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ASIAN DECENT WORK DECADE: INTRODUCTION TO THE RESOURCE KIT

ASIAN
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DECADE 2006
2015

Regional Office for Asia and the Pacific

DECENT WORK

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ASIAN DECENT WORK DECADE:

INTRODUCTION TO THE RESOURCE KIT

Acknowledgements

The Asian Decent Work Decade Resource Kit is a collaborative product resulting from contributions from many people. It is dedicated to all people working on making decent work a reality and those who shared their expertise and resources verbally and through publications, project documents, mission reports and hand-written notes. Developed as a living document, the resource kit is to be updated as new information becomes available. Its purpose is to ensure that ILO constituents, ILO colleagues, donors and other interested parties have access to state-of-the-art knowledge on the various priorities in the Asia and Pacific region that will drive the Decent Work Agenda.

The kit has benefited from substantial contributions and support by the previous and current Regional Directors of the ILO, respectively Ng Gek Boo and Sachiko Yamamoto. Guy Thijs, Deputy Regional Director developed the concept and guided the package from start to conclusion. David Tajgman was responsible for the initial format, while Stephan Ulrich wrote extensive portions and coordinated the process towards finalization. Peter Stalker assisted with editing, rewriting, reformatting and adding illustrations to make the various booklets consistent. Thanks are also due to Sophy Fisher, Chanitda Wiwatchanon, Krisdaporn Singhaseni and Kwantawan Hongladarom for their assistance and advice with the editing process, design and layout in the accompanying web site. The authors of the booklets: Peter Stalker and Manolo Abella on migration, Michael Lerner and Abhik Ghosh on labour market governance, Urmila Sarkar on youth employment, Stephan Ulrich on competitiveness, productivity and jobs, and Ginette Forgues and Stephan Ulrich on local development.

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Foreword

The launch of the Asian Decent Work Decade during the 2006 Asian Regional Meeting of the International Labour Organization was a significant step forward in the world of work in Asia and the Pacific. Female or male, young or old, skilled or unskilled – all stand to benefit from the realization of decent work goals for a fair share of the fruits of this region's stunning economic growth.

However, many observers rightly wonder how we can achieve those decent work goals in only one decade. Obviously, this is an enormous challenge and one that will differ from country to country. The ILO Declaration on Social Justice for a Fair Globalization (adopted in June 2008) reaffirmed the global commitment to an integrated approach that enables progress towards the goals of the Decent Work Agenda. In Asia and the Pacific the good and hopeful news is that the details are being put in place – through a growing list of Decent Work Country Programmes designed according to national priorities and needs, with help from the ILO as required.

To support countries in their efforts to achieve their goals the ILO is constantly improving its services – both what it offers and how it delivers. In this connection, two things are clear:

- The ILO's strength lies in what it knows, whether held in documents or in the minds of its people and based on the experiences they draw from their work.
- We have to share what we know.

The *Asian Decent Work Decade Resource Kit* is a way of communicating the riches of ILO's knowledge via advances in technology and the Internet. The Kit's guiding principles are simplicity and accessibility and the organizing framework reflects our regional priority areas of action.

The Resource Kit is also a way of rallying global and regional ILO resources – human, financial and intellectual – in helping countries further address their priority action areas. It will remain a living and dynamic product with evolving and updated content, the result of an ongoing process within the ILO and in collaboration with its constituents.

This introductory booklet explains the genesis of the Asian Decent Work Decade and how the ILO intends to support constituents in member States in Asia and the Pacific in their efforts to make it happen. The accompanying five booklets serve as gateways into ILO expertise and knowledge in the five priority areas, outlining the key challenges and providing information, resources, examples and access to useful ILO tools. I hope this resource kit will contribute in its own modest way to bringing Decent Work for All closer to reality.

Sachiko Yamamoto
ILO Regional Director for Asia and the Pacific

Navigating the booklets

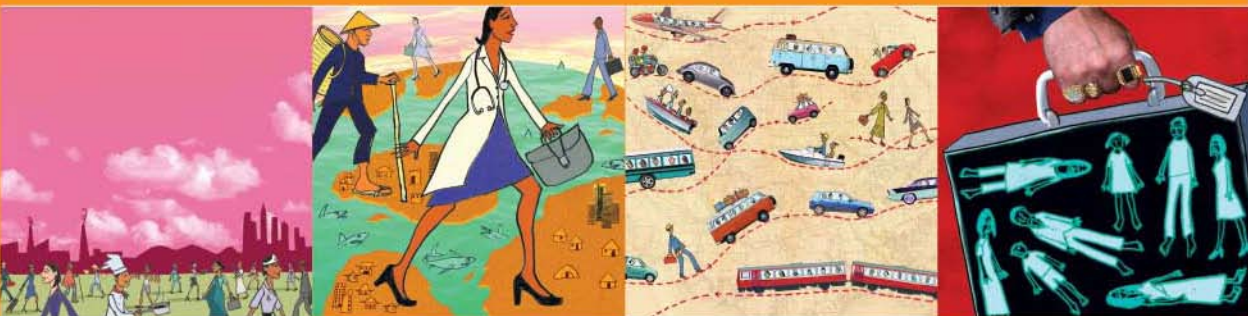
This resource kit offers a brief introduction to ILO's knowledge base on Asia and the Pacific. If you want more detail, it also gives links to further reading, guides, data, projects and web sites. The resource kit can be useful to people who have a general interest in the issues as well as specialists who need additional technical resources.

If you are reading this as an electronic file on the CD-ROM, you will find hyperlinks to many associated publications. If your computer is connected to the Internet you can use these hyperlinks to navigate to web sites. The links are both in the text and in boxes on the side margin marked "click here".

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ASIAN DECENT WORK DECADE RESOURCE KIT: PROTECTING MIGRANT WORKERS

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ASIAN DECENT WORK DECADE RESOURCE KIT:
PROTECTING MIGRANT WORKERS

Introduction

Representatives of governments and employers' and workers' organizations committed themselves to an Asian Decent Work Decade (ADWD) during the 14th Asian Regional Meeting of the International Labour Organization (2006) – reaffirming their dedication to the goal of full, productive and decent employment for all workers in Asia and the Pacific by 2015.

To inspire their efforts and provide easy access to the rich knowledge, information and services that the ILO offers, the Regional Office in Bangkok developed the Asian Decent Work Decade Resource Kit. This booklet is one of six parts to that kit, serving as a gateway into ILO expertise and knowledge on the regional priority area of protecting migrant workers. It explains in a brief and user-friendly manner why this is a regional priority, the issues it addresses and how the ILO can help its social partners, detailing the available approaches, strategies, tools and possible partnerships. Where applicable, examples of good practices or adaptable projects are included.

If you are reading this as an electronic file on the CD-ROM, you will find hyperlinks to many associated publications. If your computer is connected to the Internet you can use these hyperlinks to navigate to web sites. The links are both in the text and in boxes on the side margin marked “click here”.

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1. Labour migration in Asia

For any country, the best long-run solution to unemployment and poverty is sustained national economic growth that generates rewarding jobs at home so that fewer people need to look for work abroad. Nevertheless, for the foreseeable future many countries in Asia and the Pacific will rely on the opportunities afforded by international migration to help reduce their levels of unemployment while also generating significant amounts of foreign exchange through remittances. As a result, a number of Asian–Pacific countries have made efforts to promote overseas employment. At the same time, destination countries have been recruiting workers for particular employment niches that cannot be filled by national workforces.

[Click here for Labour and Social Trends in ASEAN, ILO 2008](#)

Around 25 million Asian and Pacific workers are currently employed outside their home countries. More than 3 million leave every year. In the past, the majority went to the Middle East countries. But nowadays the largest flows are within the Asia–Pacific region – with a number of countries serving as both source and destination.

[Click here for Underlying Factors in Labour Migration in Asia](#)



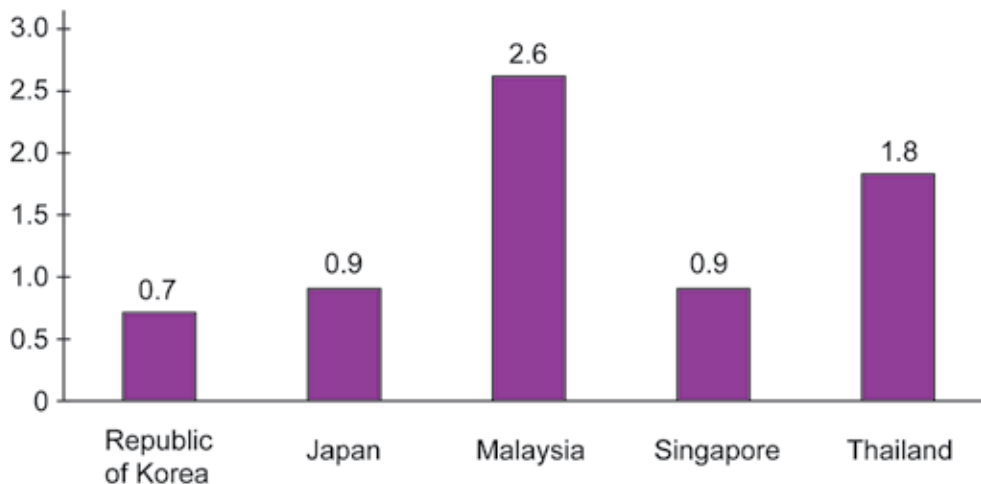
School children in the Maldives are taught by Indian teachers. ©ILO/P.Stalker.

Migrant workers are people who move to find work outside their hometown or home country. Persons who leave home for work in their own country are “domestic” or “internal” migrant workers. Persons who move for work to another country are commonly called “foreign” or “international” migrant workers. These workers may migrate under government-sponsored programmes, under private recruitment schemes or on their own in search of employment.

Around half of the 3 million Asia-Pacific workers who leave home come from South Asia. Many still follow well-worn paths to the Middle East to perform all kinds of service and maintenance jobs, to mind the store, guard the businesses or build the houses. In addition, a large number of South Asian professional and technical workers head for North America and Europe. Some South Asians also go to South-East Asia and East Asia to work, for example, in plantations in Malaysia, as domestic helpers in Singapore or as construction workers in the Republic of Korea.

Another 1.3 million migrant workers are from South-East Asia. These are mostly Burmese, Indonesians, Filipinos, Thais and Vietnamese. Young Indonesian men, for example, find their way to Malaysia to take up unskilled and semi-skilled jobs in construction or agriculture while the women go to Saudi Arabia to work as domestic helpers. The Philippines and Thailand also send large numbers of workers to fill skilled and unskilled jobs in neighbouring countries and the Middle East.

Stock of foreign workers (in millions), 2007



Migration and development

Labour migration occurs and persists because it offers substantial economic benefits – to migrant workers and their families as well as their countries of origin and destination.

Remittances from overseas workers have directly reduced the incidence of poverty in countries such as Bangladesh, Nepal and Philippines. Some studies have revealed that even after controlling for income level, children in households with overseas workers are more likely to be enrolled in school. And in many countries of origin, the opportunities for overseas employment also mitigate the problem of high unemployment and thus reduce the potential for social instability.

Meanwhile, Asian destination countries benefit from the productivity of migrant workers who actually are net contributors to government coffers. A study commissioned by the ILO, [The Economic Contribution of Migrant Workers to Thailand](#), concluded that migrant workers make a net contribution of about US\$54 million per year to the economy of Thailand. Singapore openly

acknowledges the contributions of its foreign workers, recently announcing that increases in foreign employment had enabled “the economy to grow beyond the limits of Singapore’s indigenous workforce”.

Of course, labour migration also has drawbacks, as explained in the following section.

Irregular workers

Of the 6 million migrant workers in Asia and the Pacific, around one third are “irregular” because they entered a foreign country without going through the formal immigration process or because they overstayed or do not have the appropriate work permit. However they, like all workers, migrant and national, are still entitled to basic rights at work – though they are the least likely to achieve them.

Typical examples of irregular migrant workers are: overstayers on tourist visas; students engaged in employment; trainees overstaying their visas; regular migrants continuing beyond the contract period; regular migrants running away from their

designated employer before the expiry of their contract; and persons who have arrived in a country via informal channels, or trafficked into the sex industry or other exploitive labour.

Because of their unlawful status, irregular migrants are very exposed to exploitation and have little or no avenue for legal redress. They are usually very poor, live in squalid housing conditions and may resort to crime when unemployed. And because they bypassed migrant health screening systems, they are often accused of causing public health problems.

Gender dimensions

For many women, migration opens up opportunities for greater independence, self-confidence and status. However, at different stages of the migration process they also can be vulnerable to gender-specific discrimination and abuse.

Migrant women are typically young and poor. They tend to work in unregulated sectors that do not always recruit through legal channels – traditionally “female” occupations such as domestic work, nursing



Migrant agricultural worker in Thailand. ©ILO/T.Falise, 2007.

[Click here for working paper on Women in Migration in the Philippines and Sri Lanka](#)

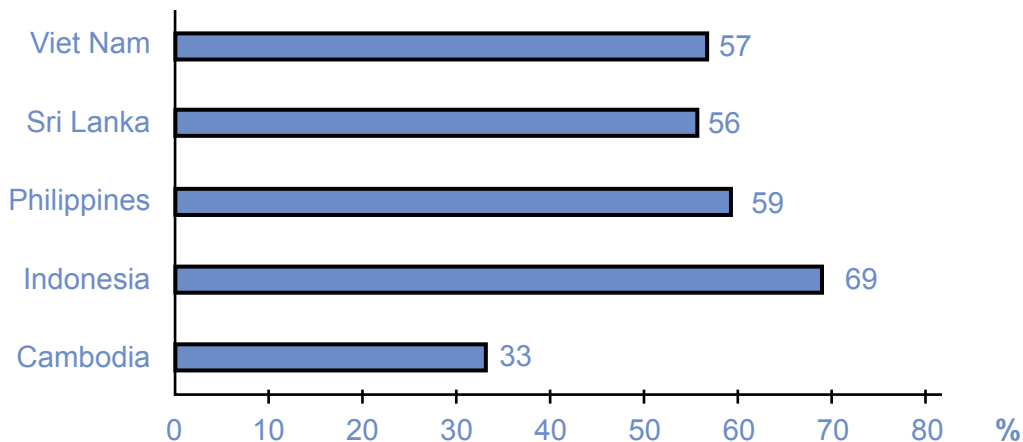
and personal care services, cleaning, entertainment and the sex trade. They also work in agriculture, retailing and in labour-intensive manufacturing in small factories and sweatshops – often in poor working conditions, with low wages and without social security. Women also are more likely than men to experience multiple forms of discrimination, exploitation and abuse. And they have additional risks of sexual harassment and rape and dismissal from work due to pregnancy.

[Click here for ILO web site for booklets on protecting migrant women workers](#)

In Asia, the largest category of female employment is domestic work. Domestic workers travel from Indonesia, Philippines and Sri Lanka to Hong Kong (China), the Middle East and Singapore. Many also

come from Cambodia and Myanmar to work in Thailand, though these are largely undocumented. Employed in private households, these women can be very isolated and vulnerable.

Proportion of females among outgoing workers, 2006-2007



In many countries, domestic work is not protected by labour laws. As a result, domestic workers, who are mostly women and girls, are particularly vulnerable to discrimination, exploitation and abuse. Many domestic workers suffer rights violations at work, including:

- *very low pay and long working hours – up to 18 hours*
- *no regular holidays and few days off*
- *insufficient food and accommodation*
- *confinement and isolation*
- *withholding or delaying of salary payment*
- *seizure of identification documents.*

Risks of exploitation and trafficking

Even before they leave home, migrant workers are at risk. Those who are travelling for the first time may lack accurate information about the jobs available and the working and living conditions they are likely to encounter overseas. And they will find many complex administrative processes that are difficult to understand. Most recruitment is in the hands of private agencies in countries of origin and destination. This has become a multibillion-dollar transnational industry forming the basis of an extensive “migration infrastructure”, ranging from large firms to small unregistered enterprises.

These agencies have helped expand opportunities for migrant workers and provided valuable services. But some agencies use unscrupulous recruiters who often travel around the rural areas of poor countries enticing workers into paying extortionate fees. In the most serious cases, would-be migrants may find themselves confined to “recruitment centres”. Then when migrants arrive at their destination, they may be required to do a different job or find that there is no job waiting for them at all. As a result, migrants are frequently

overcharged for administration or for job placements. At greatest danger are vulnerable women and children who risk being trafficked.

Each year across the Asia-Pacific region, hundreds of thousands of men, women and children are trafficked. Some victims of trafficking are abducted from their communities or sold to traffickers by family members. But most are deceived by false promises and offers of fictitious jobs. Those at higher risk come from poor, under-educated, unskilled, debt-ridden or

Trafficking in human beings refers to the recruitment, transportation, transfer, harbouring or receipt of persons by threat, use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability. It also derives from the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

generally socio-economically excluded backgrounds.

Trafficking is widespread, in places such as Bangladesh, China, India, Myanmar, Nepal, Pakistan, Thailand and Viet Nam. It is often for commercial sex but also for other forms of exploitative work – domestic service, plantations, construction sites, sweatshops or begging. Trafficking is a dispersed and complex activity. Typically, it involves a series of events over an extended period of

time and in many different places – from the home to the border to the workplace, some legal and some illegal, possibly straddling several countries. The response has to be equally wide ranging.

Trafficking thrives because many people, particularly women and children, are disempowered and vulnerable. Countries wanting to combat trafficking need to address the underlying conditions of poverty and lack of opportunities for decent work. But they also need to empower women and children so that they are more aware of the dangers and can protect themselves. At the same time, they need to throw a public spotlight on trafficking – countering the deception of the traffickers with vigorous media and advocacy campaigns.



[Click here for Tools for Prevention and Participatory Monitoring Guidelines](#)

ILO supports the Mekong Youth Forum on Human Trafficking.

2. The ILO response

Migrants are less vulnerable when they are not moving out of necessity but out of choice. To ensure that migration for work is not driven by desperation and lack of opportunities at home, the ILO helps countries with local economic development and job creation. To assist local governments in their planning process, the ILO has published the guide, *Integrated Rural Accessibility Planning (IRAP)*, which argues that one of the fundamental constraints for rural people is their lack of access to goods and services. IRAP planning procedures have been initiated in Cambodia, Lao People's Democratic Republic, Mongolia, Philippines and Thailand.



Rural people lack access to goods and services.
©ILO/K.Sovannara, 2007.

The ILO also provides training programmes for entrepreneurs and would-be entrepreneurs – such as Start and Improve Your Business, Generate Your Business Ideas, and Expand Your Business. In Nepal, the ILO has a new project, Employment Creation and Peace Building, based on local economic development in the Ramechhap and Dhanusha districts.

The ILO established the earliest international standards or norms governing the treatment of migrant workers. The most recent of these is the Multilateral Framework on Labour Migration, which entails a set of principles and good practices that have been formally vetted by its constituents.

The ILO is also unique in that it is a tripartite organization representing governments and workers' and employers' organizations. It thus can help build consensus among the social partners in countries of origin and destination to develop the policies and programmes that will allow them to best govern labour migration. In this way, countries can try to ensure that migrant workers do not displace national workers and are not subjected to unfair treatment or abuse.

The ILO offers a wealth of information on international migration and technical assistance to countries on many different issues, from training to social security. As an international organization, the ILO also can foster networking opportunities between all the social partners.

[Click here for International Labour Migration and Development: the ILO Perspective](#)

International labour standards

The best way to protect migrants is to ensure that all workers, both migrants and nationals, benefit from minimum international labour standards – as established in the ILO's Conventions and Recommendations. These standards help ensure that economic development is pursued not as an end in itself but as a way to improve people's lives.

A portion of the standards form the foundation of equitable social and economic development. These are the Fundamental Principles and Rights at Work and cover four areas: freedom of association and the right to bargain collectively, elimination of all forms of forced or compulsory labour, effective abolition of child labour, and elimination of discrimination in employment and occupation.

[Click here for International Labour Standards on Migrant Workers' Rights – Guide for Policymakers and Practitioners in Asia and the Pacific](#)

Specifically for migrant workers' protection, there are five up-to-date instruments – two Conventions and three Recommendations:

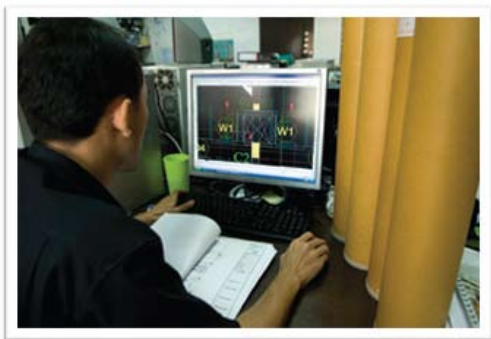
- Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation (Revised) 1949 (No. 86)
- Protection of Migrant Workers (Under developed Countries) Recommendation, 1955 (No. 100)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143) and the Migrant Workers Recommendation, 1975 (No. 151).

In addition to the ILO instruments, there is a UN Convention – the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In 2004, the International Labour Conference called upon the ILO and its constituents to develop a non-binding multilateral framework for a rights-based approach to labour migration. This multilateral framework has been adopted and includes detailed descriptions of policies and laws that can serve as models for policy reform in 13 specific areas, allowing countries to align their national policies in a flexible way with international principles.

Labour market development

A number of countries in the region are exporting a significant proportion of their workforce. This can have a major impact on the local labour market. Countries can look to ILO for support to see how migration policy fits best with employment policy.



Emigration of highly skilled workers can discourage investment. ©ILO/T.Falise, 2008.

Countries of origin need to be aware of the impact of emigration on their own labour markets. While in many cases migration can help ease unemployment, it can also distort the local labour supply. The large-scale emigration of highly skilled workers may lead to a brain drain that can discourage investment and thus reduce growth. Countries will want to develop employment

The Multilateral Framework on Labour Migration responds to widespread demands for practical guidance on maximizing the benefits of labour migration for all parties. The framework:

- addresses the major issues confronting migration policy-makers at national, regional and international levels;
- is a comprehensive collection of principles, guidelines and good practices on labour migration policy, derived from relevant international instruments and a global review of labour migration policies and practices of ILO constituents;
- addresses the important themes of decent work for all, governance of migration, protection of migrant workers, promoting migration and development linkages and expanding international cooperation;
- is a non-binding framework that clearly recognizes the sovereign right of all nations to determine their own migration policies;
- accepts the crucial role of social partners, social dialogue and tripartism in labour migration policy;
- advocates gender-sensitive migration policies that address the special problems that women migrant workers experience.

policies that maximize the opportunities for people to work at home. But where there is a huge demand from abroad for particular skills or professions, governments may also want to train more people to take these opportunities. To do this, governments need to collect and disseminate good labour market information – on the demand for each major skills category – and embark on programmes that promote employment across all levels of skill.

The ILO offers countries in the region expertise in a spectrum of issues for both national and international employment.

The ILO can assist countries in carrying out detailed labour market analysis so that ministries of labour and others can assess national labour needs and the potential for supplying international labour markets.

Destination countries need accurate information on their labour markets so that they are aware of the areas in which migrant workers are likely to be needed. In many cases, labour-importing countries rely on the demand from the private sector to determine the need for migrant workers.

However, if they are to operate in a more consistent and strategic fashion and to construct sound and coherent policies on

[Click here for ILO website for Key Indicators of the Labour Market](#)

Recent technical cooperation activities from the regional office in Bangkok have included: advice on good practice for placing workers in foreign jobs for Bangladesh; recommendations for amendments to the Emigration Act in India; and reviews of legislation on labour migration in China, Indonesia, Mongolia and Viet Nam.

labour migration, countries need regular analyses of the labour market – by sector, by occupation and by level of skill – to assess demand trends and the likely requirement for migrant workers.

The ILO, in partnership with the Scalabrini Migration Center, is building a database on labour migration under the Migration Information System in Asia project. The database will be publicly available on the ILO web site by the end of 2008.

The ILO can engage in advisory missions and produce strategy papers. It can help countries carry out labour market analysis, incorporate migration into labour force surveys and design migration databases.

[Click here for ILO Employment Analysis Research Unit](#)

Training

Migrants are often poorly informed about the skills required in other countries. Many set out with virtually no knowledge of the language of their destination country and without any training for the work they are expected to do. Domestic workers from poor backgrounds, for example, will find it difficult to work in affluent homes equipped with modern labour-saving devices. Consequently, many of these workers are subjected to maltreatment, physical assault and non-payment of wages by employers.

[Click here for ILO Skills and Employability Department](#)



Skills training in Pakistan. ©ILO/M.Crozet, 2005.

To better prepare workers, some Asian countries now offer short pre-departure orientation seminars, often with the support

[Click here for Regional Skills and Employability Programme in Asia and the Pacific \(SKILLS-AP\)](#)

of non-governmental organizations. Trade unions, too, through contacts between unions in source and destination countries, can help migrant workers adequately prepare for work overseas.

The ILO has considerable experience in all types of skills training and can help individuals become more employable.

It also promotes greater investment in skills and training so that men and women have better access to productive and decent work – both at home and overseas.

The ILO has produced booklets that can be used for preparing migrants.

The Philippines Overseas Workers Welfare Administration has a well-developed curriculum for such seminars. Some workers will also require language training. In Bangladesh, for example, the Bureau of Manpower, Employment and Training has an English language laboratory to offer training for nurses and hotel workers.

[Click here for Decision-Making and Preparing for Employment Abroad](#)

Admission and recruitment procedures

Countries wanting to employ migrant workers need to establish fair and transparent systems for selecting and admitting workers. The ILO can assist by gathering information on good practices that conform to international labour standards and also by bringing together officials of both origin and destination countries to sort out the often knotty operational details of sending and admitting workers.

Governments in the region have a variety of options for regulating the admission of migrant workers. One is to apply “economic means” tests to determine which migrant workers are required. Once the need has been established, the admission of workers is generally regulated through visas and work permits, usually limited by quotas – expressed as a percentage of the labour force or of employment in a given sector or enterprise. Another option is to influence demand by charging the employer a fee for each migrant employed. Employers may, however, be tempted to pass these fees on to the workers. If this results in lower take-home pay, it would be counter to internationally enshrined principles of equal pay for equal work. [Click here for Merchants of Labour](#)

When establishing admission quotas in an industry, there is clearly an advantage in consulting with relevant unions and obtaining their support. In some Asian economies, including Hong Kong (China), Republic of Korea and Malaysia, the unions are already fully engaged in migration policy development. But elsewhere, more work is needed to increase awareness, to commit unions to organize and extend services to migrant workers, to advocate for migrants’ rights and to press for just and fair treatment.

ILO specialists can assist governments in designing rational and fair admissions policies. These should ensure that migrant workers do not displace national workers while also guaranteeing that, as far as possible, migrant workers with legal status receive equal treatment with nationals. Countries can tap the ILO’s example reservoir of admissions policies in the Asia–Pacific region and elsewhere and report on practical experiences and good practices that serve the purposes of the destination countries while also protecting migrants. For example, the ILO is currently working with the Government of Korea in organizing a series of dialogues with labour officials of countries sending workers to Korea in an effort to improve its Employment Permit System.

[Click here for ILO Employment Services Department](#)

The ILO can help countries minimize the number of irregular workers. This can be achieved, for example, by enabling countries to make more realistic estimates of labour requirements and design appropriate admissions policies.

The ILO also can assist countries of origin in developing employment policies to reduce the pressures to migrate. Once irregular migrants have arrived, however, countries of destination have to make appropriate responses. One option is regularization. In this case, the ILO can offer advice on optimum solutions – balancing the objective of gaining more control over the migration process with that of achieving the maximum registration rate. The ILO also can advise on processes for the return of irregular workers.

The ILO can support governments in their efforts to ensure orderly recruitment, including private sector participation. It has collected a range of good practices from around the region, such as the Philippines where all agencies have to register and conform to an established fee structure.

The ILO offers model contracts that are both understandable and enforceable and which employment agencies can use as benchmarks. These cover, for example, minimum labour standards, job

descriptions, remuneration, working hours and holidays, transportation, compensation for injuries, emergency medical care and procedures for the settlement of disputes.

Combating trafficking

The ILO has been deeply engaged in anti-trafficking issues at both the global and regional levels. This includes major projects carried out in South Asia (Bangladesh, Nepal and Sri Lanka), and in South-East Asia (Cambodia, Indonesia, Malaysia, Philippines and Thailand).

[Click here for web site of ILO International Programme on the Elimination of Child Labour and ILO Special Action Programme to Combat Forced Labour](#)

The ILO Mekong Project and its partners have been distributing a new series of guidebooks in Burmese, Khmer and Lao languages across Thailand through a network of ten partner agencies. The guides were developed following consultations with the Royal Thai Government and are designed to reduce the risk of foreign migrants falling into labour exploitation.

[Click here for web site of ILO Mekong Project to Combat Trafficking in Children and Women](#)

The ILO recently concluded a major project to combat the trafficking of women and children in the Mekong subregion. The ILO is working hand-in-hand with the governments of the countries in the subregion through the Coordinated Mekong Ministerial Initiative Against Trafficking. In addition to extensive work with youth and other groups, this has generated a wealth of important publications.

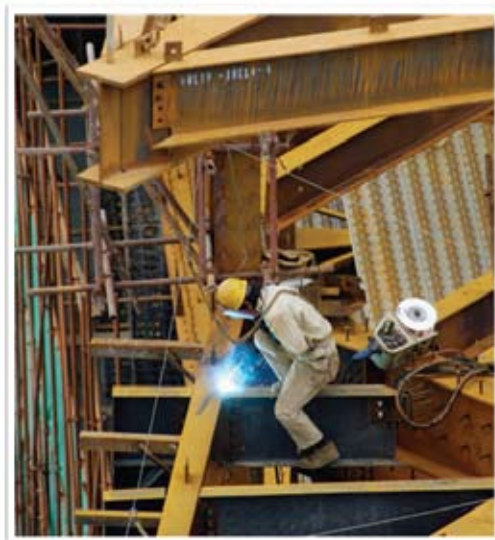
Health and social protection

ILO Conventions No. 97 and No. 143 provide that migrant workers should receive the same treatment as national workers, covering such issues as injury, maternity, sickness, invalidity, death, unemployment and family responsibilities and any other contingency.

In practice in most Asian countries, social security is more likely to be available only to skilled professional migrants. There are some exceptions. In the Republic of Korea, for instance, legally admitted foreign workers who are skilled are also covered by social security, although irregular

migrants can also be covered for industrial accidents. And in Japan, the law provides for insurance benefits when a worker suffers injury, disease, physical disability or death resulting from employment, regardless of the worker's nationality or whether the worker's stay or work is legal or illegal.

Elsewhere coverage is limited, which is particularly difficult for migrant workers who are often involved in hazardous, risky and stressful jobs that national workers reject, making them vulnerable to safety and health risks at the workplace.



Migrant workers are often employed on dangerous construction sites. ©ILO/M.Crozet, 2007.

Any routine medical testing, such as testing in either source or destination country for fitness carried out prior to employment or on a regular basis for migrant workers, should not include mandatory HIV testing. Employers, migrant workers groups and their representatives should instead encourage confidential voluntary counseling and testing by qualified health services.

Contract migrant workers generally suffer serious disadvantages because the temporary nature of their employment makes it difficult to meet conditions of eligibility for some benefits. They may also encounter problems when they return home. As a result of their absence, workers run the risk of losing entitlements to social security benefits in their country of origin. Instead, contributions made by the employer on their behalf should be portable and workers should benefit from the accumulation of rights acquired in different countries. For these reasons, governments could enter into bilateral or multilateral agreements on social security.

[Click here for ILO Social Security Department](#)

The ILO has extensive expertise on all aspects of social security. It advises member States on ways of expanding the

protection they provide to all members of the community, including migrant workers, across the full range of contingencies: basic income security, health care, sickness, old age and invalidity, unemployment, employment injury, maternity, family responsibilities and death.

To support migrants who get into difficulties overseas, a number of countries of origin have now established welfare funds. Financed largely through levies from migrants, these funds can, among other things, provide various kinds of emergency assistance. The Philippines pioneered this activity, and similar funds have now been established in a number of other countries. These funds provide death and disability insurance and assistance in forced repatriation in the event of illness, violence at work, contract violation or non-existent jobs. They can also be used for court litigations in countries of employment, medical care for injured workers abandoned by their employers and for conciliating disputes. In addition, the funds can provide financial assistance to migrants' families at home for education and training or for business and other activities. From its experience with a vast array of welfare funds around the world, the ILO can advise governments on how such funds can be established, invested and disbursed.

[Click here for Strengthening Social Protection for ASEAN Migrant Workers](#)

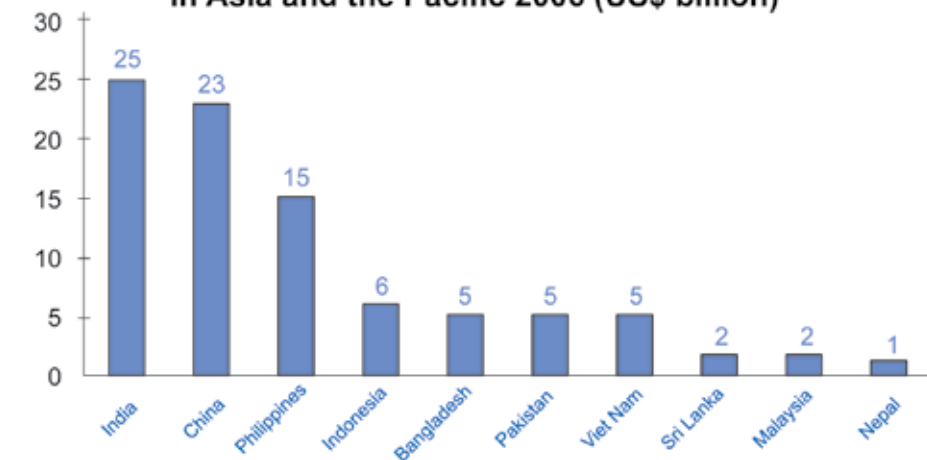
Using remittances

Most migrants from Asian and Pacific countries travel on a temporary basis. They usually live frugally to save as much as possible, either to send to their family or take back when they return. As a result, Asian and Pacific countries are among the higher beneficiaries of remittances. In 2006 the region's labour origin countries in total received more than US\$61 billion. The largest recipients were India (\$25 billion) and the Philippines (\$15 billion).



Remittances can be collected from ATMs in Fiji.
©ILO/P. Stalker.

**Top remittance-receiving countries
in Asia and the Pacific 2006 (US\$ billion)**



Source: World Bank

[Click here for ILO studies on remittances in Bangladesh and Nepal](#)

Migrants and their families will likely use the funds for consumption, for investment in housing or in the education of children. But regardless of how they are used, they have a positive effect on the economy, resulting in higher levels of savings and investment.

Governments that want to encourage remittances need to make it easy and cheap for migrants to transfer funds. They also should encourage migrants to use the funds as productively as possible, such as for business creation or community development projects.

Over the past few years, the ILO has pursued research on the potential of linking remittances to microcredit – to foster a more productive use of resources.

Through action-oriented research in a number of countries, including Bangladesh and Nepal, the Social Finance Programme aims to map current remittance patterns between and within countries and to assess the availability of suitable transfer services and their transaction costs.

Return migration



An Indian returning migrant entrepreneur who successfully reintegrated into her community.
©ILO/P.Stalker.

Migrants, and especially women, often find it hard to re-adjust when they return. Long separation can cause problems in the home with their partners and their children, leading to psychological and emotional stress.

Returning migrants may discover that little remains of their remittances if their families have used the funds for basic survival or for consumption. As a result, many returning

Along with documenting the abuses, the ILO extensively seeks out success stories. At the request of the Ministry of Overseas Indian Affairs, for example, the ILO has been profiling former migrants who have successfully reintegrated upon their return to India. These profiles are distributed as leaflets to prospective migrant workers to motivate them to plan early for their eventual return and to inspire them to become self-employed.

[Click here for ILO Small Enterprise Development](#)

migrant workers are frequently pressured to re-migrate.

Having become accustomed to higher wages, they can struggle to find suitable employment. Even if they have savings to invest, they often lack the skills to use it well in new businesses. Worst off are the returning victims of trafficking who come home with no funds and may not be readily accepted back into their home communities. The ILO can assist governments in developing programmes for returnees. These could include, for example, training for entrepreneurship and how to run small businesses.

[Click here for Return Migrant Entrepreneurs in India](#)

3. International cooperation and partnerships

One concern for countries dealing with migration is that migrant workers should not displace national workers, and the migrant workers themselves should not be subjected to abuse or unfair treatment. The ILO's unique tripartite structure (bringing together governments, workers' and employers' organizations) gives it a unique ability to assist in creating consensus between these interest groups, in both countries of origin and destination, so allowing them to develop effective policies and programmes for handling labour migration.

The ILO supports networking between its social partners as well as other interested groups, such as migrant workers' organizations. In addition the ILO offer technical assistance and a wealth of information on international migration and related issues - such as training and social security.

International migration policy is still largely set by the destination countries, which decide who they will admit and for what purposes.

But many countries have found that it is better to manage migration in cooperation with countries of origin, through various types of international agreement. The most comprehensive international agreement is the ILO Multilateral Framework on Labour Migration. This highlights principles and guidelines to help countries develop more effective labour migration policies.

Bilateral agreements

The most common mechanisms for regulating interstate labour migration are bilateral agreements. A formal bilateral agreement sets out each side's commitments and may provide for quotas. Less formal is a memorandum of understanding. Most countries of destination prefer MOUs, probably because as non-binding agreements they are easier to negotiate and implement and to modify according to changing economic and labour

market conditions. Countries may sign such agreements for political reasons, to reflect friendly relations or to reinforce cooperation in managing irregular migration.

For the destination countries, bilateral agreements help achieve a flow of labour that meets the needs of employers and

These agreements require special administration to ensure their smooth operation, including the recruitment, testing and certification of applicants for the programme, and timely data flow and information sharing between the two countries. For most of these agreements, however, monitoring and enforcement

A number of destination countries have entered into bilateral agreements, including:

- *Republic of Korea – For the hiring of foreign workers under its Employment Permit System, the Government has MOUs with Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Timor-Leste, Uzbekistan and Viet Nam.*
- *Malaysia – There are MOUs with Bangladesh, China, Indonesia, Pakistan, Sri Lanka, Thailand and Viet Nam to regulate recruitment processes and procedures.*
- *Thailand – There are MOUs with Cambodia, Lao PDR and Myanmar.*

Under the terms of these agreements, the employment of workers requires prior permission of the authorized agencies of the respective countries and the submission by one country of a list of available jobs and by the other of a list of selected applicants for these jobs. Then it needs supervision by both sides to ensure that appropriate visas and work permits are issued, that workers comply with requirements for health insurance, that contributions are paid to a savings fund, that taxes are paid and that workers have employment contracts.

industrial sectors while providing for better management and promoting cultural ties and exchanges. For the countries of origin, these agreements ensure continued access to overseas labour markets and opportunities to promote the protection and welfare of their workers.

mechanisms tend to be weak. They typically concentrate more on recruitment procedures and less on welfare and protection.

Having close contact with both countries of origin and destination, the ILO is in a strong position to advise on the usefulness and design of bilateral agreements that will serve both parties and in particular can protect the interests of migrant workers.

Regional agreements

In addition to bilateral arrangements, there are also a number of regional and subregional agreements on various aspects of migration. Regional agreements on migration typically involve a series of meetings that allow participants to share experiences and develop relationships and a common understanding of mutual problems.

One example is the “Bali Process”. This collaborative effort was initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali in 2002. Now the Bali Process has more than 50 participating countries as well as many international agencies and is co-chaired by the governments of Indonesia and Australia. Their objective is to work together

on practical ways to confront and overtake the problems of smuggling and trafficking. Activities are coordinated within countries and reviewed annually.

Other agreements include the Bangkok Declaration on Irregular Migration, the Asian Regional Initiative Against Trafficking in Women and Children and the Manila Process – a series of regional seminars organized by the International Organization for Migration on irregular migration and migrant trafficking. The ILO also has an agreement with the Gulf Cooperation Council to enhance existing cooperation and consultation between the two organizations on the best ways to develop labour rights and implement labour standards for foreign workers.

At the 2006 Asian Regional Meeting, which launched the Asian Decent Work Decade, the tripartite constituents of countries in the region requested the ILO to promote “the development of up-to-date and reliable statistics and data-gathering to assist in fact-based research, comparison and decision-making”. They invited regional and international organizations, including the Association of Southeast Asian Nations (ASEAN), to work with the ILO in support of these and other efforts.

ILO has been a key player in regional processes. It has organized a number of round-table talks at which countries of origin and destination have focused on issues of common interest. In addition, the ILO works with other regional institutions to encourage them to accept and integrate its Multilateral Framework on Migration into their programmes.

Recently, the ILO proposed the establishment of a regular ASEAN Forum on Labour Migration. The Forum would have a number of objectives:

- deepen the understanding of the role of cross-border movements of workers in enhancing the flexibility and dynamism of the region's economies and societies;
- build trust and confidence through dialogues on emerging problems and issues;
- help national authorities anticipate future challenges by considering what demographic trends and current economic and political developments suggest about the likely impact on migration pressures;
- enhance bilateral and multilateral cooperation for effective governance of labour markets and migration.

The Forum, which might be lodged in an existing national or regional institute, is likely to be an annual activity under the auspices of the ASEAN Labour Ministers' Conference.

Networking and partnerships

As an international organization, the ILO cultivates networking opportunities between governments and also between employers' organizations, trade unions and organizations of migrant workers.

The ILO has assisted with the international networking of trade unions. It has, for example, helped link Malaysia's Trades Union Congress with unions in Bangladesh, India, Indonesia, Nepal, Pakistan, Philippines and Viet Nam; and the Korean trade unions with those in the Philippines, Thailand and Viet Nam. The ILO also helps unions and other organizations establish national mechanisms of social dialogue on migration. In addition, it facilitates the participation of social partners in international forums and the preparing of relevant educational materials.

Regional action programme

The ILO Regional Office for Asia and the Pacific has launched a regional programme to promote cooperation among member States in addressing migration challenges.

The European Commission is supporting this effort with financial contribution to a three-year project based in Bangkok.

The project is being implemented in partnership with the United Nations Development Fund for Women (UNIFEM). The Action Programme focuses in particular on:

In destination countries:

- sharing knowledge about managing labour shortages and admission of foreign labour;
- promoting good practices to ensure decent work and equal treatment of migrant workers;

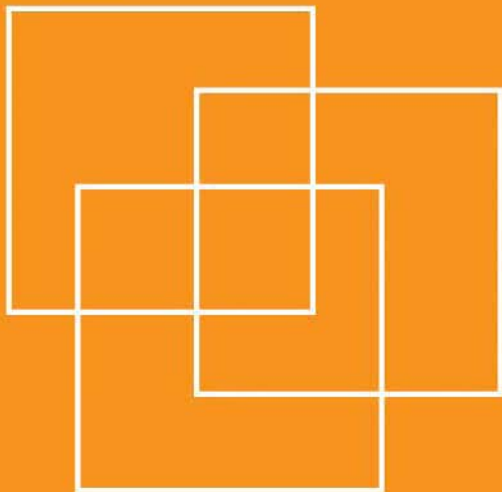
- encouraging social dialogue on migration and integration issues;
- sharing good-practice approaches to undocumented migrant workers;
- promoting greater coverage of migrant workers under labour laws and social security systems.

In source countries:

- promoting sustainable policies and programmes on foreign employment, especially adjustments to greater mobility of workers;
- documenting and exchanging information on effective policy tools and strategies for protecting migrant workers and maximizing gains from migration;
- promoting codes of good practice in recruitment;
- strengthening capacities of social partners for dialogue on migration.

Abbreviations

ASEAN	Association of Southeast Asian Nations
ILO	International Labour Organization
IRAP	Integrated Rural Accessibility Planning
MOU	Memorandum of Understanding



The Resource Kit brings together the ILO's expertise, knowledge and tools as they relate to Decent Work and the goals of the Asian Decent Work Decade (2006-2015) in a single, accessible package. It has been created to help workers, employers, governments and other interested parties learn more about the priority areas, the key challenges and the resources available to meet them.

ILO Regional Office for Asia and the Pacific
United Nations Bldg, Rajdamnern Nok Ave
Bangkok 10200, Thailand
Tel. +66 2288 1234
Fax. +66 2288 3062

E-mail: bangkok@ilo.org
www.ilo.org/asia

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