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## Realizing a Fair Migration Agenda: Labour flows between Asia and the Arab States

Asia Tripartite Meeting

6-7 May 2015

Bali, Indonesia

Swiss-Belresort Watu Jimbar

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## 1. Meeting background, objectives and follow-up

Following on from the December 2014 inter-regional Experts' Meeting on "Realizing a Fair Migration Agenda: Labour flows between Asia and the Arab States Experts' Meeting", an Asia Tripartite Meeting was held on May 6-7 2015, co-organized by ILO with the Ministry of Manpower of the Republic of Indonesia.

The objectives of the Asia Tripartite Meeting were:

1. To disseminate the highlights of the discussions and common points from the Experts' Meeting among Asia tripartite constituents;
2. To develop country of origin inputs to an action plan around the 5 themes to be adopted at the inter-regional Ministerial Meeting planned for December 2015.

The Fair Migration Agenda, as outlined by ILO Director General Guy Ryder at the International Labour Conference (ILC) in June 2014, calls for "constructing an agenda for fair migration which not only respects the fundamental rights of migrant workers but also offers them real opportunities for decent work." A Fair Migration Agenda is one in which there is a fair sharing of the prosperity that migrants help to create. This can be achieved through building migration regimes that respond equitably to the interests of countries of origin and destination, migrant workers, employers, and nationals.

The largest migrant flows from South Asia and parts of South-East Asia are to the Gulf Cooperation Council (GCC) Member States, who currently rely on foreign labour to fill almost 90 per cent of private sector jobs, often in construction, service, and domestic work. In total there are over 22 million migrant workers in the GCC countries, most of them from South and South-East Asia. Every year more than two million workers go to the GCC from South Asia. These numbers may likely rise due in part to massive infrastructure projects, such as those associated with the Qatar World Cup 2022 and the UAE World Expo 2020.

The tripartite meeting was structured around the five themes identified as challenges for achieving a fair migration agenda for migration flows between Asia and the Arab States and on which discussions in the Experts' Meeting have taken place:

- 1) Fair recruitment
- 2) Decent employment and working conditions
- 3) Recognizing skills of potential and returning workers
- 4) Increasing the development impact of migration

## 5) Partnerships and international cooperation

The inter-regional ministerial meeting, planned for November/December 2015, will be held in close consultation with members of the Abu Dhabi Dialogue, and in coordination with planning efforts for the ILO Asia Pacific Regional Meeting.

## 2. Opening remarks

Opening remarks were delivered by Michiko Miyamoto, Officer in Charge, ILO Country Office for Indonesia and Timor-Leste; and Maruli Apul Hasoloan, Secretary to the Directorate General of Placement of Workers, Ministry of Manpower, Indonesia.

Mrs. Michiko Miyamoto began by thanking the Indonesian Ministry of Manpower (MoM) as well as the Swiss Agency for Development and Cooperation (SDC), the participants from all countries and the ILO experts for their support of this meeting. In her introductory statement she highlighted the importance of remittances in the world economy and reflected on the extent of challenges in terms of global scales of migration. More specifically, migration issues have gained in importance in the last 20 years and are now seen as one of the top priorities in most countries. In fact, she stressed that migration was not on the agenda in Indonesia 15 years ago. It was an isolated issue which received little attention. However, today, Indonesia's president calls it a top priority. Mrs. Miyamoto suggested that this is the same for almost all countries with perhaps different focus areas. Furthermore, she noted that global development aid (and foreign investment) is now far out-weighted by remittances in many countries: the current estimation is \$700 billion in remittances globally by next year. She highlighted areas of consensus as well as sharing knowledge and data. In addition, she urged the participants to try and align individual mandates (of the governments, agencies, departments, offices, etc.) to the Fair Migration Agenda and see how they can contribute. Finally, she called for this dialogue to continue beyond the meeting.

Mr. Maruli Apul Hasoloan expressed his deep appreciation for those that made this meeting happen and offered all key participants from Southeast Asian and South Asian countries a warm welcome. He noted that the issues, especially labour migration between Asia and Middle East, are very important and that it is a common interest to enhance the situation of migrant workers. Currently, there are 22 million migrant workers in the GCC countries and it is likely that this number increases with the World Cup in Qatar in 2022 and the UAE World Expo 2020. For his country, labour migration is one of the priorities. Mr. Maruli Apul Hasoloan reiterated the Director General's message delivered at the International Labour Convention (ILC) on labour migration and the importance of providing migrants with decent work opportunities. Indonesia, he stated, wants to play a role in the international forum. At the same time, migrant-receiving countries shall assume responsibility. He then continued

with an update on the latest developments of the Indonesian government to enhance the welfare of labour migrants: improvement of the legal framework; ratification of ICMWR (1990 convention); launch of new policy which stopped the deployment of domestic workers to certain GCC countries in order to protect them (deployment of skilled workers is still possible); and attempts to improve the working conditions of workers in the fishing sector. Mr. Maruli Apul Hasolan stated that he hopes that all of these efforts will contribute to protect the country's migrant workers and improve the sending mechanisms, especially in the Asia-GCC/Middle East migration corridor. Like Mrs. Miyamoto he expressed his desire to share knowledge with the other participating countries during the two-day meeting and sees the meeting as a very good opportunity to discuss how the governments can work together with their tripartite partners to improve the protection of migrant workers. Finally, Mr. Maruli Apul Hasolan officially opened the meeting.

### 3. Presentation of the background paper

The background paper and the ILO Fair Migration Agenda were presented by Nilim Baruah, Senior Migration Specialist, ILO Regional Office for Asia Pacific (ROAP). The background paper was co-developed by the ILO regional offices in Bangkok and Beirut. This meeting is the second in a series of meeting on the Fair Migration Agenda. The first meeting was a meeting of experts from the Middle East and Asia. The purpose of the Experts Meeting was for leading experts to identify and discuss key issues and a way forward to realize a fair migration agenda in the Asia-Gulf Cooperation Council regions.

Mr. Baruah summarized relevant recent developments regarding migration including the United Nations General Assembly's High-level Dialogue on International Migration and Development in October 2014 which was followed by the tripartite technical meeting on labour migration in November 2014. Moreover, the UN Sustainable Development Goals (SDG) working group proposed to include economic growth and decent work for all in the SDGs. At the ILC in June 2014, the ILO DG called for a Fair Migration Agenda. Migration is a key feature of today's world of work and raises complex policy challenges. Fair migration means creating instruments of governance which result in a fair sharing of prosperity that migrants help to create. ILO's Fair Migration Agenda outlines 8 action areas to be considered. While migration can benefit all, an equitable sharing of benefits is missing. The ILO's interest is to look at the Fair Migration Agenda and at the conscientious difficult issues in a technical way and propose certain solutions for reform for governments that likewise involves trade unions, employers and CSOs. It was also noted that there is renewed scrutiny of issues that concern migrant workers in the media, Trafficking-in-Persons (TIP) report, etc. In addition, countries are at the risk of reputational damage.

During the two-day meeting, the following main issues will be discussed in 5 sessions: fair recruitment, decent employment and working conditions for migrant domestic workers and construction workers, skills of potential and returning workers, development impact of migration, and partnerships amongst government and social partners. The background paper will be fundamental to the Road Map to Fair Migration anticipated to be adopted at the inter-ministerial meeting planned for November/December 2015.

#### 4. Session 1: Fair recruitment

Mr. Khandker Mohammed Iftekhar Haider, Secretary, Ministry of Expatriates' Welfare and Overseas Employment, Bangladesh, introduced Session 1 and served as the moderator. Mr. Iftekhar Haider presented a brief recap of the Experts' Meeting session on recruitment. Mr. Haider further raised the point of shared responsibility of the origin and destination countries to address issues such as: duping and cheating of workers and economic exploitation of the workers through practices such as visa-trading and unlawful sums being charged as migration cost made possible through a collusion between recruitment agents and illegal sub-agents at origin and destination; non-issuance of employment contracts or contract substitution or lack of employment contract monitoring; confiscation of passports; and use of sponsorship to keep workers in forced labour situation.

The panel consisted of Lucia L Villamayor, Director, Department of Labour and Employment, the Philippines; Ray Jureidini, Center for Islamic Legislation and Ethics (CILE) at Hamad Bin Khalifa University, Qatar; and Umesh Chandra Upadhyaya, GEFONT, Nepal.

Lucia L Villamayor presented the experience of the Philippines which is often cited as a model of migration management and the protection of migrants' rights. Fair migration and fair recruitment are nevertheless a challenge to not only other countries but also the Philippines. In the Philippines, the majority of migrant workers get placed through licensed private recruitment agencies (PRAs) and a smaller number through Government-to-Government agreements. The Philippines has 847 land-based and 388 sea-based PRAs. Key features of her presentation were:

1. Costs: PRAs are permitted to charge a placement fee of up to one month's salary. However, if the destination country does not allow placement fees to migrant workers, this must be complied with. In addition, it is prohibited to collect placement fees from household service workers and seafarers. There is also a processing fee of the Overseas Workers Welfare Administration that is charged to migrant workers (domestic migrant workers are exempted). A similar system in countries of destination to regulate and cut down recruitment cost is imperative for success. The bilateral Memorandum of Understanding and Agreements should address recruitment costs. Service fees to be paid by the employers to the PRA should be made transparent in the agreement to avoid illegal/overcharging of fees to the workers.

2. Regulation: The Rules and Regulations Governing the Recruitment and Deployment of Landbased and Seabased Workers imposes responsibilities on the PRAs. As many as 55 licenses of PRAs were cancelled in 2014 for malpractice.

3. Quality management system and incentives: The POEA is promoting quality management systems in PRAs. There is an agency performance evaluation program and a reward/incentive system (such as validity of license) for PRAs that perform well and are committed to quality services.

Ray Jureidini presented a detailed picture of the recruitment process in Qatar and its outcomes. He outlined the origins of the demand for migrant labour, the issues connected with it and a variety of suggestions to make migration fairer towards migrant workers. Key points made were:

1. Procurement: The pro forma of labour costs and lowest cost criteria in tendering should be reviewed. Transparency and scrutiny have to be part of the tendering process. This includes a breakdown of the cost components. Additionally, this requires increased oversight over sub-contractors during the recruitment process. He likewise stressed the need to intervene in the labour contracting process to probe the labour cost and in particular the issue of sub-contracting. Greater transparency in the project tendering process can be achieved by requiring that companies provide a breakdown of their labour costs to ensure that migrant workers are not asked to recover the costs.

2. Cost: He advised against allowing a one monthly salary as recruitment fee as this can be a source of debt bondage and human trafficking (this fee is not allowed in United Arab Emirates and Qatar but is not effectively monitored).

3. Wages: Wages by bank transfer would allow to have a verifiable paper trail/records in cases of disputes of non-payment or underpayment. Ray Jureidini proposed that the ILO seeks to establish an occupational wage for each sector which, however, would be a challenging endeavor. This setting of regional standard wages for different occupations can guide countries when setting the respective minimum wage. The issue of wages and migration cost is exacerbated by the competition among the sending countries and PRAs.

Umesh Chandra Upadhyaya presented the experience of a trade union dealing with (Nepali) migrant workers. After outlining Nepal's experience with labour migration, he focused on the challenges, such as profit seeking of PRAs, contract substitution and other ways in which workers are being victimized. He also highlighted the legal challenges and the weak enforcement mechanisms. Overall, he concluded that a focus on rights and humanitarian issues is essential as well as a sensitization of all stakeholders, an issue GEFONT has been trying to tackle through various campaigns. Key points of his presentation were:

1. Ratification of relevant ILO conventions: National and international campaigns for

ratification of the relevant conventions and their application. He highlighted the importance of MOUs not just between governments but also between trade unions, NGOs/CSOs.

2. Social cost: Increased attention should be paid to the social costs of migration, in addition to financial costs. Mr. Umesh Chandra Upadhyaya also underlined that access to compensation needs to be made easier for migrant workers upon their return.

3. Inter-ministerial coordination: is likewise essential for better service delivery at Diplomatic Missions, bilateral agreements and MoUs. A strengthening of service delivery as well as employment promotion capacity of the staff of Diplomatic Missions has to be supported. This inter-ministerial coordination is particularly needed during the nomination / appointment and training of labour attaches processes. Connected with that Mr. Umesh Chandra Upadhyaya stressed the need to properly staff (with labour attaches and well-trained officials) the embassies in countries that host a large number of (Nepali) labour migrants

### ***Discussion***

#### ***Accreditation***

Lucia L Villamayor noted that the Philippines is open to be a pilot country for IRIS (International Recruitment Integrity System (IRIS)). This is a newly launched IOM initiative for accreditation of recruitment agencies and is consistent with ILO 'no recruitment fee to the worker' principles. On a separate note, Ray Jureidini highlighted the accreditation programme for ethical recruitment agencies which is currently being piloted in Qatar.

#### ***Costs***

It was discussed that costs (financial as well as social) and risk associated in employment should be included in pre-employment training (while at the same time not restricting women to migrate for employment). Recruitment cost should be borne by employers and needs to be transparent to reduce financial burden on migrant workers. This means that the legislation on recruitment fee in the sending and the destination country gets harmonized and the service fees paid by the employer and/or PRAs should be made transparent. This can also be achieved by promoting government recruitment agencies as done in the Republic of Korea with the Employment Permit System (EPS) which does not charge recruitment fees. In addition it was suggested to forge bilateral MOUs and agreements that address the high recruitment fees and, thus, bolsters ethical recruitment principles. Finally, the ratification of Convention 181 needs to be stressed.

#### ***No Objection Certificate (NOC)***

Exit visas should be abolished. Ray Jureidini suggested that the No Objection Certificate (NOC) be applied only during that particular employment period. It was reported that in Bahrain changes in employer are permitted after a year.



## 5. Session 2: Decent employment and working conditions for migrant domestic workers and construction workers

Mr. Hans van de Glind, Senior Migration Specialist, ILO Regional Office for Arab States (ROAS), introduced Session 2 and served as the moderator.

The panel consisted of Piyasiri Wickramasekara, Global Migration Policy Associates; Begum Shamsun Nahar, Director-General, Bureau of Manpower Employment and Training, Bangladesh; Madhu Vilas Pandit, Under Secretary, Ministry of Labour and Employment, Government of Nepal and Ishak Muin, APINDO.

Mr. van de Glind highlighted the key learning points from the Kathmandu meeting on working and living conditions of migrant workers:

1. Most migrant workers in the Arab states arrive through a flawed recruitment system. They are often heavily in debt by the time they arrive which makes them extra vulnerable and negatively impacts their working conditions.
2. Upon arrival, many migrant workers are subcontracted out by outsourcing agencies which are not licensed as recruitment agencies (something that is prevalent in the construction and services industry). This exposes them to exploitation. Therefore a monitoring system needs to be put in place.
3. Under the Kafala system worker mobility is limited and the employer has more control over the migrant worker which further increases their vulnerability (and can lead to a form of forced labour). During the Kathmandu meeting, it was recognized that reform is needed to stop the Kafala system from guiding the employer-migrant/employment relationship which instead should be written down in a standardized contract (that includes termination conditions) grounded in labour law. Representatives of GCC states strongly felt the need to keep Kafala as a tool to govern immigration, but they have signaled openness to explore ways to end it as a way to govern employment relationships and de-link the employer-worker relationship from the immigration status of the migrant worker.
4. Related to this point, it was suggested that migrant workers should be able to move within a certain occupational category in which there is a recognized labour shortage, while the interests of employers should also be taken into account.
5. Migrant workers have limited access to justice. They need improved access to legal assistance in their native language.

6. Some countries in the GCC do not allow trade unions and therefore workers cannot collectively speak up against exploitation and poor working conditions. This makes collective bargaining for decent work an issue.
7. Low skilled migrant workers face different conditions and wages based on their nationality.
8. Passport confiscation is still a prevalent issue.

Additionally, Mr. van de Glind addressed the issue of (lacking) relevant data. It was pointed out during the Kathmandu meeting that in order to compare working and living conditions across countries, comparable indicators are needed. This also requires a framework of assessment that is agreed upon by countries of origin and destination, and employers, workers and the civil society.

Mr. Piyasiri Wickramasekara specifically alerted to the fact that while there is considerable emphasis on recruitment issues, wages and working conditions of migrant workers, especially in the construction and domestic work sector, have not received much attention. Another issue connected to this is the lack of (survey) data on wages and working conditions.

Ms. Begum Shamsun Nahar raised the point that for a country of origin, monitoring quality of work of workers employed overseas is difficult but the government of Bangladesh is making efforts to protect its workers as much as possible. She raised the following points:

1. She pointed out that that decent work, employment promotion, social protection and social dialogue all require joint efforts by the origin and destination country. She discussed the case of Bangladesh and the government's efforts to ensure decent work and rights at work for migrant workers. For instance, before issuing the SMART card the government checks whether the visa is genuine and whether an agreement is in place, etc. In addition, workers require clearance from BMET before they go abroad. The Migrant Act prohibits recruitment agencies from advertising. Instead, they have to select workers from the database of 2 million registered workers in order to eliminate the unscrupulous middlemen and in turn reduce cost of migration. In fact, the government of Bangladesh supports zero migration cost (meaning that for instance for domestic workers airfare, visa and service charge shall be borne by the overseas employer) for migration and is working towards it. As of now, Bangladesh has Government-to-Government agreements with Malaysia and the Republic of Korea which helps to keep the costs low for migrant workers.

2. Ms. Nahar also raised the issue of occupational safety and health of the workers. Pointing to the lack of life and health insurance and short duration of the employment contract, she said that the number of young workers in the construction sector dying of heart attacks seems disproportionate. She asked for an extension of social security to the migrant workers.

3. Speaking of female domestic workers, Ms. Nahar pointed out there is a need for all stakeholders to work together to mobilize women in Bangladesh to undergo skills

training in a variety of occupations. She said that this is especially important for those women who want to migrate. Otherwise they get concentrated in domestic work. She further pointed to the need for collaboration to identify newer job markets and demand for female workers in formal sectors. She was of the opinion that availability of jobs will motivate women workers to invest in their training. In her opinion, international action is required to bring the protection of labour laws to female domestic workers and to ensure that their living and working conditions are decent.

Mr. Madhu Vilas Pandit outlined labour migration from Nepal. The country currently sends Nepali workers abroad through Government-to-Government agreements which it has with Israel and the Republic of Korea, or through P2P (recruitment agency send workers directly to companies). Mr. Pandit highlighted the issues faced: deception and presence of irregular agents; illiteracy and lack of awareness; open borders; insufficient diplomatic mission staff / labour attachés; general lack of resources at missions abroad; lack of welfare funds; no efficient rescue mechanism in case of emergency; access to justice (there is legal provision but not in execution); lack of updated database and monitoring mechanism; code of conduct at PRAs is still in its infancy; lack of skill training / orientation training; lack of proper co-ordination among the agencies; violence against women at all stages of migration; exposure to HIV/AIDS and other diseases; problem of social reintegration of returnees; policy gap for productive use of remittance.

Mr. Ishak Muin presented the case of Indonesia which sends a large number of women migrant workers abroad. He outlined the major challenges sending and receiving countries are facing concerning the working conditions of migrant workers. Further, he listed general recommendations for the Indonesian government to improve the situation of migrant workers as well as more specific ones to realize the Fair Migration Agenda.

## ***Discussion***

### ***Government-to-Government***

Government-to-Government agreements are discussed as a way of controlling the recruitment process and ensure fairness for the migrant worker. In the case of the construction sector, the Bangladeshi government signed an agreement with the Kingdom of Saudi Arabia (KSA) in February 2015 to facilitate migration from Bangladesh to KSA. The agreement aims to control the unscrupulous actors in KSA as well as Bangladesh. If this initiative works, it can be replicated in other countries. Similar agreements are in place in other countries, such as Nepal.

### ***Legal assistance for distressed migrant workers***

One issue that was raised was the problem of not having enough lawyers that can represent migrant workers either pro bono or at a low rate. In addition, the legal system is biased against migrant workers due to language barriers and judges who are often not sympathetic to the causes of migrant workers. Many trade union have limited financial means to support

migrant workers when they are encountering legal issues. Lawyers' networks that provide legal assistance to migrant workers should be promoted.

### *Encouraging change in the destination country*

Another issue that was brought up during the discussion pertained to creating internal pressure and public opinion in the destination countries to convince employers to offer migrant workers better protection and respect their human rights. Mr. Wickramasekara further suggested to advocate for domestic workers to be covered under the labour law in destination countries as it is the case for domestic workers in Jordan and Hong Kong where they enjoy all the rights and benefits under the prevailing labour law. Areas that require attention are: strengthening the complaints mechanism and making it more accessible for migrant workers; employment contracts to include OSH; better access to justice in destination countries.

### *Health of migrant workers and mortality rate*

An area of dire attention which was pointed out by Mr. Wickramasekara is the occupational health of construction workers. Many of the natural deaths (i.e. strokes, heat strokes, heart attacks) are caused by the hazardous working and living conditions, etc. A more systematic and scientific study of the deaths of migrant workers is needed. This pertains in particular to the unexplained sudden death syndrome where relatively young people die in their sleep.

## 6. Session 3: Recognizing skills of potential and returning workers

Mr. Srinivas Reddy, Director, Country Office for Bangladesh, introduced Session 3 and served as the moderator.

The panel consisted of Ganesh Gurung, Nepal Institute of Development Studies; Nandapala Wickramasooriya, Chairman, Sri Lankan Bureau of Foreign Employment and Manuel Imson, Senior Programme Officer, ASEAN TRIANGLE Project, ILO ROAP.

In his introduction to the session, Mr. Srinivas Reddy reaffirmed that investment in skills is of utmost importance and needs to be pushed as a priority in the national arena. This investment in skills (including generic/ core working skills) brings advantage to the individual and eventually to the country. At the same time, skills recognition and skills portability are important tools. Skills recognition should be lean and low-cost and, thus, not be an additional burden on the migrants.

Mr. Ganesh Gurung discussed the issue of skills of migrant workers from a Nepali perspective. He advocated for recognition, standardization and testing of skills. Survival skills as well as semi- and trade-related skills are a priority for Nepal. Skills assessment needs

to happen in the countries of destination as machinery and electricity systems in Nepal are outdated and not up to (international) standards. Returning Nepalese workers bring back knowledge, skills, experience and maturity. He cited the example of Nepalese who have worked in the Israeli agricultural sector with modern technologies and posed the question how Nepal can capitalize on their acquired skills and experience. The four key things for returnees are: market visibility, loans, technical assistance and counselling service. The governments of the sending countries should, with financial support of the employers and participants, pay for these key needs. Mr. Ganesh explained that domestic workers do not aspire to work as domestic workers on return.

Mr. Nandapala Wickramasooriya presented the case of Sri Lanka. The majority of migrants from Sri Lanka are female domestic workers, followed by unskilled and skilled men migrant workers. Generally, there are two ways of skills assessment: the Computer-based Test and the Recognition of Prior Learning. Sri Lanka has implemented effective pre-departure training and orientation programmes which are conducted as mandatory programmes as the Sri Lanka Bureau of Foreign Employment (SLBFE) understands its vital importance. The focus in terms of skills training is on language, vocational skills and skills related to common competencies. In addition, the SLBFE will launch a programme to identify the skills gaps which have not been filled by the training programmes conducted by the SLBFE as well as by the National Vocational training system. Mr. Wickramasooriya alerted to the challenges of job integration for returning domestic workers.

Mr. Manuel Imson presented the ASEAN Economic Community (AEC) which has the goal of freer flow of skilled labour. Yet, the AEC does not address the movement of low-skilled labour. The ASEAN Qualifications Reference Framework (AQRF) has the following elements: a translation device to relate existing qualification framework/training system of one member state with that of other member State(s) for the purpose of mutual recognition; the AQRF are categorized into eight qualifications levels ranging from basic skills to most advanced and specialized skills. The levels are agreed on by all 10 member States and the member States are strengthening their own national system and planning to reference it to the AQRF. The Mutual Recognition Arrangements (MRAs) pertain to professional workers and the ASEAN Secretariat is the lead institution in charge. The ILO is taking the lead for the Mutual Recognition of Skills (MRS). Priority Sectors and Occupations for the MRS are identified by member States. As for the MRS it is hoped that over time, mutual skills recognition for medium-low-skilled occupations (e.g. construction, garments, agriculture & fishery sectors) may provide a more manageable, transparent and safer channel for migrant workers which will boost the overall caliber of workers.

## Discussion

### *Skills testing, recognition and coordination with destination country*

During the session the relationship between skills recognition and better wages and working conditions was acknowledged. The skills pilots in the Abu Dhabi Dialogue were mentioned where the concerned destination countries are collaborating with countries of origin on skills testing and recognition of upgraded skills. Sharing of destination country standards and curricula will enable countries of origin to respond to that. Moreover, this signals that the private sector should make adjustments to the requirements of destination countries. In addition, a standardization of occupation classification should be pursued.

### *Work experience certificate and employment of returnees*

After fulfilling their contract, migrant workers should be given a work experience certificate in order to help them to develop their careers and enhance their chances in the employment market back home. The employers' role in both the countries of destination and origin is very important in this. Employers often prefer to employ at the lowest cost rather than pay more for skills and experience (example was cited for Indonesia). It was also reiterated that on return domestic workers are not interested in working as domestic workers.

### *Focal point in government*

The ASEAN experience of appointing one focal point for skills recognition was seen as a good practice as there is usually more than one ministry working on the subject.

### *Regional skills policy for youth*

One of the participants made a plea to develop and adopt a regional skills development for youth as some of the countries represented at the meeting have the highest number of youth in the world as compared to the Western world that needs (well-trained and skilled) workers.

## 7. Session 4: Increasing the development impact of migration

Mr. Shigeru Wada, ILO Regional Workers Specialist, introduced Session 4 and served as the moderator.

The panel consisted of Graziano Battistella, Scalabrini Migration Center, and Alamgir Ahmad Khan, Director General, Ministry of Overseas Pakistanis and Human Resource Development, Pakistan.

Mr. Shigeru Wada stated that one of the nine areas of the ILO Multilateral Framework on labour migration deals with the nexus of migration and development.

Mr. Alamgir Ahmad Khan outlined the case of labour migration from Pakistan and the specific challenges it brings concerning development. He also presented the Pakistani institutional set up that is dealing with the welfare and skills of migrant workers including complaints management and vocational training, etc. One major development-related initiative is the Pakistan Remittance Initiative (PRI) which allows overseas Pakistani to remit funds free of charge.

Mr. Graziano Battistella pointed out that development, in addition to the economic aspect, also embraces the social, political and cultural dimensions. He also reminded the audience that remittances are private funds and not public money and that while remittances can help kick-start development, they cannot sustain it. In addition, not every returnee can be turned into an agent of development as there are different scenarios under which people are returning. Therefore, return policies should match the different types of return. Expectations from return and reintegration policies should be lowered but assistance must be provided in times of crisis and emergencies. Bilateral labour agreements (BLAs) often do not contain development clauses. We need to factor migration in local development plans. The current lower oil prices could have an impact on migration flows and need to be taken into account.

### *Discussion*

The presentations were an eye-opener and provided a sound basis for discussions. Participants particularly appreciated the insights and recommendations made in Mr. Battistella's intervention as well as the achievements of the PRI. Participants made the following additional points:

- Increase preparedness for return including a standardised seminar
- Give due importance to the social costs of migration
- Look at domestic workers upskilling and moving to the care sector.

## 8. Session 5: Partnerships amongst government and social partners

Mr G.S Withanage, Secretary, Ministry of Foreign Employment, Sri Lanka, introduced Session 5 and served as the moderator.

The panel consisted of Sri Setiawaty, Ministry of Manpower, Government of Indonesia; Laxman Basnet, SARTUC and William Gois, Migrant Forum in Asia.

Mr G.S Withanage introduced the discussion surrounding partnerships and presented the conclusions made at the Experts Meeting on the topic.

Mr. Laxman Basnet outlined the challenges for the achievement of a Fair Migration Agenda, which are: legal ambiguity and absence of recognition of migration issues in national legal system; lack of involvement of trade unions in policy-making process and during the implementation of labour migration-related policies; lack of government motivation and subsidies needed to promote legal migration (thus increasing irregular migration); governments' inattention to the effective implementation of MOUs on minimum standards, thus boosting discrimination concerning payments, working conditions, etc.; non-existence of social security provision for returning migrant workers in countries of origin; lack of awareness and information at local level on pre-departure; absence of legal support system, social safety net and social justice for migrant workers. Furthermore, he listed possible actions and guiding principles for moving forward which include: developing of tripartite mechanism in COO and COD to ensure minimum standards and to avoid contract substitution; creation of a monitoring committee to ensure the effective implementation of MOUs between governments of COO and COD; a common tripartite position on a regional level on minimum standards to prevent discrimination amongst workers working on similar conditions from the region; push for legal reforms to recognize migrant workers are legally entitled to their rights as workers in COO and COD; bilateral and multilateral MOUs; working with trade unions to ensure minimum wage, safe working conditions, and zero cost migration; promotion of regional solidarity on the implementation of regional agreements and promotion of dialogue between labour sending and receiving blocks.

Mrs. Setiawaty outlined Indonesia's institutional and legal set up as it pertains to migrant workers and as mandated by the Act 39 of 2004 concerning on Placement and Protection of Indonesian Overseas Workers Abroad. Some relevant programs pertain to legal assistance/advocacy; dispute settlement; mediation; insurance claim facilitation and the empowerment of migrant workers. The National Board for the Placement and Protection of Indonesian Overseas (NBPPIOW) together with TIFA Foundation empowers returning Indonesian Overseas Workers through the financial education and entrepreneurship programs. The Ministry of Manpower has joined forces with Center for Indonesian Migrant Workers (CIMW) to empower those workers through the program of Labor Intensive and Productive Villages.



Mr. William Gois further elaborated on the issue of partnerships. The Philippines, Bangladesh and Nepal have MOUs with the KSA and could share how these MOUs are being implemented (to establish good practices and to learn from each other). Multiple big intergovernmental meetings are scheduled for September and December 2015. Related to that, Mr. Gois suggested to establish a working group mechanism (which can be a tripartite informal process) which would help to link up with other processes - including reviewing the inputs of others and supporting coherence among processes.

### *Discussion*

#### *Collaboration among CSOs and trade unions*

A few NGOs/CSOs are working in the GCC to support migrant workers, such as PNCC (a Nepalese diaspora organization) which works out of the Nepalese Embassy in Qatar and is linked to the Qatar human rights council which handles disputes with the help of pro bono lawyers. The Qatar Foundation is working on combatting human trafficking (in the region). In the Kingdom of Saudi Arabia a growing connectivity between human rights issues and migrant issues has been detected. In general, trade unions could be more engaged in labour migration issues. GEFONT (from Nepal) and SARTUC have engagement. It was suggested that trade unions in sending and destination countries (or international TUs) cooperate more closely. Connected with this is the question of the portability of trade union membership.

#### *Coordination and cooperation*

Coordination and cooperation between ASEAN and SAARC has been mentioned.

#### *Domestic workers*

The possibility of countries of origin and countries of destination to have a MOU to recognize domestic workers as 'workers' (as practiced in Hong Kong, etc.) and allow them to form and join unions was discussed. Generally, the idea of banning (female) domestic workers from leaving for work in the GCC was turned down as it will not stop workers from migrating. However they should be informed about the risks involved and be well prepared. (Indonesia, however, has just banned the emigration of (female) domestic workers to 21 countries where they are considered at risk)

#### *Involvement / Role of diaspora*

Generally, diasporas are cited as a positive partner for labour migrants. Receiving countries in the GCC, refer to them as 'expatriates'. It was suggested that the more skilled (and, hence, more successful and influential) migrants can help their low skilled compatriots in the same destination country. Indian was cited as good example of diaspora development; Pakistan is making progress in this regard while Bangladesh is less organized.

## 9. Closing Session: Summary and Conclusions

In the closing, Nilim Baruah remarked on three areas. First, on how this inter-regional initiative on realizing a fair migration agenda in labour flows between Asia and the Arab States is different and adds value. Second, a brief summary of the meeting. Third, the next steps.

1. The ILO Fair Migration Agenda concerns the world of work, has a rights-based approach and is tripartite in its approach. The purpose is to try to address the core issues and develop a road-map for achieving a fair migration agenda in Asia-Arab States labour flows. This can only be accomplished by working closely with the members states of the Abu Dhabi Dialogue and Asian countries of origin.

2. The discussions at the Asia Tripartite Meeting were rich with many insights, and the conclusions and recommendations on way forward were consistent with those made at the Experts Meeting in Kathmandu in December 2014.

Below is a summary of additional points that emerged.

*Fair recruitment:* A call for ratification of relevant ILO conventions, increased attention to be paid to the social costs of migration, abolition of exit visas for migrant workers, and promotion of quality management systems for PRAs. Reform of the tendering and procurement process, moving towards no placement fee for workers and harmonization of legislation among countries of COO and COD was once again emphasized.

*Decent employment and working conditions for MDWs and construction workers:* the lack of data and standards on wages was pointed out with a call for ILO work in the area. A recommendation was made for formation of lawyers' networks that could provide legal assistance to migrant workers, and strengthening of complaints mechanisms. The occupational health of construction workers and a systematic study of mortality rates and causes is needed. Encouraging change in the destination country by altering public attitudes about labour migrants was also brought up.

In addition to the above, the meeting supported recommendations emerging from the Experts' Meeting on the session.

*Skills:* The new points emerging in the meeting were: a call for a regional skills policy for youth and the importance of appointing a focal point for skills in the governments.

*Migration and development:* In both the skills and migration and development sections, reintegration challenges faced by domestic workers were highlighted. On return domestic workers are not interested in working as domestic workers. Their upskilling to care work was seen as one response to this. Expectations from return and reintegration should be

realistic, but there some mandatory areas of assistance. A standardized return seminar should be developed and return assistance in time of crisis provided.

Mr. Farooq Ahmed, Secretary General, Bangladesh Employer's Federation, acknowledged the participation of all participants.

Mr. I Nyoman Darmanta, Ministry of Manpower, Government of Indonesia, thanked the participants and officially closed the meeting.

## 10. Follow-up and Next Steps

The results of the Kathmandu Experts Meeting and Bali Tripartite meetings, along with the background paper for the Kathmandu meeting will together inform drafting of the Roadmap to achieve Fair Migration. This draft Roadmap will be developed by a tripartite drafting committee and ILO Secretariat under the leadership of a Rapporteur.

In the December 2015 an interregional high-level meeting on fair migration will be co-organized by ILO-ROAS and ILO-ROAP.<sup>1</sup> The principal objectives of this forthcoming interregional high-level meeting on fair migration in the Asia-Arab regions are to:

- Take stock of the progress made in protecting migrant workers' rights in Asia and Arab States since the endorsement of the Fair Migration Agenda at the ILC and the adoption of the Kuwait Declaration of the Abu Dhabi Dialogue which refers to this Agenda, assess key remaining obstacles, and provide direction on how to achieve fair migration in the Asia-Arab regions;
- Deliver the commitment to take effective measures to promote fair migration in both interrelated regions; and
- Agree on significantly intensified set of measures to achieve fair migration (by adopting a Roadmap to achieve fair migration)

The expected output of this meeting will be the adoption by high-level delegates of a Roadmap to achieve Fair Migration in the Asia-Arab regions.

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<sup>1</sup> This has since been scheduled to 2016.

## 11. Annex 1: Agenda

5 May 2015: Arrival of participants	
6 May 2015: <b>Day 1</b>	
8.30am	Registration
<b>9.00 – 9.30</b>	<p><b>Introduction</b></p> <p>Opening remarks from Michiko Miyamoto, Officer in Charge, ILO Country Office for Indonesia and Timor-Leste; and Maruli Apul Hasoloan, Secretary to the Directorate General of Placement of Workers, Ministry of Manpower, Indonesia</p>
<b>9.30 – 10.00</b>	<p><b>Presentation of Background Paper and ILO Fair Migration Agenda</b></p> <p>Nilim Baruah, Regional Migration Specialist, ILO Regional Office for Asia and the Pacific (ROAP)</p> <p><b>Photo</b></p>
10.10 – 10.30	Coffee and tea break
<b>10.30 – 12.00</b>	<p><b>Session 1: Fair Recruitment</b></p> <p><b>Introduction/moderator:</b> Khandker Mohammed Iftekhar Haider, Secretary, Ministry of Expatriates' Welfare and Overseas Employment, Bangladesh</p> <p><i>The moderator will introduce the discussions and conclusions made at the Experts Meeting</i></p> <p><b>Panel:</b> Lucia L Villamayor, Director, Department of Labour and Employment, the Philippines; Ray Jureidini, Center for Islamic Legislation and Ethics (CILE) at Hamad Bin Khalifa University, Qatar; Umesh Chandra Upadhyaya, GEFONT</p> <p><i>The panel will respond to the summary and conclusions in the Experts Meeting Report and provide their perspective on guiding principles and action points</i></p> <p>Discussion</p>
12.00 – 13.00	Lunch break
<b>13.00 – 14:30</b>	<p><b>Session 2: Decent employment and working conditions for migrant domestic workers and construction workers</b></p> <p><b>Introduction/moderator:</b> Hans van de Glind, Senior Migration Specialist, ILO Regional Office for Arab States (ROAS)</p> <p><i>The moderator will introduce the discussions and conclusions made at the Experts Meeting</i></p> <p><b>Panel:</b> Piyasiri Wickramasekara, Global Migration Policy Associates; Begum Shamsun Nahar, Director-General, Bureau of Manpower Employment and Training,</p>

	<p>Bangladesh; Madhu Vilas Pandit, Under Secretary, Ministry of Labour and Employment, Government of Nepal; Iskhak Muin, APINDO</p> <p><i>The panel will respond to the summary and conclusions in the Experts Meeting Report and provide their perspective on guiding principles and action points</i></p> <p>Discussion</p>
<b>14.30 – 15.45</b>	<b>Group-work to develop guiding principles and action points on recruitment and decent employment and working conditions for a Fair Migration Agenda</b>
15.45 – 16.00	Coffee and tea break
<b>16.00 – 17.30</b>	<b>Session 3: Recognizing skills of potential and returning workers</b>
	<p><b>Introduction/moderator:</b> Srinivas Reddy, Director, Country Office for Bangladesh</p> <p><i>The moderator will introduce the discussions and conclusions made at the Experts Meeting</i></p> <p><b>Panel:</b> Ganesh Gurung, Nepal Institute of Development Studies; Nandapala Wickramasooriya, Chairman, Sri Lankan Bureau of Foreign Employment; Manuel Imson, Senior Programme Officer, ASEAN TRIANGLE Project, ILO ROAP</p> <p><i>The panel will respond to the summary and conclusions in the Experts Meeting Report and provide their perspective on guiding principles and action points</i></p> <p>Discussion</p>
19.00 – 21.00	Cocktail Reception
<b>7 May 2015: Day 2</b>	
<b>9.00 – 10.15</b>	<b>Session 4: Increasing the development impact of migration</b>
	<p><b>Introduction/moderator:</b> Shigeru Wada, ILO Regional Workers Specialist</p> <p><i>The moderator will introduce the discussions and conclusions made at the Experts Meeting</i></p> <p><b>Panel:</b> Graziano Battistella, Scalabrini Migration Center; Alamgir Ahmad Khan, Director General, Ministry of Overseas Pakistanis and Human Resource Development, Pakistan</p> <p><i>The panel will respond to the summary and conclusions in the Experts Meeting Report and provide their perspective on guiding principles and action points</i></p> <p>Discussion</p>
10:15– 10:30	Coffee and tea break
<b>10:30 – 12:00</b>	<b>Session 5: Partnerships amongst government and social partners</b>

	<p><b>Introduction/moderator:</b> G.S Withanage, Secretary, Ministry of Foreign Employment, Sri Lanka</p> <p><i>The moderator will introduce the discussions and conclusions made at the Experts Meeting</i></p> <p><b>Panel:</b> Sri Setiawaty, Ministry of Manpower, Government of Indonesia; Laxman Basnet, SARTUC; William Gois, Migrant Forum in Asia</p> <p><i>The panel will respond to the summary and conclusions in the Experts Meeting Report and provide their perspective on guiding principles and action points</i></p> <p>Discussion</p>
12:00 – 13.30	Lunch
13.30 – 15.00	<b><i>Group-work to develop guiding principles and action points on increasing the development impact of migration and partnerships amongst government and social partners for a Fair Migration Agenda</i></b>
15.00 – 15.15	Coffee and Tea break
15.15 – 16.30	<p><b>Closing Session: Summary and Conclusions</b></p> <p>I Nyoman Darmanta, Ministry of Manpower, Government of Indonesia; Nilim Baruah, Regional Migration Specialist, ILO Regional Office for Asia and the Pacific (ROAP)</p>
16.30	Close of Meeting

## 12. Annex 2: Participant list

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