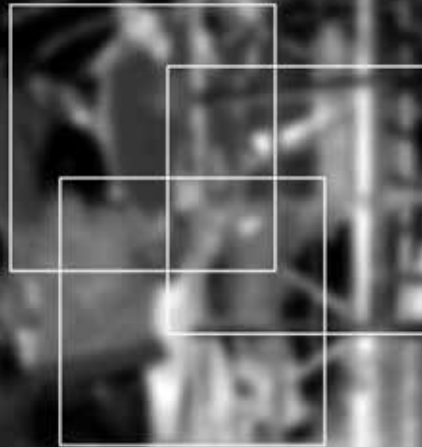


Japan and the ILO



International
Labour
Organization

ASIAN 2006
DECENT WORK
DECADE 2015



PROMOTING DECENT WORK FOR FOREIGN MIGRANTS

ILO/Japan Regional Project on Managing Cross-Border
Movement of Labour in South-East Asia

“Migrant workers are an asset to every country where they bring their labour. Let us give them the dignity they deserve as human beings and the respect they deserve as workers”

Juan Somavia, ILO Director – General

A WORKING REALITY

Migrant workers are needed and migrant workers often need to look for work far from home. This is the working reality for the Asia region. In this reality all workers should have equal rights – at least those guaranteed by the ILO Core Conventions, which many countries have ratified and agreed to abide by. Yet migrant workers everywhere continue to report violations of those rights, including non-payment or under-payment of wages, substitution of contracts upon arrival in the destination country with much less favourable terms for wages and conditions of work, harassment by some government

authorities, long working hours, confinement to the workplace, physical violence, sexual abuse and problems of communication due to differences in language and culture.

Worse still, many migrant workers are forced to work against their will, and others are trafficked into slave-like conditions.



ILO/JAPAN PROJECT ON MIGRATION



How should countries manage the situation so that all workers – including migrants – receive the fair protection they deserve and communities and economies thrive equally?

Through work such as that carried out by the ILO/Japan Regional Project on Managing Cross-Border Movement of Labour in South-East Asia, government officials are learning that improving working conditions for migrant workers means better protection for their native workers.

They are also learning that bilateral cooperation will prevent the exploitation of migrant workers as well as violations of their human and labour rights. And they are learning that sound labour migration policies and management of migrant flows will bring down the irregular migrant numbers and contribute to economic progress in both labour-sending and labour-receiving countries.

This Regional Project has been implemented with the full cooperation of related governments as well as workers' and employers' organizations. The governmental focal points are:

- ▶ Ministry of Labour, Thailand
- ▶ Ministry of Labour and Vocational Training, Cambodia
- ▶ Ministry of Labour and Social Welfare, Lao PDR
- ▶ The East Java Province Government, Indonesia



DECENT WORK FOR FOREIGN MIGRANTS

The five-year ILO/Japan Project began in 2006 and ended in December 2010, leaving a legacy of activities that will be continued by governments and partner organizations. It also leaves changed mindsets and policies. It has influenced and helped to shape a new approach to migration management. This brochure highlights the ILO/Japan Project's outcomes and impacts. These were based on its four primary objectives:



I. Expand the knowledge base through research and the sharing of information on labour migration, social dialogue and partnerships with civil society.

II. Advocate for sound labour migration policies that are enforced and that protect the rights of all migrant workers.

III. Build the capacity of government officials, workers' and employers' organizations and NGOs to contribute to the good governance of labour migration processes.

IV. Promote the effective use of remittances and entrepreneurship development in migrants' home communities.

I. ACHIEVEMENTS IN EXPANDING THE KNOWLEDGE BASE

Given the complexities of managing labour migration it is vital to help government officials, social partners and civil society to access, understand and use available knowledge on different situations and good practices, to shape long-term policies and programmes on labour migration. Packaging, translating into local languages and disseminating useful knowledge promotes public discourse during and after the project itself.

There are good models from within the region that governments and social partners can learn from, if they can access them and understand their implications. The ILO/Japan Project expanded this crucial knowledge base and provided opportunities for all stakeholders to receive useful information and debate the way forward.



OUTCOMES

- ▶ Policy makers and practitioners in both labour-sending and receiving countries have a better understanding of migration issues, as evidenced by the steady introduction or revision of policies and measures to protect the rights of migrant workers.
- ▶ Stakeholders in Thailand, such as government officials, increasingly recognize the contribution of migrant workers as a first step towards better protection of migrant workers, prevention of child migrant workers and the elimination of forced labour, especially in the shrimp-processing industry.
- ▶ Labour migration issues will be reflected in the Decent Work Country Programmes of Cambodia, Indonesia, Lao PDR and Thailand.
- ▶ Lao PDR introduced programmes to promote both domestic and overseas employment, so that workers migrate out of the country by choice rather than out of necessity.
- ▶ The Ministry of Labour and Social Welfare in Lao PDR launched a labour market information system to collect data on domestic and overseas employment.
- ▶ A platform for social dialogue on labour migration issues has been set up in East Java, Indonesia, bringing together tripartite and civil society partners, government and non-government representatives, to discuss the protection of migrant workers' rights and ways to assist them.



Drafting the Decree in Lao PDR



Collecting labour market information

PUBLICATIONS AND TOOLS

- ▶ Paralegal training manual on migrant workers' right to equality before the law and access to justice (Burmese and Thai languages)
- ▶ ILO Convention No. 97 Concerning Migration for Employment (Revised), 1949 and ILO Convention No. 143 Concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (Thai translation)
- ▶ Inter-state cooperation on labour migration: lessons learned from MOUs between Thailand and neighbouring countries
- ▶ Review of labour migration policies, regulatory framework, management institutions and immigration pressure in Thailand
- ▶ Synthesis report on labour migration policies, management and immigration pressure in Thailand



PUBLICATIONS AND TOOLS

- ▶ ILO multilateral framework on labour migration (Thai translation)
- ▶ Review of labour migration management, policies and legal framework in Cambodia
- ▶ Migrant worker remittances: Lao PDR, Thailand and Cambodia
- ▶ Policy on labour migration for Cambodia
- ▶ Agenda for labour migration policy in Thailand: towards long-term competitiveness



II. ACHIEVEMENTS IN ADVOCACY FOR SOUND LABOUR MIGRATION POLICIES

Weaknesses in the legal, regulatory and institutional frameworks and incoherent policies on labour migration led to inconsistent practices in labour migration processes that have undermined directly, or in an unintended manner, policies and programmes in other areas.

The challenges in migration governance include the development of sound labour migration policies, a strong legal framework and effective management of labour migration based on international instruments and social dialogue. In the past four years, through the direct support of the ILO/Japan Project, numerous labour migration-related policies have changed for the better.



Launch of Labour Migration Policy, Cambodia



Joint efforts of UN system, government and civil society, Thailand



Engagement with lawmakers in Thailand

OUTCOMES

- ▶ The Ministry of Labour and Vocational Training, Cambodia adopted a new (first of its kind) labour migration policy and, based on the new policy, is formulating a comprehensive Sub-decree on sending Cambodian workers abroad.
- ▶ Discussion on migration management issues at the eighth Working Group of Cambodia's Government -Private Sector Forum resulted in a reduction in the cost of a passport for migrant workers.
- ▶ The Ministry of Labour and Social Welfare of Lao PDR adopted the Decree on Employment Services to regulate domestic employment services and overseas employment processes.
- ▶ The Standing Committee on Labour in Thailand's House of Representatives is drafting a comprehensive labour migration bill.
- ▶ The provincial government and law makers in East Java, Indonesia, adopted a local ordinance on the placement and protection of migrant workers that is now included in East Java's 2011 Provincial Legislative Programme.
- ▶ The Provincial Planning Board in East Java included labour migration issues in its Provincial Action Plan 2010.

Signing MOU between law enforcers and recruitment agency association in East Java



III. ACHIEVEMENTS IN BUILDING CAPACITY FOR GOOD GOVERNANCE OF LABOUR MIGRATION

International labour migration has become more diverse and complex in recent decades. To varying degrees many developing countries have become both labour-sending and labour-receiving nations. The lack of understanding of what constitutes sound policies, functions and structures for effectively managing immigration for employment (including the licensing and monitoring of recruitment) has contributed to shortfalls in the good governance of labour migration in Cambodia, Lao PDR and Thailand. Throughout the project implementation, increasing number of potential migrants and other public recognize the importance of the quality of government administration and the political initiative in both sending and receiving countries.

The Thai Government has signed a Memorandum of Understanding (MOU) with Lao PDR and Cambodia on Cooperation in Employment of Workers. However, the number of migrant workers arriving through the MOU process is far below the number of workers demanded by Thai employers. To ensure good governance and maximize benefits from labour migration, the ILO/Japan Project provided opportunities to expand the management capacity of government officials and social partners in both labour-sending and receiving countries.

Left: Joint Action by Ministry of Labour Ministry of Foreign Affairs, Ministry of Commerce, and ILO on Shrimp Industry

Right: Capacity Building for Thai Trade Union



OUTCOMES

- ▶ Ministry of Labour and Vocational Training, Cambodia endorsed the establishment of the Association of Cambodian Recruitment Agencies; the Cambodian Federation of Employers and Business Association accepted the association as a member in 2008.
- ▶ Ministry of Labour and Vocational Training, Cambodia established a standard service contract for use by recruitment agencies and migrant workers.
- ▶ Cooperation between the provincial labour administration and NGOs in both Thailand and East Java, Indonesia, improved the protection of migrant workers' rights and assisting them in accessing legal services.
- ▶ A migrant union, Serikat Buruh Migran Indonesia (SBMI) established a self-help group in 15 districts in East Java.
- ▶ Ministry of Labour and Social Welfare , Lao PDR, introduced a long-term strategic plan (2011-2020) for work force development that includes the protection of Lao migrant workers and foreign migrant workers in Lao PDR, preventing and reducing irregular migration.
- ▶ Thailand's Human Rights and Development Foundation worked with the Ministry of Labour to ensure transparency in the nationality verification process for migrant workers and the adoption of realistic deadlines for completing the process.
- ▶ In Tak, Thailand, paralegal training workshops and an accompanying manual enabled migrant workers and NGO staff to effectively defend migrant workers' rights in court and to cooperate with the Provincial Labour Office. The model was showcased at the EC-UN Migration for Development Knowledge Fair in December 2008 in Brussels.

IV. ACHIEVEMENTS IN PROMOTING EFFECTIVE USES OF REMITTANCES AND ENTREPRENEURSHIP DEVELOPMENT

Remittances affect countries of origin at both household and national levels. Remittances increase the purchasing power of households, enabling them to spend more on daily consumption, health, education and debt servicing. Investment of remittances to establish a family or collective business is significant empowerment for migrant workers; it enables individuals and their communities to build an economic foundation and thus decrease their dependence on remittances and the pressure for migration.



▲ Cooperatives in East Java



▲ Entrepreneurship development in East Java, Indonesia

The ILO/Japan Project encouraged the productive investment of remittances as a way of maximizing the outcomes of migration for migrant workers and their families, as well as for the national economy.

OUTCOMES

- ▶ The South-East Asia Food and Agriculture Science and Technology Center in East Java, Indonesia, the ILO's Start and Improve Your Business and GET Ahead for Women in Enterprise training models prepared former migrant workers to set up food-processing ventures.
- ▶ The microcredit cooperatives in East Java generated local economic activities and created jobs for non-migrant women in villages. The story of their success was showcased at the EC-UN Migration for Development Knowledge Fair in December 2008 in Brussels.
- ▶ The Federation of Migrants' Cooperatives in East Java established a presence in the targeted districts to strengthen its network, information sharing and members' access to government programmes.
- ▶ Six migrant workers' cooperatives in East Java registered with the Government and are functioning effectively.
- ▶ The Manpower Office and the Cooperative Office in East Java continue to support, at their own expense, the strengthening of migrants' cooperatives.
- ▶ The Thai Bankers' Association and several commercial banks realized the importance of remittances and established various tools to facilitate migrant workers' access to financial services, such as ATMs using Burmese language.



Products from Cooperatives in East Java

PIONEERING A SUCCESS STORY IN EAST JAVA

A group of former women migrants in East Java, Indonesia, wanted to make the best use of their remittances after returning home. They pooled their earnings and set up a workers' cooperative. The ILO/Japan Project helped replicate the model; providing technical assistance to six migrant workers' cooperatives to strengthen their management, assisting them in registering with the relevant government office and connecting them with the provincial and district cooperative authorities.

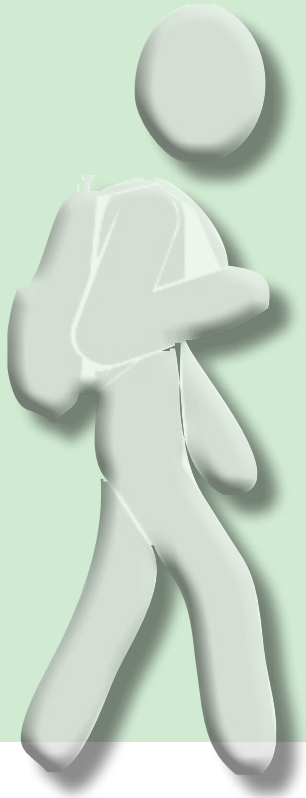
With training provided through the project, the women members honed their management and entrepreneurial skills, learned how to start a business and operate the cooperative better. Today, each cooperative offers a range of products – from food and agricultural goods to fertilizers and microcredit. The available credit is used for health care and education expenses as well as income-generating activities. The cooperatives have generated economic activity and created jobs for non-migrant women in their villages. They also have become a source of information on safe migration for potential migrant workers and provide assistance to workers returning from abroad.



Cooperative operation
in East Java, Indonesia



CONTINUING MIGRATION-RELATED CHALLENGES FOR SOUTH-EAST ASIA



- ▶ Ageing populations, labour force gaps and regional economic disparities
- ▶ Impact of regional integration in ASEAN and other regions, such as pressure for free movement of labour, improving productivity and global competitiveness
- ▶ The feminization of labour migration, the smuggling of migrants, increasing irregular migration and lack of information
- ▶ Institutional fatigue, incoherent migration policies and weak inter-ministerial coordination
- ▶ Bilateral and multilateral cooperation and linking migration with development

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DECENT WORK

A better world starts here.



ILO/JAPAN MANAGING CROSS-BORDER MOVEMENT OF LABOUR IN SOUTH-EAST ASIA
JAPAN MULTI-BILATERAL PROGRAMME
INTERNATIONAL LABOUR ORGANIZATION
REGIONAL OFFICE FOR ASIA AND THE PACIFIC

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