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Strengthening Post-arrival Orientation Programs for Migrant Workers in ASEAN



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The growing pace of economic globalization has generated more international migration movements than ever before. According to 2013 estimates from the United Nations Department of Economic and Social Affairs (UNDESA), there are 232 million international migrants in the world and 9.5 million of them are in Southeast Asia. The number of international migrants in ASEAN has tripled since 1990 to 9.4 million, of which 6.5 million actually come from within ASEAN.¹ While for a lot of workers migration is a positive experience, a significant number of migrant workers, particularly those in low-skilled sectors, may suffer from exploitation during recruitment and at workplace. They are often victims of misrepresentation, overcharging of fees, underpayment of wages, forced to take dangerous jobs with unsafe working conditions, withholding of salaries, illegal salary deductions, contract substitution, and lack of freedom of movement and association, among others.

Several prospective migrants from ASEAN have incomplete and imprecise information about job opportunities and living conditions abroad. In some cases, recruitment agencies do not provide complete and accurate information about job responsibilities, working and living conditions, and where to find help or support in times of necessity. Protecting migrant workers requires measures that address this information asymmetry. Migrant workers need to have accurate information about their rights and obligations, including safe and legal recruitment options, complaint mechanisms, labour laws, cultural diversity, etc.

A key factor in the prevention of exploitation is to have in place an effective information dissemination strategy directed not only to migrant workers and their families but also for their recruiters and (potential) employers. Moreover, information dissemination should be provided at the country of origin as well as at the country of destination. Although pre-departure orientation and provision of information are essential for protecting the rights of migrant workers, they are not enough on their own. In order to re-inforce the messages provided during these orientations, they should take place at every stage of the migration process including before departure, upon arrival at the destination country, and once workers return to their country of origin.

The **International Labour Organization (ILO) Multilateral Framework on Labour Migration (2006)** is a document adopted by tripartite partners that contains guiding principles to assist countries to develop effective and efficient labour migration policies. Under Guideline 10, the framework notes the importance of “providing information to migrant workers on their rights and assisting them with defending their rights” and “providing information to employers’ and workers’ organizations concerning the rights of migrant workers”.

At the Regional level, guiding documents include the ASEAN Declaration on the Protection and Promotion of Migrant Labour (AFML). The AFML is an open platform for the review, discussion and exchange of the best practices and ideas between governments, workers’ and employers’ organizations, and civil society stakeholders on key issues facing migrant workers in ASEAN. The conduct of pre-departure and post arrival orientation has been included in several recommendations of the AFML. According to Recommendation #16 of the 7th AFML:

“The pre-employment, pre-departure and post-arrival orientation programmes should be conducted mandatorily and free of charge for all men and women migrant workers. It should involve stakeholders and the quality of curriculum should continuously be improved to include cultural orientation and rights and

¹ UNDESA, 2013. *Trends in International Migrant Stock: The 2013 Revision*, United Nations Database.

obligations of men and women migrant workers and employers.”²

Moreover, Recommendation 2.A of the 4th AFML noted that in order to promote a positive image, rights and dignity of migrant workers, ASEAN Member States should “conduct post-arrival orientation programmes in receiving countries, to be performed by the government, employers, trade unions, civil society, and should adopt a rights based approach in orientating both migrant workers, employers and government for them to understand what their rights and responsibilities are.”³ ASEAN Member States should likewise “ensure the availability of information to the public on recruitment and emigration procedures and costs such as fees, visa, passport, work permit, health examination, and pre-departure and post-arrival trainings/orientation,” as per the 8th Recommendation of the 5th AFML.⁴

An assessment of the implementation of the past AFML recommendations, presented as a background paper to the 7th AFML noted that: “Post-arrival orientations reinforce pre-departure orientation training; they allow migrant workers to access country-specific information; and build relationships between workers and relevant government institutions, migrant associations, and CSOs in destination countries. Nevertheless, post-arrival orientation in destination countries is conducted only by a few origin and destination countries. Information on the coverage of these programmes needs to be collected.”⁵

Post-arrival Orientation Programmes include structured orientation programmes facilitated by the host countries or embassies and consulates of sending countries to the migrant workers upon their arrival at the destination countries. These programs may be delivered by governments, workers’ organizations, employers, civil society organization, or a combination of these key stakeholders. Post-arrival orientations reinforce and contextualize pre-departure orientation training.

The two ASEAN sending countries that provide post-arrival support to their nationals are Indonesia and the Philippines. Two receiving countries in the region that offer some kind of training to migrant workers upon their arrival are Malaysia and Singapore. The Employment Permit System (EPS) of the Republic of Korea and the post-arrival orientation program in Hong Kong (China) exemplify some of the good practices on post-arrival programmes in the region.

Sending countries

Indonesia

The Government of the Republic of Indonesia now implements a **Welcoming Programme** for Indonesian migrant workers through its Consulate in Hong Kong (China) and through the Indonesian Chamber of Commerce and Industry (Kadin) in Taipei, Taiwan (China). This is part of the government’s strategy to disseminate information about life and work abroad. In 2007, attendance to the Welcoming Program for newly arrived workers was made mandatory with recruitment agencies being required to ensure the participation of migrant workers. In Hong Kong (China), the Consulate is provided with a list of new arrivals and follows up with agencies are made if any workers do not attend.

The Welcoming Programme informs workers about their rights and obligations while living in Hong Kong (China) and Taiwan (China) on topics including the culture of Hong Kong (China) employers, what employers should not expect of domestic workers (e.g. give massages or clean apartment windows without the necessary safety equipment, etc.). Through the use of videos, workers are informed on Hong Kong (China)

² Recommendations of the 7th ASEAN Forum on Migrant Labour, 2014 (Nro. 16).

³ Recommendations of the 4th ASEAN Forum on Migrant Labour, 2011 (Nro. 2. A).

⁴ Recommendations of the 5th ASEAN Forum on Migrant Labour, 2012 (Nro. 8).

⁵ ILO. *Progress on the Recommendations adopted at the 3rd- 6th ASEAN Forum on Migrant Labour Meetings*: Background Paper to the 7th AFML, Bangkok, 2015.

and Taiwan (China) institutions can assist them with problems such as employers who refuse to pay wages. As part of the Programme, Indonesian officials inform workers on what services or assistance they can expect the Consulate and Hong Kong (China) employment companies as well as the Indonesian Chamber of Commerce and Industry can provide them. In addition, the Indonesian Consulate in Hong Kong (China) also provides cooking, makeup, hairdressing, and language classes as well as an entrepreneurial course to provide migrant workers with a set of skills that would benefit them when they return to and follows up with agencies are made if any workers do not attend.

The Welcoming Programme informs workers about their rights and obligations while living in Hong Kong (China) and Taiwan (China) on topics including the culture of Hong Kong (China) employers, what employers should not expect of domestic workers (e.g. give massages or clean apartment windows without the necessary safety equipment, etc.). Through the use of videos, workers are informed on Hong Kong (China) and Taiwan (China) institutions can assist them with problems such as employers who refuse to pay wages. As part of the Programme, Indonesian officials inform workers on what services or assistance they can expect the Consulate and Hong Kong (China) employment companies as well as the Indonesian Chamber of Commerce and Industry can provide them. In addition, the Indonesian Consulate in Hong Kong (China) also provides cooking, makeup, hairdressing, and language classes as well as an entrepreneurial course to provide migrant workers with a set of skills that would benefit them when they return to Indonesia.

Philippines

The government of the Philippines has been one of the most active ASEAN States ensuring that the rights of its citizens abroad are protected. The Migrant Workers and Overseas Filipinos Act of 1995 was promulgated to institute the policies governing overseas employment and established a higher standard of protection and promotion of the welfare of Filipino Overseas Workers (OFWs) and their families in distress. The government of the Philippines requires that departing OFWs attend the mandatory Pre-departure Orientation Seminar (PDOS), a seminar on settlement issues and concerns including local culture and work practices of countries of destination as well as their rights and obligations.

As a follow-up to the PDOS, the Philippine Overseas Labour Office (POLO) at the Philippines embassies in destination countries conduct Post-arrival Orientation Seminars (PAOS) for newly-arrived Overseas Filipino Workers (OFWs). The orientation provides information on rights, privileges and responsibilities in the country of destination and information on the assistance that can be expected from the Philippine diplomatic missions.

In Singapore PAOS is held once every two months and it covers the services offered by the Philippine Embassy and POLO, advice on personal safety and information on Filipino community activities. Unlike the PDOS, the PAOS is not mandatory.

For OFWs going to the Republic of Korea, the Philippine Overseas Employment Administration (POEA) assigns a team leader from among the departing OFWs who becomes responsible in coordinating with the Human Resource Development Service of the Republic of Korea (HRD Korea) of any development or incident involving OFWs. Upon arrival at one of two training centres in the Republic of Korea, the team leader of OFWs provides the POLO with the list of newly-arrived workers under the Employment Permit System (EPS) and thereafter, the POLO conducts a 45-60 minute post arrival briefing on the following:

- An overview of the salient features of the Korean labour and immigration laws.
- Philippine Embassy/POLO programs and services that provide support in case of problems encountered, including 24/7 hotline numbers.

- Philippine Embassy contingency plan in case of emergencies.
- Reintegration preparedness and returnee support programs. The POLO encourages workers to avail of all the training programs offered free-of-charge by the government of the Republic of Korea and the financial literacy programs of the Embassy. The latter are provided in coordination with Philippine banks and Filipino community organizations.

Examples of post-arrival orientation programmes in ASEAN receiving countries

Malaysia

Since 2004 the Malaysian Government requires foreign workers to attend an induction course on communication skills, Malaysian culture and laws and regulations. The course is provided through training centres located in the sending countries and accredited by the Ministry of Human Resources (MoHR).⁶ Completion of the course is a precondition for the issuance of employment visa by the Immigration Department of Malaysia (JIM). There is a cost involved for the worker, although the amount has not been verified. The aim of the course is to help promote good social relations, improve adherence to standards of workplace safety and health, enable foreign workers in Malaysia to have basic communication skills in English or Malay, and develop understanding of Malaysian laws and regulations. In order for foreign workers to be eligible to work in Malaysia and complete the induction course, they must comply with all requirements of the Memorandum of Understanding (MoU) between Malaysia and the migrant sending country, mainly all foreign workers working in Malaysia must possess sufficient knowledge of Malaysian culture and social practices; be able to communicate either in English or Malay language and comply with all Malaysian laws, regulations and immigration procedures. In addition, workers must be literate and numerate. For foreign workers who are already in Malaysia, the training is provided by the employer in case there are any changes in the workers job task or the introduction of a new work system in their current tasks.

The Malaysian Government has appointed the National Vocational Training Council (Majlis Latihan Vokasional Kebangsaan - MLVK), a department under the MoHR to develop the training modules for this specific course. MLVK has in turn appointed certain accredited training companies to conduct the induction courses on its behalf. Employers can also implement the induction course themselves, though they must notify Jabatan Tenaga Kerja (JTK- Labour Department) and submit the course syllabus for approval. Foreign workers who successfully complete the induction course receive a Certificate of Eligibility from the National Vocational Training Council, Malaysia.

Table 1. Induction course for foreign workers working in Malaysia

Module No.	Duration	Module No.
1	Workplace communication proficiency in English/Malay for foreign workers working in Malaysia	9 hours
2	Malaysian Culture for foreign workers working in Malaysia	3 hours
3	Awareness of Malaysian laws for foreign workers working in Malaysia	8 hours
Total Hours		20 hours

Source: Ministry of Human Resources, Malaysia.

⁶ To date, the only country that signed a MOU with Malaysia to provide this training in Indonesia.

Singapore

In 2005, the Government of Singapore introduced an English test for domestic workers as a way to improve their language skills. However, this initiative was discontinued in 2012 and has been replaced by a post-arrival orientation programme called “Settling-in Programme” applicable for first-time or newly-arrived foreign domestic workers (FDWs). The cost of the course is US\$55, which should be paid by the employer. This one-day mandatory course is intended to educate workers on safety precautions and living conditions in Singapore. FDWs who fail to attend the SIP within three working days after their arrival in Singapore will not be issued their Work Permits and will be repatriated. The programme is available daily in English, Bahasa Indonesia, Tagalog and Burmese and also offered three times a week in Tamil, Punjabi, Thai, Sinhalese, Telegu, Malayalam, Kannada, Bengali, and Hindi. The content of the course includes an introduction to Singapore; conditions of employment; safety at home; safety in other areas; and relationship and stress management. The objective of the SIP is to raise general awareness on home safety, in particular high-rise window cleaning; to provide them with information on the safety precautions to take when carrying out routine chores; to educate them on the work permit conditions, their rights and responsibilities and to better orientate and equip FDWs with basic knowledge about living and working in Singapore.

The Government of Singapore has recognized that it is not only workers who require orientation, but also employers who require training to understand their roles and responsibilities when hiring migrant workers. The Ministry of Manpower (MoM) and accredited training centres conduct the Employer’s Orientation Programme, which is a three-hour compulsory programme for employers of domestic workers. Those required to attend include: first-time employers of domestic workers; any employer who has submitted four work permit applications for foreign domestic workers within a 12-month period, with the previous three foreign domestic workers each having been employed for less than three months.⁷ The aim of the Employer’s Orientation Programme is to provide employers with an understanding of their role and responsibilities; basic knowledge and skills to develop and maintain a happy and productive working relationship with their FDW; and to provide a basic understanding of legal issues and guidelines related to the employment of FDWs.

Examples of post-arrival orientation programmes in East Asia

Republic of Korea

In 2003, the Republic of Korea introduced the Employment Permit System (EPS) as a means of admitting lower skilled foreign workers into the country, and is the most recent in a series of programmes the Republic of Korea has implemented to address labour shortage in some sectors of the economy. The EPS replaced or subsumed earlier programmes such as the Industrial Trainee Programme, the Post-training Employment Programme, and the Employment Management Programme. It is a direct government-to-government agreement with the labour ministries of sending countries. As of 2007, the Republic of Korea has concluded MoUs on EPS with 15 sending countries: Bangladesh, Cambodia, China, Indonesia, Kirgizstan, Myanmar, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Timor-Leste, Uzbekistan, and Viet Nam. Under the EPS, the rights of foreign workers are equal to those of national workers and guaranteed by the Labour Standards Act. They are also covered by the insurance system, which include Employment Insurance, Industrial Accident Compensation Insurance, the National Health Insurance, and the National Pension.

Post-arrival employment training for non-professional foreign workers (E-9 visa) and ethnic Korean workers (H-2 visa)

Once foreign workers with non-professional E-9 visa arrive in the Republic of Korea under the supervision of

⁷ Singapore Ministry of Manpower. Work permit for foreign domestic workers. Available online at <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker>

the sending agency officials posted in the sending country, they are picked-up by the receiving agency, Human Resources Development Service of the Republic of Korea (HRD Korea) at Incheon International Airport. After completing immigration and security check procedures at the airport under the guidance of HRD Korea, the persons in charge of the accredited training agencies will receive and transport the workers to their respective training centres to conduct the 3 days/ 2 nights **post-arrival employment training programme**.

Pursuant to the Article 11 of the Act on Foreign Workers' Employment, employers of migrant workers shall allow the workers to take the post-arrival employment training program within a period determined by the Ordinance of the Ministry of Employment and Labour (MOEL) after entering the Republic of Korea and should consider the start of the training period as the commencement of their employment contract.⁸ The cost for the program is shouldered by the employer but they may get partial financial assistance from the Capacity Development Project of Employment Insurance. For ethnic Korean workers (H-2 visa holders), the training cost is borne by the employees themselves. When the training centre notifies the employer of the worker's completion of the post-arrival training, the employer has to visit the training centre and receive the worker. Foreign workers should complete the program and thereafter get their medical check-up to certify them as 'fit to work'. Workers do not need to further report to the MOEL for the commencement of employment.

Following Employment Permit System regulations, foreign workers must complete an Employment Training Module (20 hours minimum) after entering the country.⁹ Contents of the Employment Training Module:

- The training program was designed for the faster integration of foreign workers' to the Republic of Korea with 16 hours or more of its content allocated for Korean Language, understanding of Korean culture, relevant laws with Employment Permit System, industrial safety & public health, basic technical skills and others.
- During the training period, foreign workers undergo medical check-up and employers subscribe to 'Return Guarantee Insurance (for the preparation of severance pay) and Wage Claim guarantee Insurance (in case of unpaid and overdue wages).
- In addition, foreign workers get 'Return Cost Insurance' (for flight ticket to their home country when their stay ends) and 'Casualty Insurance' (covers non-occupational injuries and diseases).

Table 2. Training cost

	Foreign nationality workers (E-9 visa)	Ethnic Korean workers (H-2 visa)
Manufacturing	195 000 won (165 US\$)	Stay-in training: 148,000 won (125 US\$) Stay-out training: 102,000 won (86 US\$)
Agriculture and stock breeding	210 000 won (177 US\$)	
Fishery	210 000 won (177 US\$)	
Manufacturing	224 000 won (190 US\$)	

Source: Ministry of Employment and Labour, Republic of Korea

⁸ Act on Foreign Workers' Employment, Republic of Korea, 2009. Available online at <http://www.moleg.go.kr/english/korLawEng?pstSeq=52958>

⁹ Republic of Korea Employment Permit System, 2015. Available online at. Available online at <https://www.eps.go.kr/ph/index.html>

Table 3. Korean accredited training agencies for migrant workers

Accredited Training Agencies	Module No.
Korean Labour Foundation	Manufacturing, Service (Vietnam, Mongolia and Thailand)
Korean Federation of SMEs	Manufacturing, Service (Countries other than Vietnam, Mongolia and Thailand)
National Agricultureal Cooperative Federation	Agriculture and stock breeding (covers all sending countries)
National Federation of Fisheries Cooperatives	Agriculture and stock breeding (covers all sending countries)
Construction Association of Korea	Fishery (covers all sending countries)
Human Resources Development Service of Korea	Agriculture and stock breeding (covers all sending countries)

Source: Ministry of Employment and Labour, Republic of Korea.

From January to April 2008, the ILO Regional Office for Asia and the Pacific conducted a series of national workshops on Improving the Recruitment and Preparation of Migrant Workers for the Republic of Korea held in the Philippines, Thailand, Indonesia, and Viet Nam.¹⁰ As part of the workshops, a survey of migrant workers from all four countries employed in the Republic of Korea through the EPS system took place with the aim of obtaining information on views of migrant workers on effectiveness of and problems with current EPS system and where it might be improved. A large majority of respondents in all four countries view the post-arrival training as being from moderately to very useful in helping them adjust to their workplace in the Republic of Korea.

Hong Kong (China)

In order to better assist the high numbers of workers that arrive daily to the country, the Hong Kong's Home Affairs Bureau supports the Mobile Information Service (MIS) located at Hong Kong (China) International Airport. MIS is composed of members of the International Social Services' Information Ambassadors recruited from the main migrant communities present in Hong Kong (China). The ambassadors, who can handle inquiries in the workers' native languages, distribute information kits to migrant workers, who are mainly from Indonesia, Philippines and Nepal.

Workers are provided with a handbook entitled 'Your Guide to Services in Hong Kong', which contains updated information about relevant services, employment rights and benefits, immigration matters and culture and customs of Hong Kong (China). The handbook is published by the Home Affairs Department since 1996 and is updated regularly.¹¹ The handbook is available in seven languages, namely English, Bahasa Indonesia, Tagalog, Thai, Hindi, Nepali and Urdu. In addition to being distributed in the information kits handed over to migrant workers at the airport by the International Social Service's Information Ambassadors, copies of the handbooks are available at the Home Affairs Department Public Enquiry Service Centres, Labour Department, relevant consulates and other community organisations. Information ambassadors are also present in urban areas where workers congregate during their day off.

¹⁰ ILO: *Pioneering a system of migration management in Asia – The Republic of Korea's employment permit system approach to decent work*. Geneva, 2010.

¹¹ Hong Kong (China) Home Affairs Department. *Your Guide to Services in Hong Kong*. Available online at http://www.had.gov.hk/fru/english/info/info_pub.html

To provide a quick reference on the rights and obligations of employers and FDWs, the Labour Department has issued a "Practical Guide for Employment of Foreign Domestic Helpers - What foreign domestic helpers and their employers should know"¹², providing answers to some of the common questions raised by the FDWs and their employers, including details on the conditions of employment and the legal provisions. The Guide is available in Bahasa, Chinese, English, Tagalog and Thai and it is available to all FDWs via the Consulates and unions. In addition, every new worker arriving to Hong Kong (China) will also receive the booklet from the Immigration Office when applying for an ID card.

Recommendations to improve post-arrival orientation programmes in ASEAN:

- Pre-departure orientation programmes that take place at the country of origin should be linked with post-arrival training at the destination country. Standard curricula should be developed by countries of origin and destination, to reinforce common information and messages provided to the migrant worker.
- Destination countries should make post-arrival orientation training mandatory for all migrant workers. Provisions may be stipulated in the labour migration law or policy. A standard curriculum should be developed to include topics such as: culture, customs and laws of the country; behaviour at work and in daily life (e.g. developing a good relationship with employers and colleagues; health and hygiene); financial literacy, etc.
- Post-arrival orientation should be conducted by receiving countries no more than 30 days after the worker has arrived in the destination country. It will help to enforce the information workers have received during their pre-departure training in their country of origin, information that may sometimes be forgotten by the worker at the time it was provided.
- The training can be imparted either by the relevant government bodies, the employers or by accredited training agencies that the government has established for that purpose. Ideally, the cost of the training would be borne by the employers. Embassies of the sending country may reinforce the mandatory post-arrival orientation programmes through seminars or workshops held for their nationals abroad.
- Employers should provide workplace specific post-arrival orientation to newly arrived migrant workers. The information should provide an overview of the workplace and work practices; convey industry specific training, including standard occupational health and safety (OHS) training as part of their orientation to help workers adapt to their new working environment.

¹² Hong Kong Labour Department, Practical Guide for Employment of Foreign Domestic Helpers - What foreign domestic helpers and their employers should know, 2015. Available online at <http://www.labour.gov.hk/eng/public/wcp/FDHguide.pdf>

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International labour migration data on stocks and flows is now available at:
International Labour Migration Statistics (ILMS) Database for ASEAN

The ILMS Database can be accessed from three portals online:

ILOSTAT: www.ilo.org/ilostat

APMigration: <http://bit.ly/ILMSDatabase>

ASEANStatistics: www.asean.org/resources/category/asean-statistics



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ASEAN TRIANGLE Project

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