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Group C: Facilitating Free Cross-border Labor Movement and Better Mutual Skill Recognition

Challenges in the GMS: Implementation of the ASEAN Declaration on the protection and promotion of the rights of the migrant workers

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The ASEAN is a hub for cross-border labour migration. ASEAN member-states are sending about 14 million migrant workers to work in other countries; of this about six million are working within ASEAN. For a variety of push and pull factors, in the coming years, will continue to increase in labour migration in the region. In 2012, migrant workers remittances reached an estimate amount of US\$39.5 billion.

ASEAN gives priority to the protection and promotion of the rights of migrant workers. The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed in 2007, outlines the obligations of sending and receiving states. The ASEAN Committee on Migrant Workers (ACMW) formed in 2008 is planning to complete the drafting of the “ASEAN Framework Instrument on the protection and promotion of the rights of migrant workers” by 2015 on time for the integration of the ASEAN Economic Community (AEC).

The annual ASEAN Forum on Migrant Labour (AFML) advances the implementation of the 2007 ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers. The AFML provides the platform for review, discussion, exchange of experiences and ideas between governments, workers’ and employers’ organizations, and civil society stake-holders on key issues facing migrant workers. For example, AFML has provided the space to share good practices on information services, cooperation on capacity and confidence building, and stakeholder engagement on gathering information to improve the recruitment processes.

The GMS governments continue to strengthen their cooperation through the ASEAN Committee on Migrant Workers (ACWM). The civil society groups through the Task Force on ASEAN Migrant Workers (TFAMW) are strengthening the capacity to better protect migrant workers and their families. The civil society is willing to work together and learn from each other; and to collaboration with the ACMW to implement the ASEAN Declaration on the protection and promotion of the rights of the migrant workers and Recommendations from the ASEAN Forum on Migrant Labour.

Labour Migration in the ASEAN region

Migrant Workers from Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV) mostly move to Thailand and Malaysia, while workers from Indonesia and the Philippines mostly move to Singapore, Malaysia and Brunei. Some ASEAN Member States have more women than men in their migrant workforces. In 2009, Indonesian women workers formed 83 per cent of their migrant workforce and in Lao PDR, women workers formed 70 per cent of their migrant workforce.

Migrant workers from ASEAN are mostly employed in low-wage and low-skilled jobs in sectors

including domestic and care work, construction, manufacturing, agriculture, fishing and forestry. In ASEAN, Malaysia, Thailand, Singapore and Brunei Darussalam are the major host countries; the Philippines, Indonesia, Cambodia, Lao PDR, Myanmar and Viet Nam are the major sending countries. Thai workers also migrate for overseas employment and Malaysian work across the border in Singapore.

The increase in cross-border migrant workers creates several issues including the increase in un-documented migrant workers; recruitment abuses that leads to heavy debts among migrant workers; the exploitation of labour migrants; and the social costs, children and families are “left-behind” and over dependence on the remittances.

Greater Mekong Sub-region (GMS)

The estimates in 2005 range from 1.8 to 4 million intra-regional cross border migrants in the GMS. The largest migration is to Thailand with about 70 percent coming from Laos, Cambodia and Myanmar and the remaining 30 percent move to their neighboring countries.

In Thailand, low-wage migrant workers do the jobs unwanted by locals, mostly the dirty and dangerous jobs. The intra-regional migrant workers contribute to the economy of the more advance economies like Thailand. Within the GMS, Thailand is more advance with per capita GNP (\$2,291) which is 12 times higher than that of Cambodia, seven times higher than Laos, and six times more than Myanmar. Thailand with high demands for low-skilled labour offers better wages then compared to Cambodia, Laos and Myanmar.

The Thai economic is dependent on migrant labour but many migrant workers are subject to labour exploitations and abuses. The recruitment process and the working conditions of the low-skilled migrants indicates labour exploitations and abuses including high recruitment costs; deception about wages, type of work and legal status; withheld wages; retained passports or identity documents; physical confinement; substandard working conditions, and threats of denunciation to the authorities. The conditions faced by migrant workers are in violation of their basic human and labour rights.

GMS: Sending countries

Intra-regional migration could increase the migrant workers income as they earn more than what they earn in their home country. The wages received in Thailand by migrant workers from Laos, Cambodia and Myanmar, is often the lowest or the minimum wage, but they are higher than in their home countries due to the wide socio-economic gaps in the GMS. The migrant workers in GMS cross-borders not only to find job and higher income but also to learn skill, and to move away from their own family and other social problems.

The family members left-behind at home may face stress caused by the constant lack of communication between the migrants and their family back home. The children of the migrant worker often live with the extended family as such the families also have to cope with providing care for the children. The misunderstanding and stress is often about the needs of the migrant worker and the left behind family. The migrant workers may lack access to telephone, postal services, due to illiteracy or limited knowledge, and the employer may also refuse to allow access to such communication to reach their family and friends back home. To avoid the separation more migrant workers are taking the risk to bring their spouse and children over to reunite in the receiving country, often they are un-documented challenging the restrictions in GMS destination countries.

GMS build-up of infrastructures and intra-regional migration

The transportation infrastructures connecting all GMS countries cross-borders to growth areas is a

clear sign of regional integration which also facilitates easier mobility in the region. Checkpoint facilities and improved roads, railways, river transport, makes it easier for cross-border travelers. Border-pass which permits one-day visits to Thailand is increasing travel from Laos, Cambodia and Myanmar. The new transportation infrastructures make travel easier for migrants to reach official and unofficial entry points. The new infrastructures are providing more opportunities to migrant workers who can easily reach jobs at a distant and even makes finding jobs across the border more feasible.

Challenges in GMS sending and receiving countries

GMS cooperation to effectively manage cross-border labour migration is the key to increase the benefits and reduce the risks for the migrant workers. The recruitment processes of the sending country will impact on the migrant workers living and working conditions in the receiving country. The working conditions of the migrant workers in the receiving country will also impact on the quality of life for their family who is “left-behind” in the sending country.

There are several causes for the migrant workers to face risk including their skills and training gaps, lack of accurate information, and the high cost and difficult procedures that often drive the potential migrant workers into a debt-bondage, and to accept poor working conditions and wage deductions, or ‘run away’ in search of better paid jobs. The authorities have limited capacity to inspect conditions where migrants work, as they are often isolated within the workplace like a factory, on a boat, or on a plantation. Migrant workers have poor access to justice through the legal system. They are reluctant to complain about their brokers or employers for fear of losing their work permits and job.

In Thailand, there are large numbers of undocumented migrant workers among the estimated two to three million migrants from Myanmar, Cambodia and Laos and many are without any valid travel documents. On their way to Thailand, they are facing many problems including payment of bribes on both sides of the border, deception by brokers, physical and sexual abuse, arrest and confinement, and accident, injury or even death.

Most migrants in the GMS do not hold passports or identity cards, as the process to process a passport is difficult, long and costly. Migrants from GMS often enter the receiving country without documents. Many enter the receiving country with only a one-day permit that can be given at some official border crossings by showing an identity card without the passport. Migrant workers also report confiscation or loss of their legal documents to authorities or employers. Applying for new identity documents is difficult and costly as they need to return to their home country to make the application.

In the GMS, there are many “unofficial recruitment systems” operating to facilitate the migrant workers recruitment and the fees range from Baht 3,000 to 24,000 (about \$80–640). Most migrant workers are unable to pay recruiters the high fees in advance and start their job in debt. The job and debt were negotiated and agreed verbally, with terms and conditions not explained in detail. The language differences make the migrant workers endure the exploitative conditions until their debt is repaid and with some saving they could approach another recruitment network to search for a better job.

Thai MOU with GMS countries do not provide for enforcement or redress mechanisms. There is no provision for family reunion, pregnancy, marriage and other personal matters. There is also no possibility of extension beyond a two-year renewal upon return to the sending country. The employers have to pay Baht 10,000–50,000 (\$250– 1,250) for each worker. The employers could attempt to collect the amount from the migrant worker thus reducing the opportunity for the migrant workers to change jobs.

The Future of GMS Migration

The GMS with better transportation infrastructures and economic integration will continue to facilitate exchanges in goods, service, and labour. Thus, Labour migration will continue to increase as ASEAN economies integrate in 2015. Moreover, there are possibilities for Yunnan and Guanxi provinces of China to become transition stop for migrant workers planning to go to other provinces in China. For the GMS, China may become both a receiving country and sending country of migrant labour. In Myanmar, Laos and Cambodia, already the Chinese firms bring their own workers from China for the managerial and skill jobs. More Chinese business will continue to bring more workers from China into the GMS.