

As of 18 April 2012

Framework of Regional Collaboration, 2012

Preamble

Recognizing that Asia, with 60 percent of the world's people and 30 percent of the world's international migrants, of whom women constitute a significant portion, is a dynamic region marked by ever more linkages between the continent's 50+ countries via trade, investment and labour mobility. These linkages are likely to expand in the coming decades, raising new challenges and opportunities for joint and mutually beneficial actions to maximize the positive impact from economic integration, including the sharing and exchange of human resources in a broader developmental context.

Recognizing the relationship between contractual labour mobility and development of economies and human resources which allows mutual benefits to workers, their employers and their respective countries of origin and destination.

Further recognizing that this process requires a framework for cooperation between origin and destination countries that aligns the interests of potential beneficiaries of development and enhances protection.

Recalling that the Asian countries of origin and destination during the first Abu Dhabi Dialogue January 21-22, 2008 agreed that properly managed contractual labour mobility can generate win-win-win outcomes, benefiting workers, employers and their respective countries, governments pledged to develop partnerships to share information about labour market developments in their countries, build capacity to more effectively match labour demand and supply across national borders, and cooperate to protect workers at all stages of the mobility process and enhance the development impacts of contractual labour mobility as a key outcome of the Abu Dhabi Dialogue.

Affirming that the attainment of these aims and objectives requires strengthening organizational capacities and further enhancing cooperation between countries of origin and destination. Effective management of the entire contract labour mobility cycle requires concrete, practical and comprehensive measures, based on best practices, from pre-departure to admission and employment, and from

preparation for return to return and reintegration in consultation with a wide range of stakeholders.

Recalling the discussions held by high-level officials of labour ministries on January 25, 2012 in Dubai and on April 17-18, 2012 in Manila considered the specific challenges and issues that arise at various stages of the contractual labour mobility cycle and agreed to enhance cooperation and develop a comprehensive framework to maximize the mutual benefits from labour mobility in the region.

Guidelines

The Ministers and delegations of Afghanistan, Bahrain, Bangladesh, China, India, Indonesia, Kuwait, Nepal, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Sri Lanka, Thailand, United Arab Emirates, Vietnam have adopted the following guidelines for voluntary initiatives, increased collaboration and partnerships:

1. **Enhance the employability and skills of workers** by reviewing and aligning current systems and programs for education, testing, and certification to facilitate recognition of qualifications that enhance the employability and productivity of workers at home and abroad. Countries of destination (CODs) can help to reduce skills mis-matches by having employers define job requirements more clearly and communicating the skills required to fill jobs. Countries of origin (COOs) recruiters should recruit workers with requisite skills to fill these jobs. Improved employability and job-matching would be beneficial to workers, employers, and other parties involved on contract labour mobility.
2. **Improve the recruitment process** by taking measures, unilaterally and in cooperation with other countries, to minimize worker-job mismatches and reduce recruitment costs. Costs can be reduced by making labour market information more accessible and reliable, suppressing the trade in work visas, adopting common definitions of jobs and occupations, ensuring that job offers are valid and compliant with labour laws in CODs, enforcing recruitment regulations more strictly and cooperatively to reduce the collection of unauthorized fees

from the workers. Any fees paid by workers should be transparent and documented.

- A. Recruitment efficiency and worker protections can be improved by developing standard employment contracts and contract verification processes that ensure employers and workers are familiar with job requirements, wages, and working conditions. Governments should ensure that copies of the verified contract signed by the employer and worker are in the hands of designated entities in both COOs and CODs to expedite the resolution of disputes.
 - B. Having realistic and easy-to-understand maximum recruitment fees, and making recruiters liable for the activities of any sub-agents on whom they rely, can make enforcement of recruitment regulations more efficient and equitable. In addition to penalties for violations, governments of both origin and destination countries could offer incentives to encourage employers and recruitment agencies to comply with regulations, such as providing special procedures for the handling of applications for work visas and expediting the approval of contracts of workers deployed by the best employers and recruiters.
3. **Ensure a better balance between labour supply and demand** by the development of labour market information systems that help CODs more easily use economic needs tests to decide whether to approve employer requests for contract workers. COOs can anticipate demand for their workers by monitoring these labour market information systems, which can be updated to reflect major infrastructure projects as these are announced. Comparisons and adjustments to the skills standards and qualifications frameworks of COOs and CODs can expedite the proper matching of workers and jobs. To this end, CODs and COOs may also encourage public-private partnerships.
 4. **Facilitate worker adaptation to foreign employment** by developing programs to familiarize contract workers with their rights and responsibilities and grievance redressal mechanisms in CODs. In addition to basic information about the foreign job and work rules, safety and health considerations and the availability of social services abroad, and the provisions of labour and other laws, pre-departure

and post-arrival orientation could include opportunities for language training and cultural orientations through in-person instruction and audio-visual media. Special attention should be devoted to women workers, particularly those in vulnerable occupations.

Foreign worker information centers can be established to help potential contract workers learn about foreign jobs and to help worker families to prepare for and cope with the absence of family members employed abroad.

5. **Respond effectively to problems** inside and outside work places by improving the enforcement of labour standards laws in CODs, especially in industries and occupations where experience shows there are frequent violations.
 - A. Expedite dispute resolution by adopting procedures and protocols to deal with the most common problems that arise, including among others, disputes over wages and terms and conditions of employment, confiscation of passports, delays in wage payments, premature lay-offs, and worker-job mismatches.
 - B. Protocols are especially important to protect, under the provisions of national laws, irregular workers, those arrested for violating local laws, and victims of trafficking. In emergency situations, plans developed in advance can ensure the safety and security of workers during repatriation, including payment of unpaid wages before repatriation.
 - C. Special attention should be devoted to women workers, especially those in vulnerable occupations.
6. **Adequately prepare workers for return** making use of studies of the factors that improve the capacities of workers for successful return and document the experiences of successful returnees. Such preparation includes the development of programs that enhance the savings and financial literacy of contract workers, that help them to understand COO import regulations, and that ensure returning workers receive any end-of-service and other benefits they have earned abroad.

Workers anticipating returns should be informed of special programs that encourage entrepreneurship, provide gainful employment, and offer training to upgrade skills. Best-practice lessons from the experience of governments, international organizations, and NGOs could help in the design and refinement of preparation-to-return programs.

Facilitate the payment of wages through bank accounts to assist in wage protection.

- 7. Recognize knowledge and skills acquired through employment abroad** by developing assessment systems, in cooperation with employers and training authorities, to acknowledge and certify the additional skills of returning contract workers with a view to enhancing their employability at home or in subsequent employment abroad.

One starting point may be the use of lifelong learning passports into which COO and COD employers record the skills that workers obtain on the job while with that employer. Such passports could help workers after their return to the COO or and when they seek jobs abroad.

- 8. Facilitate the re-employment and reintegration of returning workers** by providing information on local employment, livelihood and investment opportunities. COOs should encourage public and private financial institutions and local governments to develop programs that offer returning workers with investment opportunities. Returned workers should at least have safe and secure places to deposit foreign-earned savings while they consider their future options.

International contract worker mobility, when properly managed, will benefit both workers and employers as well as COOs and CODs. Building on the partnerships fostered by the first Abu Dhabi Dialogue, and continued engagement, the above Guidelines will help achieve the desired practical outcomes.