

BALI DECLARATION POLICY BRIEF NO. 6

PROMOTING FAIR MIGRATION

BALI DECLARATION PRIORITY:

Enhancing labour migration policies based on relevant international labour standards that:

- (a) recognize the labour market needs of all;
- (b) are based on the General principles and operational guidelines on fair recruitment (2016), including no charging of recruitment fees or related costs to workers; and the entitlement of workers to keep in their possession travel and identity documents;
- (c) provide adequate protection to all migrant workers, including through better portability of skills and social security benefits;
- (d) take into account the ILO Multilateral Framework on Labour Migration (2005); and
- (e) redress employer–worker relationships that impede workers’ freedom of movement, their right to terminate employment or change employers, taking into account any contractual obligations that may apply, and their right to return freely to their countries of origin.

Nearly two-thirds – 65 per cent – of the world’s migrants have moved for employment purposes. In total, migrant workers number 150 million of which 44 per cent are women.

Labour migration has the potential to deliver a triple win. For countries of destination, it contributes to economic growth through the provision of labour, skills and ideas. For countries of origin, the movement of women and men across borders reduces underemployment pressures and increases remittances. Migrant workers have the opportunity to earn higher incomes and develop new skills, and thus greater independence and agency. However, the envisioned triple win is currently not equitably distributed. Maximizing the benefits of labour migration and minimizing the risks and social costs requires sound and effective labour migration governance. The 2030 Agenda for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration demonstrate the global significance of this issue, and offer an important opportunity for the ILO to promote its Decent Work Agenda, including the fundamental principles and rights at work.

The Bali Declaration was adopted at the 16th Asia and Pacific Regional Meeting of the ILO on 9 December 2016. The Declaration serves as a call to action for governments, workers’ and employers’ organizations in the region to do more to promote inclusive growth, social justice and decent work. This series of Policy Briefs aims to focus attention on the priorities for policies and actions at national level and by the ILO as defined in the Declaration.

DEFINING THE CHALLENGE

The Asia-Pacific region was host to 21.9 per cent of the world's economically active migrants in 2013. This is the equivalent of 32.9 million migrants in total, 17.1 million males and 15.8 million females (ILO, 2015). Migration to higher-income economies within the region provides millions of jobs and generates billions of dollars in remittances for migrant workers and their families. Seven of the top ten remittance-receiving countries in 2016 were in the region (Bangladesh, China, India, Indonesia, Pakistan, the Philippines and Viet Nam) with inflows totaling approximately US\$210 billion (World Bank, 2017).

The key migration corridors in the region include flows to and within the ASEAN Member States, to South Asia, to East Asian economies, and to New Zealand and Australia, with the latter countries primarily receiving seasonal migrants from Pacific Island countries. Labour migration in the region is primarily temporary in nature involving low- and semi-skilled work. In 2015, a third of new immigrants to OECD countries came from Asia (OECD, 2017). The number of international migrants in the Arab States, coming primarily from the Asian region, roughly tripled from 11 million in 1990 to more than 32 million in 2015 (UNDESA, 2015).

Both men and women migrate, although they tend to work in different sectors. Male migrants dominate sectors such as construction and female migrants are predominant in domestic work. ILO estimates that around 8.5 million (73.4 per cent) of all migrant domestic workers are women with South-East Asia and the Pacific hosting the largest number of women migrant domestic workers (24 per cent) (Tayah, 2016).

The issue of distress migration features in certain countries in the region, notably from Afghanistan, Bangladesh and Myanmar; and the climate change induced migration in the Pacific and small island states. Irregular migration occurs in parallel with regular migration, though the figures vary by countries and sub-regions. In 2017, a number of major countries of destination such as Saudi Arabia, Malaysia and Thailand have stepped up efforts to address irregular migration, including through amnesties, increasing penalties against employers and deportation of irregular migrants.

Migrant workers are highly vulnerable to abuses during recruitment as well as abuses on the job in part because the supply of potential migrants in lower wage countries outstrips the demand in higher income destination countries. In many countries with governance gaps, both in origin and destination, the recruitment fees charged are excessive in relation to actual costs incurred. Abuses on the job – for example, withholding of passports or faulty occupational safety and health – are often exacerbated by the way in which work permits are tied to specific employers creates a dependency that can easily be exploited. In the event that migrants' rights are violated, they often have little recourse to justice.



Joined-up policy making is required at the national and international levels to ensure that migration is fair for all.

– Guy Ryder, ILO Director-General

AREAS OF ACTION AND LESSONS LEARNED

This section provides an overview of recent policy developments in the area of labour migration and points to some good practices and lessons learned.

Recruitment

To counteract abuses in recruitment, including high fees charged by recruitment agencies, the ILO has developed principles and guidelines on fair recruitment that respect and fulfil the principles enshrined in international labour standards (ILO, 2016). Numerous countries in the region have taken positive steps to promote fair recruitment processes. One example is Thailand, which recently introduced legislation that prohibits the charging of recruitment fees to migrant workers. Singapore goes further and has made participation in an orientation programme that outlines fair practices mandatory for all employers of migrant domestic workers. The social

OUTFLOW OF WORKERS FROM SELECTED ASIAN COUNTRIES, 2010-2015 ('000s)

Country	2010	2011	2012	2013	2014	2015
Philippines	1,124	1,319	1,435	1,469	1,431	1,438
Pakistan	358	453	635	620	752	947
India	641	627	747	817	805	781
Bangladesh	391	568	608	409	426	556
China	411	452	512	527	562	530
Nepal	294	355	385	451	520	500
Indonesia	567	594	460	469	430	276
Sri Lanka	268	263	282	293	301	263
Viet Nam	86	88	80	88	107	116

partners also have an important role to play in promoting the principles of fair recruitment. A positive example is the Malaysian Employers' Federation (MEF) who conducted a survey, published a report and conducted National Seminar on Management of Foreign Workers in Malaysia, attended by over 100 employers.

Promoting good governance

Development of a national policy framework on migration is a first step towards creating effective migration governance structures. Such a policy should set out the institutional, legislative and regulatory framework as well as the framework for social dialogue and other consultative processes. In 2005, the ILO had convened a tripartite meeting of experts, which debated and adopted the ILO Multilateral Framework on Labour Migration (ILO, 2006). More than a decade later, the Framework maintains its relevance as a guideline for governments, employers' and workers' organizations and all partners involved in the development, strengthening, implementation and evaluation of national, regional and international labour migration policies and practices.

Working conditions

Protecting migrants from abuses in employment practices requires improved legal frameworks and/or enforcement mechanisms. There has been progress in the region on adoption of some of the core conventions protecting migrants. For example, Indonesia ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Philippines ratified the ILO Domestic Workers Convention, 2011 (No. 189); and Fiji and Mongolia ratified the Private Employment Agencies Convention, 1997 (No. 181). For irregular migrant workers, still few countries have protections enshrined in

law, but some good practices to improve their conditions of work in the ASEAN countries are detailed in Larga et al. (2013). The vulnerabilities of female migrants are oftentimes exacerbated by the policy responses; some countries of origin have attempted to protect female workers by selective bans and raising age barriers, which deny women the opportunity to make their own decisions about migration. This may result in women having no options but to migrate irregularly and without protection (Napier-Moore, 2017).

Skills development and skills recognition systems

There is much potential for skills training and recognition systems to positively impact on the functioning of labour markets for the benefit of employers, migrants, as well as countries of origin and destination. Delivering on this potential requires improved labour market information, dialogue with employers and incentives in the form of improved employment opportunities, wages and working conditions. A few pilots have been launched between countries to increase and facilitate recruitment, improve productivity and higher returns to workers. In the ASEAN region, Mutual Recognition Arrangements (MRAs) have been completed for seven professions and for tourism professionals.

Partnerships

Bilateral Labour Arrangements (BLAs) and Memorandum of understandings (MOUs) among governments of countries of origin and destination should engage the social partners, making the texts available to the public (as in the Philippines), and adopting a system of periodic assessment, particularly regarding the protection of migrant workers. Trade unions like General Federation of Nepalese Trade Unions (GEFONT) in Nepal have been proactive in developing partnerships with trade unions in destination countries.

WORKER PAID MIGRATION COSTS

Destination	Origin	Total worker paid migration costs		Average monthly earnings in destination (US\$)
		Average (US\$)	In months of earnings in destination (average)	
Saudi Arabia	Pakistan	4,395	10.6	414
	Ethiopia	991	3.6	275
Qatar	India	1,149	2.0	575
	Philippines	480	1.1	436
	Nepal	1,054	3.3	319
Kuwait	Bangladesh	3,136	9.0	348
	India	1,248	2.5	499
	Sri Lanka	319	0.9	354
Republic of Korea	Indonesia	1,506	1.3	1,158
	Thailand	1,466	1.2	1,222
	Vietnam	1,582	1.3	1,217

Source: KNOMAD World Bank/ILO surveys conducted in 2014-15.

Advocacy

The ASEAN Forum on Migrant Labour (AFML) annually convenes key migration stakeholders from among ASEAN governments, workers' and employers' organizations, and civil society. The AFML examines the Articles of the ASEAN Declaration on Migrant Workers that pertains to that year's chosen theme; agree on a set of recommendations arising from the discussion at the thematic sessions; and share stakeholder experiences, challenges, and good practices in the implementation of previous AFML recommendations.

WHERE DO WE GO FROM HERE?

The ILO Regional Office for Asia and the Pacific has 15 on-going projects related to labour migration. Between the project teams and technical specialists in Decent Work Teams, ILO action to support constituents in taking forward the Bali Declaration over the next two years (2017-18) will include:

Assessing labour market requirements for migrant workers:

ILO will provide a platform for sharing of experiences and monitoring of developments in admission policies such as through the annual roundtable on Labour Migration in Asia organized by ADBI, OECD and ILO (2017).

Implementation of Fair Recruitment Principles and Guidelines:

ILO will conduct surveys using standardized Global Knowledge Partnership on Migration and Development (KNOMAD) methodology on migration cost. The Office will help develop and pilot methodology for measuring progress against SDG Goal 10, target 10.7 (safe and orderly migration). Legislation and enforcement on fair recruitment will continue be strengthened, including through better complaints mechanisms and direct support to migrant workers.

Protection to all migrant workers:

ILO will deepen sectoral approaches and develop context-specific approaches to improving conditions in domestic work, construction, manufacturing, agriculture and fishing. A key element of the sectoral approach will be engagement with supply chain actors and the leveraging of their influence on the protection of workers. ILO will continue to promote the establishment and effective functioning of Migrant Worker Resource Centres (MRCs) run by government job centres, trade unions and civil society organizations (CSOs); and support organization of workers. Specific attention will be placed on fair and safe migration for women.

Supporting ASEAN employers to adopt and implement fair recruitment practices

The ASEAN Confederation of Employers (ACE) has developed and adopted a policy position and framework for sustainable labour migration in the area of recruitment, skills matching, OSH, forced labour and human trafficking and non-discrimination.

Portability of skills and social security:

ILO will support joint minimum standards and mutual recognition approaches to skills by building systems and linking the various actors involved. It will also promote the sharing of labour market information to inform placement as well as training programmes; engage employers, and implement on a pilot basis guidelines developed on recognition of skills of returnees. Bilateral agreements on social security will be promoted in the ASEAN.

Regional cooperation on migration governance and statistics:

ILO will continue to support strengthening bilateral and regional frameworks and processes in the South-East Asia and South Asia; and improve the collection and sharing of labour migration data.

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