

Memorandum of Understanding (MoU) between:

ASEAN Trade Union Council (ATUC); South Asian Regional Trade Union Council (SARTUC), African Regional Organization of the International Trade Union Confederation (ITUC-Africa), International Trade Union Confederation Asia Pacific (ITUC-AP); Arab Trade Union Confederation (Arab TUC) the Trade Union Confederation of the Americas (TUCA) as implementing signatories, and the International Trade Union Confederation (ITUC) as observer signatory, to pursue and achieve effective protection of the rights of migrant workers.

Preamble

The above six Trade Union organisations have reaffirmed their firm commitment to the principles and objectives of this MOU to cooperate and collaborate for the defense, protection and promotion of migrant workers' rights.

However, despite modest gains made, the working and living conditions of migrant workers and members of their families remain dire and precarious. This revised and renewed MOU is a mark of dedication to continue to seek better protection for migrant workers as a vital but vulnerable constituency of workers that the trade unions should protect. Aside from the urgency to contribute to the effective protection of migrant workers, the commitment to steady this course is also inspired by a self-enlightened interest to further the relevance and revitalization of the trade union movement.

We therefore:

REAFFIRM that migration remains a historic and continuous human phenomenon that offers development benefits for sending, transit and receiving countries, as well as for the migrants and their families;

UPHOLD the importance of migration for employment purposes as a choice and its contribution to human dignity, decent life and shared prosperity when effectively and genuinely managed;

ACKNOWLEDGE that women and youth constitute a growing majority of migrant workers, who, by and large, are mainly on their own. A significant number of these persons remain outside the trade union movement. They are overrepresented in precarious work, exploited by recruiting agents and employers, and worse for irregular and undocumented ones. They do not have a voice and representation in their working places and have to endure poor working and living conditions;

OBSERVE that despite the modest results achieved by the alliance under the subsisting MOU, and the positive contributions that trade unions have made to the global discourse on labour migration, there are renewed and formidable challenges undermining and undercutting the human and labour rights of migrant workers and members of their families. These challenges are partly the manifestations caused by the incidences and effects of the COVID-19 pandemic, the food, fuel and finance crises triggered by the pandemic and the war in Ukraine coupled with the resurgence of climate change actions;

OPINE that the challenges described above and the narrow reaction of engaging migration and refugee governance through the prisms of extremism, token populism, temporal electoral quick-fix, upscaling of deportation, and the "economic growth narrative will keep migrants and refugees back in their countries", have also contributed to imperil the decent work agenda for migrant workers. Thus, migrant workers' rights continue to be trampled upon, abused and denied in ways that undermine their physical integrity, social self-worth, psychological sanctity, mental rectitude and economic empowerment. These abuses manifest in low and abysmal wages; delayed and withheld wages; beating and torture; slavery and vestiges of the worst forms of slavery; starvation and violence and harassment; excessive working hours and very little rest time; racial attacks and xenophobia; hopelessness in the absence of legal redress to injustices, amongst others;

AFFIRM that identified issues such as - Document confiscation; lack of voice and representation through the prevention of the enjoyment of the right of freedom of association; inequality of treatment and opportunities; social protection provisions and portability challenges, wage protection challenges (delayed, reduced, and non-payment (theft) of wages and Occupational Safety and Health issues undermine workers, including migrant workers. The situation is worse for female migrant workers. Further, socio-economic structural problems that trigger and exacerbate poverty, misery and inequality affect all categories of workers, including migrant workers. The effects of armed civil conflicts and climate change are other issues of concern that would be engaged with the view to counter them successfully;

BELIEVE that cooperation and collaboration by relevant social partners and stakeholders will contribute to engendering a progressive labour migration arrangement and governance;

ASCERTAIN that the situation of migrant workers should be addressed through the principles of solidarity, social justice, equal treatment, equal opportunity, and gender equity and the genuine application and enforcement of international normative standards at all levels;

RECOGNISE that trade unions are established to defend workers' interests irrespective of race, nationality, demography, creed and gender. And that all workers, including migrant workers, should enjoy, without discrimination and inhibition, labour rights included in internationally-labour recognised standards, the countries' labour laws and collective agreements in receiving countries;

Subsequently, the parties to this MOU have therefore agreed to create better and improved spaces, opportunities and environment for the better defense, protection and promotion of the human and labour rights of migrant workers and members of their families through:

ACTION 1: Ratification and implementation of International Labour Standards (ILS) –

To work to increase ratification of relevant ILS and their utilisation to best defend, protect and promote migrant workers' rights.

- Focus on the ten (10) ILO Fundamental Conventions and Protocols as essential for all migrant workers;
- Continue the ratification campaign on Migrant Workers Conventions, namely C097 - Migration for Employment Convention (Revised), 1949 (No. 97) and C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) including the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); and
- All other relevant ILO technical Conventions that have direct impact in protecting migrant workers such as: C088 - Employment Service Convention, 1948 (No. 88), C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102), C135 - Workers' Representatives Convention, 1971 (No. 135), C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), C181 - Private Employment Agencies Convention, 1997 (No. 181), C189 - Domestic Workers Convention, 2011 (No. 189), and C190 - Violence and Harassment Convention, 2019 (No. 190).

ACTION 2: Legislation –

To advocate for legislation consistent with international labour standards and for enforcement of laws, policies and programmes at the national and other levels, with particular focus on strong labour inspection systems.

Action 3: Empowerment of migrant workers –

To promote empowerment of migrant workers through –

- Advocacy for the enjoyment of the freedom of association rights by all workers, including migrant workers and organising campaigns to recruit migrant workers into the trade unions; and
- Scaling up coordinated services such as legal advice, administrative assistance, information provision, skills development and psychosocial support through trade union solidarity in countries of origin, transit and destination (e.g., bilateral MOUs between Trade Unions and portability of Trade Union membership), and migrant resource centres.

Action 4: Contribute to the advancement of fair recruitment –

To advocate for and contribute to the attainment of fair recruitment practice and culture devoid of exploitation and abuse with an emphasis on "no recruitment fees or related costs" to be borne by the workers through –

- Education and awareness of migrant workers, including potential migrant workers to enable them to make improved and informed choices;
- Initiatives such as Migrant Recruitment Advisor (MRA);
- Active engagement in the campaign for better regulation of the recruitment processes; and
- Advocacy for accountability, the application and enforcement of sanction regime to effectively deter recruitment malpractices, and to ensure access to justice for victims in friendly and easy-to-access manner.

Action 5: Advocate for improved and inclusive International Cooperation –

To promote the good governance of labour migration, advocacy for improved and inclusive cooperation within, between and among governments and social partners of Countries of Origin (COO) and Countries of Destination (COD), will be done through –

- Upholding tripartite social dialogue as a tool for enhancing labour migration governance;
- Ensuring regional integration frameworks that support labour mobility, migration and integration arrangements such as Skills Development Agreements; mutual recognition of skills, improved visa/border openness, etc; and
- Actively participating in the design, adoption, implementation and monitoring of Bilateral Labour Migration Agreements (BLMAs) and Multi-Lateral Labour Migration Agreements (MLMAs).

Action 6: Promote the Decent Work Agenda –

To promote the decent work for migrant workers, actions will be undertaken through –

- Encouragement and promotion of skills development to increase employability for migrant workers without discrimination;
- Actions to promote and protect living wages and occupational safety and health for migrant workers;
- Advocacy to abolish abusive employer sponsorship systems, such as the kafala, to stem the tide of modern slavery in labour migration; and
- Advocacy for the expansion and extension of social protection coverage and access for migrant workers and members of their families, and for the portability of social protection rights between COO and COD.

Action 7: Contribute to responsive actions to structural crises –

To advocate for pragmatic and efficient responses to the crises of climate change, armed conflicts and other structural crises that displace and disempower people, communities and workers, including migrant workers through –

- Advocacy for just transition towards environmentally sustainable economies and societies that are inclusive of migrant workers.
- Advocacy for trade union inclusion for fragility prevention and interventions.

Action 8: Effective Social Dialogue –

To advocate for genuine and effective social dialogue for better labour migration governance through –

- Campaigning for the creation and institutionalization of social dialogue mechanisms at all levels of labour migration governance;
- Encouraging and capacitating leaders and activists of trade unions and migrant workers' representatives to participate in the different labour migration discourses and engagement spaces in an informed manner; and
- Monitoring social dialogue mechanisms and demand for review and improvement where necessary, ditto the Abu Dhabi Dialogue (ADD) that is not tripartite.

Action 9: Championing Women Migrant Workers' Rights –

Advocate around the specific challenges faced by women migrant workers for the protection and fulfilment of their rights through –

- Promoting transition from the informal to the formal economy in sectors, where migrant women are overrepresented such as domestic work and care economy;
- Addressing care burden on women migrant workers both at countries of origin and destination as well as gender-based violence and harassment by prevention and enhancing access to justice and fighting impunity;
- Advancing access to health and maternity protection rights for women migrant workers; and
- Promoting leadership of women migrant workers and organising them in unions.

Action 10: Advocate for data collection, analysis and utilisation –

To advocate for the generation of reliable, gendered and accessible disaggregated data to enhance the protection of migrant workers' rights. This will be done through –

- Encouraging state actors, including data and statistics officers to consult engage and include trade unions and migrant workers, including women migrant workers in the data management processes; and
- Advocacy for data rights and data protection of all workers, including migrant workers to prevent the misuse, abuse and exploitation of data.

Implementation

The MOU will be implemented under the following **guiding principles** –.

Commonality – issues agreed on are common in nature to all partner organisations and their regions.

Rights-based approach including gender-sensitive agenda – actions will be underpinned by rights-based approaches that include conscious promotion of rights and gender agenda.

Inclusion – aside from undertaking the implementation with and through affiliates at the regional, sub-regional and national levels, partners to the MOU will ensure that migrant workers and their organisations, as well as women and youth are consciously and consistently engaged, involved and carried along.

Solidarity – the essence of unity of action and purpose of the working class will resonate throughout the implementation period of this MOU, which will be evidence in the readiness to contribute tangible efforts and to share knowledge and experience amongst partners.

Participation – partners are required to actively, genuinely and effectively participate in ensuring the effective implementation of the actions and the attainment of the objectives of this cooperation.

Transparency – a deliberate effort to ensure value-for-money, openness and accountability will be consciously and consistently demanded and pursued.

Reporting and documentation – timely and up-t-date reporting of processes and outcomes will be encouraged, and documentation will be ensured.

These signatory organisations are responsible for the implementation of the actions contained in this MOU and will do so in partnership with willing and supportive organisations.

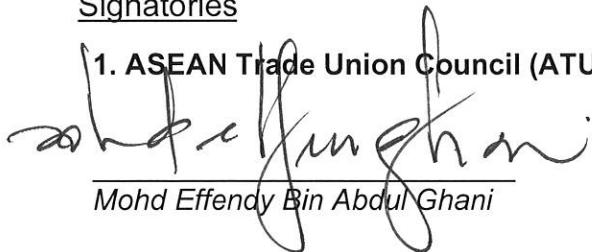
Acknowledgement.

The signatory parties appreciate the continued cooperation and collaboration of the ILO to this MOU signed earlier in 2018 in the presence of the former Director-General of the International Labour Organisation, Mr Guy Ryder. Likewise, we share the same appreciation to Mr Gilbert F. Houngbo current ILO Director General, for the renewed commitment and support. Special acknowledgment be given to the Bureau for Workers Activities (ACTRAV) and MIGRANT for their continued support.

Also, the signatory parties acknowledge and appreciate the tireless and continued collaboration and support of the International Trade Union Confederation (ITUC) in navigating this path.

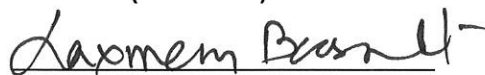
Signatories

1. ASEAN Trade Union Council (ATUC)



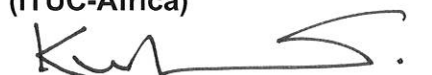
Mohd Effendy Bin Abdul Ghani

2. South Asian Regional Trade Union Council (SARTUC)




Laxman Basnet
Secretary General

3. African Regional Organization of the International Trade Union Confederation (ITUC-Africa)



Comrade Kwasi Adu-Amankwah
General Secretary

4. International Trade Union Confederation Asia Pacific (ITUC-AP)



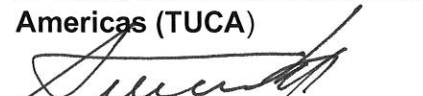
Yoshida Shoya
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5. Arab Trade Union Confederation (Arab TUC)



Mohammed Shaher Abdalkareem Saed
President

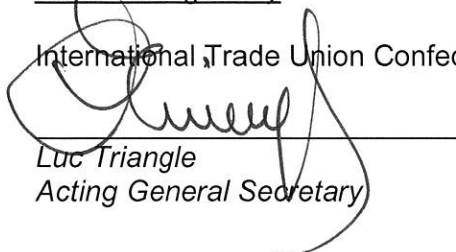
6. Trade Union Confederation of the Americas (TUCA)



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Acting General Secretary

