



PROCEEDINGS OF THE SECOND POLICY DIALOGUE ON ROLES OF COUNTRIES OF ORIGIN

Organised by Mekong Migration Network
16-17 September 2019
Phnom Penh, Cambodia



Acknowledgements

The Second Policy Dialogue on the Roles of Countries of Origin was organised by the Mekong Migration Network (MMN). Many organisations and people contributed to the meeting and ensured its success. We wish to acknowledge their efforts with a special thank you.

Keynote Speakers: Ms. Yin Yin Ohn, Deputy Director General, Social Security Board, Ministry of Labour, Immigration and Population, Myanmar; H.E. Ms. Chou Bun Eng, Secretary of State, Ministry of Interior, Royal Kingdom of Cambodia; Ms. Reiko Harima, MMN Regional Coordinator.

Panelists:

Myanmar: Ms. Aye Aye Moe, Director, Department of Labour, Ministry of Labour, Immigration and Population; Ms. Thet Thet Aung, Executive Director, Future Light Centre; Ms. Aye Aye Nyunt, Myanmar Overseas Employment Agency Federation; and Ms. Jackie Pollock, Chief Technical Advisor, International Labour Organization.

Cambodia: Ms. Houn Sopheak, Chief of 3rd Overseas Planning Office, Ministry of Labour and Vocational Training; Mr. Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies; Mr. You Chidara, Chairperson Assistant, Manpower Agency of Cambodia; Mr. Horn Usaphea, Senior Official, General Department of Legal, Consular and Border Affairs, Ministry of Foreign Affairs and International Cooperation; and Mr. Chay Samnang, Deputy Chief of Office, Policy Office, National Social Security Fund, Ministry of Labour and Vocational Training.

Vietnam: Mr. Nguyen Luong Trao, Chairperson, Vietnam Association of Manpower and Supply.

The Philippines: Ms. Myca Magnolia M. Fischer, Charge d'Affaires, Embassy of the Republic of the Philippines, Cambodia.

Thailand: Mr. Brahm Press, Executive Director, MAP Foundation, Thailand.

Japan: Mr. Hajime Maekawa, Economic and ODA Section, Embassy of Japan in Cambodia

Co-organisers: Mekong Migration Network, Cambodian Women Crisis Centre, Legal Support for Children and Women.

MMN Secretariat Presentations: Ms. Trang Hoang, Project Coordinator, MMN; Mr. Luk Kay Yui Stefan, Information and Advocacy Officer, MMN.

Facilitators: Ms. Reiko Harima, Regional Coordinator, MMN; Mr. Soveasna Suon, Ms. Pok Panhavichetr, Cambodian Women's Crisis Centre; Mr. Sokchar Mom, Legal Support for Children and Women; Mr. Brahm Press, MAP Foundation, Thailand.

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Finally, we would like to thank all of MMN supporters and donors, without whom this Policy Dialogue would not have been possible.

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Table of Contents

Acronyms	1
Introduction	2-7
Meeting Programme	8-12
Welcome Message and Launch of MMN’s New Collaborative Research, Social Protection Across Borders	13-14
Keynote Speech: “Myanmar’s Efforts in Facilitating Access to Social Protection for its Nationals Working Abroad”	15
Keynote Speech: “Importance of Multi-Country Multi-Stakeholder Dialogue on Roles of Countries of Origin in Protecting Migrants’ Rights”	16
Panel 1: Impact of Existing Migration Mechanisms on Migrants’ Access to Social Protection	17-19
Panel 2: Information Dissemination	20-22
Panel 3: Roles and Responsibilities of Recruitment Agencies	23-26
Panel 4: Overseas Assistance	27-29
Panel 5: International Cooperation	30
Panel 6: Upon Return	31-33
Panel 7: Social Security and Overseas Workers’ Welfare Funds in Countries of Origin	34-35
Final Recommendations	36-38

Acronyms

ACRA	Association of Cambodian Recruitment Agency
CLMTV	Cambodia, Lao PDR, Myanmar, Thailand, and Vietnam
CoC	Code of Conduct
CSO	Civil Society Organisation
GMS	Greater Mekong Subregion
ILO	International Labour Organization
IOM	International Organization for Migration
MAC	Manpower Association of Cambodia
MMN	Mekong Migration Network
MoC	Memorandum of Cooperation
MoU	Memorandum of Understanding
MRC	Migrant Resource Centre
MOLIP	Ministry of Labour, Immigration and Population, Myanmar
MOLVT	Ministry of Labour and Vocational Training, Cambodia
MOEAF	Myanmar Overseas Employment Agency Federation
NSSF	National Social Security Fund, Cambodia
NGO	Non-Governmental Organisation
PDO/PDT	Pre-Departure Orientation/ Pre-Departure Training
TITP	Technical Internship Training Program, Japan
VAMAS	Vietnam Association of Manpower and Supply

Introduction

I. Summary of the Second Policy Dialogue

From 16-17 September, Mekong Migration Network (MMN) organised the second Policy Dialogue on the Roles of Countries of Origin in Phnom Penh, Cambodia. More than 40 representatives from governments, civil society organisations (CSO), recruitment agencies' associations from Cambodia, Myanmar and Vietnam, the Embassies of the Republic of the Philippines and Japan in Phnom Penh, intergovernmental organisations, and international non-governmental organisations gathered to hear research findings from MMN's most recent publication and discuss how countries of origin can expand their role in enhancing migrants' access to social protection across borders. The Policy Dialogue took place in tandem with a Labour Ministerial Conference held on 17 September in Siem Reap between governments of Cambodia, Lao PDR, Myanmar, Thailand and Vietnam (CLMTV) aimed at creating a joint framework on the portability of social security for migrant workers in CLMTV.

Between 2018 and 2019, MMN conducted a research project to examine current efforts in countries of origin, namely Cambodia, Myanmar and Vietnam, to facilitate migrant workers' access to social protection throughout the migration cycle and



Participants of the Policy Dialogue

highlight migrants' experiences in accessing these mechanisms. The resulting study, entitled, "Social Protection Across Borders: Roles of Countries of Origin in Protecting Migrants' Rights",¹ is based on extensive desk study, discussion at multi-stakeholder meetings in Cambodia, Myanmar, Vietnam and Japan, case studies of migrant workers currently in Thailand, migrant returnees in Cambodia, Myanmar and Vietnam, and interviews with government officials, CSOs and recruitment agencies' associations. The report highlights recurring issues faced by migrant workers across the three countries in accessing social protection schemes in destination countries and at home.

The objectives of the 2019 Policy Dialogue were as following:

- 1) Discuss the findings and recommendations from the MMN's recent study *Social Protection Across Borders* on the roles of countries of origin;
- 2) Facilitate multi-stakeholder discussion between countries of origin, with a special focus on migrant workers' access to social protection, and elicit greater commitment from countries of origin in the protection of migrant workers' rights;
- 3) Exchange updated information concerning initiatives by various stakeholders in assisting migrant workers to access social protection in countries of origin and destination countries; and
- 4) Identify gaps and explore strategies to strengthen the roles of countries of origin in assisting migrant workers' access to social protection.

During each of the seven panels at the Policy Dialogue covering different thematic areas, MMN presented its findings and recommendations from the Social Protection Across Borders report, and a panel of relevant stakeholders provided feedback, as well as expounded on their initiatives to protect migrants and current challenges they are encountering. All participants collaborated during small group sessions to examine gaps in policy and implementation and then brainstorm recommendations on how to improve the rights of migrants going forward and facilitate access to social protection.

At the conclusion of the meeting, participating stakeholders from the three countries of origin also adopted a set of recommendations drawn from the small group discussion, which can be found in Final Recommendations section of this publication on page 36.

¹ Mekong Migration Network, "Social Protection Across Borders: The Roles of Mekong Countries of Origin in Protecting Migrants' Rights," September 2019, accessible at http://www.mekongmigration.org/wp-content/uploads/2019/09/Book_Social-Protection-Across-Borders_for-Web.pdf.

II. Background of the Roles of Countries of Origin Project

Phase One of MMN's Roles of Countries of Origin Project (2015-2017)

From April 2015 to May 2017, Mekong Migration Network (MMN) conducted a comparative and interview-based study, reviewing labour migration mechanisms in Southeast Asian countries of origin. MMN also organised a series of consultation meetings with migrants in Thailand and migrant returnees in Cambodia and Myanmar to collectively identify the types of assistance they would like to receive from their respective governments in order to make migration safer. The findings from the study were published in a report entitled *Safe from the Start: Roles of Countries of Origin in Protecting Migrants' Rights*. Following the completion of the study, MMN organised a Policy Dialogue in Yangon, Myanmar on 20-21 July 2017, where representatives of the Cambodian and Myanmar governments, recruitment agencies, the Philippine Embassy in Yangon, International Labour Organization (ILO), International Organization for Migration (IOM), and CSOs from Cambodia, Myanmar, Thailand, and the Philippines convened to discuss the study and the roles countries of origin should play in protecting their migrant workers' rights. (Please see the proceedings² for more details about the Policy Dialogue in 2017.)



A panel at the First Policy Dialogue



Small group discussion at the First Policy Dialogue

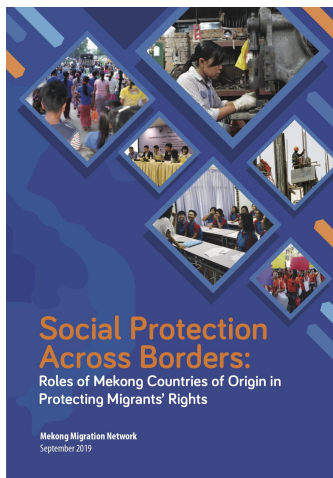
Participants of the Policy Dialogue actively discussed the importance of information dissemination, establishing accessible and safe migration systems, regulating recruitment practices, providing overseas assistance through embassies and Labour Attachés, access to social protection, assistance upon return and reintegration, and international cooperation. Within the wide-ranging discussion, participants noted the need for further policy research focusing specifically on the issue of social protection. The Policy Dialogue ended with participants emphasising the importance of continuing such multi-country, multi-stakeholders dialogue on the roles of countries of origin and strengthening partnerships.

² Mekong Migration Network, Proceedings of the Policy Dialogue On Roles Of Countries Of Origin, October 2017, accessible at <http://www.mekongmigration.org/wp-content/uploads/2017/10/RoCoOPolicyDialogueProceedings.pdf>

Following the successful completion of the above-mentioned collaborative research project and policy dialogue, MMN embarked on a further study on roles of countries of origin in 2018.

Phase Two of MMN's Roles of Countries of Origin Project (2018-2019)

While MMN's 2017 study focused on outbound migration governance policies and practices in Myanmar and Cambodia, in 2018, MMN expanded the scope of its research to include Vietnam as a country of origin and destination countries outside of the Greater Mekong Subregion (GMS), namely Japan, Malaysia, and Singapore in addition to Thailand, the key destination country in the Mekong.



MMN retained the same thematic focuses as the earlier study. The report *Social Protection Across Borders* and panels in the latest policy dialogue were organised around the following topics: (1) impact of existing migration mechanisms; (2) information dissemination; (3) roles and responsibilities of recruitment agencies; (4) overseas assistance; (5) international cooperation; (6) assistance upon return; and (7) social security and overseas workers' welfare funds in countries of origin.

The report examined the role of GMS countries of origin in improving accesses to social protection programmes both at home and overseas, with country specific chapters on Cambodia, Myanmar, and Vietnam providing detailed analyses of the various law and policy frameworks currently in place, highlighting policy gaps, and illustrating how these policies are implemented in practice through case studies of workers who have migrated to Thailand and Japan. For the purpose of the study, MMN considered it prudent to focus on social protection schemes provided by governments of destination countries, including the social security system, workmen compensation and migrant health insurance scheme in Thailand, and the pension insurance, health insurance, workers' accident compensation insurance and (un)employment insurance in Japan. Formal schemes provided by governments of the three countries of origin were also discussed.

Among the study's key findings are the following:

- (1) Prospective migrants receive incomplete information on the social protection schemes available in destination countries during compulsory pre-departure training/orientation;
- (2) Once deployed, migrant workers are often left unaware of their social protection entitlements and assistance available to them while they are abroad. They rely on partial and fragmentary information from a variety of unofficial sources;
- (3) Upon return, migrant returnees receive little support in accessing benefits owed to them from social protection schemes abroad;
- (4) Across the three countries of origin surveyed, few mechanisms have been put in place to facilitate the transfer of entitlements from social protection schemes to migrant returnees;
- (5) The lack of portability mechanisms results in some migrant workers simultaneously liable for contributions to social protection schemes in two separate jurisdictions;
- (6) Some migrants are at risk of losing entitlements to accumulated social security contributions when forced to change immigration status; and
- (7) A range of additional barriers exist that impede migrants' access to social protection programmes.

The study also confirmed findings in MMN's earlier study that the high fees charged by recruitment agencies continue to push migrant workers into debt and legal and regulatory standards governing the sector are not rigorously enforced.

In the report, MMN made the following recommendations to relevant stakeholders:

To Governments of All Countries of Origin:

- (1) Enhance information dissemination to migrants, especially with regards to the roles and responsibilities of Labour Attachés/ Counsellors stationed at embassies and consulates in destination countries;
- (2) Effectively enforce laws and regulations regarding recruitment agencies and actively monitor their performances to ensure full compliance with all prescribed standards including recruitment fee caps;
- (3) Collectively pursue the goal of portable or transferable social security for migrant workers, and ensure migrant workers are not subject to double payment;
- (4) Advocate with governments of destination countries to reduce barriers faced by migrant workers in accessing social protection schemes and social services; and
- (5) Negotiate with destination governments to ensure there is no loss of social security benefits when migrant workers change immigration status.

To Recruitment Agencies:

- (1) Improve the quality of pre-departure training/orientation to ensure that prospective migrant workers receive accurate and complete information before migrating overseas. This includes information relating to migrant workers' terms of employment, applicable labour law, their rights to contribute and benefit from various social protection schemes, and how to seek overseas assistance via embassies and consulates in the event of problems;
- (2) Strengthen assistance provided to migrant workers, including supporting access to social protection programmes in destination countries while abroad and upon return; and
- (3) Make cost structures transparent, and ensure fees do not exceed government set caps.

Meeting Programme

Day One, 16 September 2019

9:00-10:00

Opening

Facilitated by: Mr. Soveasna Suon, Cambodian Women's Crisis Centre

Welcome Message and Launch of MMN's New Collaborative Research, Social Protection Across Borders.

Delivered by: Ms. Reiko Harima, Regional Coordinator, MMN

Keynote Speeches:

Myanmar's Efforts in Facilitating Access to Social Protection for its Nationals Working Abroad

Delivered by: Ms. Yin Yin Ohn, Deputy Director General, Social Security Board, Ministry of Labour, Immigration and Population, Myanmar

Importance of Multi-Country Multi-Stakeholder Dialogue on Roles of Countries of Origin in Protecting Migrants' Rights

Delivered by: H.E. Ms. Chou Bun Eng, Secretary of State, Ministry of Interior, Royal Kingdom of Cambodia

10:00-10:10

Group Photo

10:10-10:30

Break

10:30-11:20

Panel 1: Impact of Existing Migration Mechanisms on Migrants' Access to Social Protection

Facilitated by: Ms. Reiko Harima

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Ms. Trang Hoang, Project Coordinator, MMN

Discussants:

Ms. Aye Aye Moe, Director, Department of Labour, Ministry of Labour, Immigration and Population, Myanmar; and

Ms. Houg Sopheak, Chief of 3rd Overseas Planning Office, Ministry of Labour and Vocational Training, Cambodia

Open discussion

11:20-12:10

Panel 2: Information Dissemination: What is being done and how does it help ensure migrants have access to social protection?

Facilitated by: Ms. Reiko Harima

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Mr. Luk Kay Yui Stefan, Information and Advocacy Officer, MMN

Discussants:

Mr. Nguyen Luong Trao, Chairperson of the Vietnam Association of Manpower and Supply;

Ms. Thet Thet Aung, Executive Director, Future Light Centre, Myanmar; and

Mr. Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies

Open Discussion

12:10-13:30

Lunch Break

13:30-14:30

Panel 3: Roles and Responsibilities of Recruitment Agencies: What role do recruitment agencies play in ensuring migrants have access to social protection?

Facilitated by: Mr. Sokchar Mom, Legal Support for Children and Women

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Ms. Trang Hoang

Discussants:

Mr. Nguyen Luong Trao, Chairperson of the Vietnam Association of Manpower and Supply;

Mr. You Chidara, Chairperson Assistant, Manpower Agency of Cambodia;

Ms. Aye Aye Nyunt, Myanmar Overseas Employment Agency Federation; and

Ms. Jackie Pollock, Chief Technical Advisor, International Labour Organization

Open Discussion

14:30-15:20 Panel 4: Overseas Assistance: What role do embassies and Labour Attachés/ Counsellors play in ensuring migrants have access to social protection?

Facilitated by Mr. Sokchar Mom

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Mr. Luk Kay Yui Stefan

Discussants:

Mr. Horn Usaphea, Official, General Department of Legal, Consular and Border Affairs, Ministry of Foreign Affairs and International Cooperation, Royal Government of Cambodia;

Ms. Aye Aye Moe, Director, Department of Labour, Ministry of Labour, Immigration and Population, Myanmar; and

Mr. Brahm Press, Executive Director, MAP Foundation, Thailand

Open discussion

15:20-15:30 Break

15:30-16:20 Small Group Session 1: What are the gaps and recommendations?

Facilitator:

Group 1 (Migration Mechanisms): Mr. Brahm Press

Group 2 (Information Dissemination): Ms. Pok Panhavichetr

Group 3 (Roles and Responsibilities of Recruitment Agencies):

Ms. Reiko Harima

Group 4 (Overseas Assistance): Mr. Sokchar Mom

16:20-17:00 Report from small groups, synthesis

Facilitated by Ms. Trang Hoang

18:30 Welcome Dinner

Day Two, 17 September 2019

9:00-9:10 Recap

Presented by Mr. Luk Kay Yui Stefan

9:10-10:00 Panel 5: International Cooperation: How to improve international cooperation between countries of origin and destination to better facilitate migrants' access to social protection?

Facilitated by Mr. Brahm Press, MAP Foundation

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Mr. Luk Kay Yui Stefan

Discussants:

Ms. Yin Yin Ohn, Deputy Director General, Social Security Board, Ministry of Labour, Immigration and Population, Myanmar;

Ms. Houn Sopheak, Chief of 3rd Overseas Planning Office, Ministry of Labour and Vocational Training, Cambodia; and

Mr. Hajime Maekawa, Economic and ODA Section, Embassy of Japan in Cambodia

Open discussion

10:00-10:45 Panel 6: Upon Return: How can countries of origin assist returnees claim benefits owed to them by social protection schemes in destination countries?

Facilitated by Mr. Brahm Press

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Ms. Trang Hoang

Open Discussion

10:45-11:00 Break

11:00-12:00 Panel 7: Social Security and Overseas Workers' Welfare Funds in Countries of Origin: What is being done to ensure nationals migrating abroad can benefit from schemes in their home countries?

Facilitated by Ms. Pok Panhavichetr

Presentation of pertinent findings and recommendations from *Social Protection Across Borders*, Ms. Trang Hoang

Discussants:

Mr. Chay Samnang, Deputy Chief of Office, Policy Office, National Social Security Fund, Ministry of Labour and Vocational Training, Cambodia; and

Ms. Myca Magnolia M. Fischer, Charge d'Affaires, Embassy of the Republic of the Philippines, Cambodia

Open Discussion

12:00-13:00	Lunch
13:00-13:20	Synthesis and highlights of morning discussion
13:20-15:00	Small Group Session 2: What are the gaps and recommendations? Facilitators Group 1 (International Cooperation/ Upon return): Mr. Brahm Press; and Group 2 (Social Security and Overseas Workers Welfare Fund in the Countries of Origin): Ms. Pok Panhavichetr
15:00-15:30	Break
15:30-16:30	Reporting from small groups, synthesis <i>Facilitated by: Ms. Reiko Harima and Ms. Trang Hoang</i>
16:30-17:00	Closing ceremony <i>Facilitated by Ms. Trang Hoang</i> Closing Remarks Ms. Pok Panhavichetr Ms. Reiko Harima Mr. Brahm Press

Opening

Welcome Message and Launch of MMN's New Collaborative Research, *Social Protection Across Borders*

Delivered by Ms. Reiko Harima, Regional Coordinator, MMN



On behalf of MMN, Ms. Harima welcomed the participants to its Second Policy Dialogue on the Roles of Countries of Origin project and launch of new collaborative study on social protection for migrants. Ms. Harima noted that in earlier years, MMN tended to focus on the situation of migrant workers in the destination country. However with increasing recognition of the roles

countries of origin can play to protect their nationals working abroad, MMN has begun to examine the proactive interventions they can take to ensure the rights of migrant workers.

Ms. Harima discussed the beginning of the Roles of Countries of Origin project in 2015 and the collaborative study that MMN conducted from 2016-17 in collaboration with project partners in Myanmar, Cambodia and Thailand, *Safe from the Start*. She reviewed the findings of the first study which included: (1) the importance of effective pre-departure training (PDT) and information dissemination within communities where migration is common; (2) clear mandates and co-ordination among responsible agencies; (3) genuine monitoring, enforcement, and sanctions for rule violations; (4) provision of comprehensive overseas assistance; (5) not overly relying on migration as a long-term poverty reduction strategy; and (6) provide domestic livelihood opportunities so that migration is an option among many rather than a survival necessity.

She also discussed the First Policy Dialogue which was held 20-21 July 2017 in Yangon, Myanmar, with relevant stakeholders including representatives of the Cambodian and Myanmar governments, recruitment agencies, the Embassy of the Republic of the Philippines in Yangon, ILO, IOM, and CSOs from Cambodia, Myanmar, Thailand, and the Philippines. She stated that participants noted the need for further policy research focusing specifically on the issue of social protection.

She proudly launched MMN's latest collaborative research on social protection, focusing on the roles countries of origin in the GMS (specifically Cambodia, Myanmar and Vietnam) can play in improving access to the social protection rights of their nationals before migrating and upon return. The research examines laws and policies as well as case studies of migrants who have gone to Japan and Thailand.

Ms. Harima acknowledged the MMN Partners involved in the project and study: Cambodian Women's Crisis Center (Cambodia), Legal Support for Children and Women (Cambodia), Future Light Centre (Myanmar), We Generation (Myanmar), MAP Foundation (Thailand), Foundation for Education and Development (Thailand), and Southern Institute of Social Science (Vietnam).

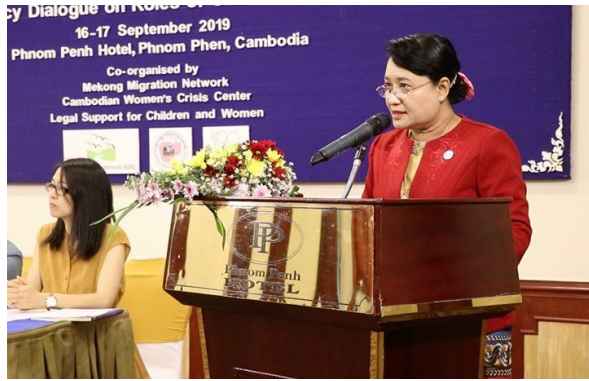
Ms. Harima also reiterated the key findings:

- (1) Prospective migrants receive incomplete information on the social protection schemes available in destination countries during compulsory pre-departure training/orientation;
- (2) Once deployed, migrant workers are often left unaware of their social protection entitlements and assistance available to them while they are abroad. They rely on partial and fragmentary information from a variety of unofficial sources;
- (3) Upon return, migrant returnees receive little support in accessing benefits owed to them from social protection schemes abroad;
- (4) Across the three countries of origin surveyed, few mechanisms have been put in place to facilitate the transfer of entitlements from social protection schemes to migrant returnees;
- (5) The lack of portability mechanisms results in some migrant workers simultaneously liable for contributions to social protection schemes in two separate jurisdictions;
- (6) Some migrants are at risk of losing entitlements to accumulated social security contributions when forced to change immigration status; and
- (7) A range of additional barriers exist that impede migrants' access to social protection programmes.

She noted that MMN secretariat staff, Ms. Trang Hoang and Mr. Luk Kay Yui Stefan would be sharing detailed findings from the report at the start of each panel, followed by presentations by relevant stakeholders as discussants. MMN hopes the dialogue will facilitate a multi-stakeholder discussion on migrant workers' access to social protection, provide additional information about initiatives already in place by countries of origin, expose strategies for the roles and policies of countries of origin and elicit greater commitment from officials on protecting rights.

Keynote Speech: “Myanmar’s Efforts in Facilitating Access to Social Protection for its Nationals Working Abroad”

Delivered by Ms. Yin Yin Ohn, Deputy Director General, Social Security Board, Ministry of Labour, Immigration and Population, Myanmar



Ms. Yin Yin Ohn

Ms. Yin Yin Ohn acknowledged the wide-ranging factors that contribute to migration: unequal economic development between countries, differences in population growth, employment opportunities and labour force, wage rates as well as man-made conflicts, natural disasters or other socio-economic difficulties in countries of origin. She noted increasing access to

information and communication technologies and social media are also impacting migration. She stated that although migration contributes to the economic development of both countries of origin and destination, there is widespread exploitation, coercion, discrimination and marginalisation of migrant workers.

She emphasised the responsibility of government to support migrants:



I strongly believe that it is the government's responsibilities to help and support migrants to ensure they achieve their goals and increase the benefits of migration while reducing the negative impacts by promoting safe migration throughout the whole migration phase.

She stated that to ensure safe migration, it must be orderly and managed well. Because migration is multi-dimensional and complex by nature, it involves issues that are cross-cutting and span across borders, thus one ministry or one government alone will not be able to address all the relevant issues. A coherent and comprehensive response to migration involves the government in partnership with concerned countries as well as regional and international organisations.

Ms. Yin Yin Ohn mentioned the Myanmar Sustainable Development Plan, which includes ASEAN Commitments and is in line with United Nations Sustainable Development Goals. She discussed the work of the Ministry of Labour, Immigration and Population (MOLIP) to implement the second five-year National Plan of Actions for the Management of International Labour Migration (2018-2022), which emphasises social protection of migrant workers. She explained that Myanmar is negotiating with destination countries such as Malaysia and Thailand for portability of social security for Myanmar migrant workers.

Keynote Speech: “Importance of Multi-Country Multi-Stakeholder Dialogue on Roles of Countries of Origin in Protecting Migrants’ Rights”

Delivered by H.E. Ms. Chou Bun Eng, Secretary of State, Ministry of Interior, Royal Kingdom of Cambodia

Ms. Chou Bun Eng noted that the CLMTV Ministerial Conference on Labour Cooperation is being held the same week as this policy dialogue in Siem Reap focusing on social protection.

Ms. Chou Bun Eng discussed the role of different countries of origin, examining not only what needs to be done by each country of origin, but how they can collaborate together and then jointly involve the country of destination. She noted:

“ *We face common issues across countries of origin and need common solutions. Sometimes we can work separately, but the results are different when we collaborate to bring issues to destination countries.* ”

She emphasised the need for common ideas and proposed solutions between countries of origin before approaching countries of destination. She said after working with Thailand, they could then perhaps look into Malaysia and Singapore as well. She also highlighted that policies and laws must be reviewed to ensure they are in harmony with bilateral and multilateral agreements.

She also explored some of the challenges in curbing irregular migration, and ways to improve education and outreach to potential migrants, the recruitment process, PDTs, and monitoring on-site. She discussed the need to facilitate access to social security to migrant returnees.



H.E. Ms. Chou Bun Eng

Panel 1

Impact of Existing Migration Mechanisms on Migrants' Access to Social Protection

Presentation of Key Findings by Ms. Trang Hoang, MMN

On behalf of the MMN research team, Ms. Hoang presented on existing migration mechanisms and how they impact migrants' access to social protection. She first reviewed bilateral agreements between Thailand and respective countries of origin, Cambodia and Myanmar, regarding migration, as well as the bilateral agreements between Japan and respective countries of origin: Cambodia, Myanmar, and Vietnam. She also reviewed the relevant legislation, policies and institutions of Cambodia, Vietnam, and Myanmar on existing migration mechanisms compiled in the report. She then explained MMN's key initial observation of an absence of specific provisions in Memoranda of Understanding (MoU) between countries of origin and destination on migrant workers' right to access social protection through the whole cycle of migration. Although migrant workers' rights to access various social protection programmes are mentioned in law and policy of destination countries and, in some instances, countries of origin, existing MoUs lack guidance on assisting migrant workers to enrol in insurance schemes or other social protection schemes available in destination countries, and supporting migrant worker to receive benefits that workers are entitled to.

Response by Panelists

Ms. Aye Aye Moe, Director, Department of Labour, Ministry of Labour, Immigration and Population, Myanmar

Ms. Aye Aye Moe presented Myanmar's demographics and the seven guidelines for their current employment policy. She explained that policy of the MOLIP to improve labour migration management aims to: simplify regular channels that allow people to seek work abroad, ensure basic rights for migrants, reduce transaction costs associated with migration, improve socio-economic status for migrants and their families, enable transfer and sharing of experiences, skill and knowledge gained from migration, make mobility an integral part of national development strategies, and facilitate data collection, information management and research and policy analysis. Myanmar also seeks to collaborate with international organisations, CSOs, both international and local, on issues regarding migrant workers and enhance development of labour markets locally and overseas.

She explained that The Law Relating to Overseas Employment enacted in 1999 is being amended in consultation with ILO, IOM, UN Women and the Myanmar Overseas Employment Agency Federation (MOEAF). She also discussed Myanmar's

PDTs and the establishment of 15 Migrant Resource Centres (MRCs) in collaboration with IOM and ILO under the GMS Triangle Project, which provide counselling and support services, coordinate with relevant stakeholders and strengthen the knowledge base, and provide pre-departure services, transit, and post arrival services for returnees. Ms. Aye Aye Moe discussed Myanmar's MoUs with different destination countries for cooperation in the process of sending Myanmar workers: Thailand 2003 and 2016, South Korea 2007, Japan 2018 and 2019 on Technical Intern Training Program (TITP) and Specified Skill Workers respectively. She also mentioned they are in discussions with Singapore for an MoU to send domestic workers and with Lao PDR to send workers.



Ms. Aye Aye Moe

She also stated that Labour Attachés are being appointed to handle and monitor employment related issues of Myanmar workers. Five in Thailand, two in Malaysia, and one in South Korea. The Labour Attachés are cooperating with migrants' associations and non-governmental organisations (NGO) in host countries to provide legal services and pursue legal claims on behalf of Myanmar workers.

MOLIP is taking measures on cooperation with the concerned ministries to formalise and regulate remittance processes to ensure migrants can remit money safely, cheaply and effectively to their families in Myanmar. MOLIP has also opened Complaints Mechanism Centres in Nay Pyi Taw and Yangon to deal and respond to the complaints 24 hours per day and 7 days a week.³

She mentioned the challenges in achieving social protection for migrants. She explained how the low education/skill levels of workers (especially language barrier) affect their understanding of their rights/benefits, how to navigate programmes and make a complaint. She also suggested that recruitment agencies should monitor access to social protection of the workers they send abroad and brought up the challenge of addressing the numerous unlicensed brokers operating who exploit workers.

Ms. Houn Sopheak, Chief of 3rd Overseas Planning Office, Ministry of Labour and Vocational Training, Cambodia

Ms. Sopheak noted that migrant workers' right to social protection is covered by

³ Complaints Mechanism Centre:

Ph. No: 95-67-430184, 95-67-430284

Ph. No: 95-1-650089, 95-1-650187

Email: complaint.moles@gmail.com



Ms. Houng Sopheap

Japanese labour law, and is specified in all the working contracts, between intern/worker with Japanese employers. She also noted that between Cambodia and Japan, they have agreed to delegate this shared responsibility to the receiving organisations in Japan to assist workers access social

protection, as well as the supervising organisations. In the implementation of the TTTP in Japan, the receiving and supervising organisations in Japan are responsible to ensure protection according to Japanese law and facilitate access to all benefits. As of early 2018, Cambodia has also appointed a Labour Advisor/ Counsellor in charge of workers in Japan. The Labour Advisor/ Counsellor is the key stakeholder that represents Cambodian Ministry of Labour and Vocational Training (MOLVT), to monitor and to participate in the protection of workers' rights in Japan.

In accordance with the Policy on Labour Migration for Cambodia 2019-2023, Cambodia has now implemented a relevant monitoring agency/inspection and appointed an advisor on labour and conflict resolution. MOLVT, along with Association of Cambodian Recruitment Agencies (ACRA), is also working to expand labour markets available to migrant workers, establish mechanisms for re-integration as well as skill transfer from what they learn from overseas opportunities to apply within Cambodia. The Labour Counsellors in destination countries South Korea, Japan, Thailand and Malaysia, play a very important role and are providing a great deal of assistance to workers. They are the key person to monitor and manage working conditions, to pass information, to provide consultation, and to provide social support in destination country. Cambodia has been expanding available labour markets and means to apply skills in re-integration. For instance, Cambodia is collaborating with Japan to send increasing numbers of workers through the Specific Skilled Workers programme and through the TTTP, where workers continue to expand and improve skills and earn higher salaries in Japan. Cambodia is performing a study on sending workers to other countries as well, potentially in Europe.

Panel 2

Information Dissemination: What is being done and how does it help ensure migrants have access to social protection?

Presentation of Key Findings by Mr. Luk Kay Yui Stefan, MMN

On behalf of MMN research team, Mr. Luk presented on different means for information dissemination by each country of origin, specifically, pre-departure orientations/ trainings (PDO/PDTs) and the use of social media strategies. He presented on several case studies based on interviews with migrant workers, where both undocumented and documented migrants noted that they arrived in destination countries ill prepared and with an inadequate understanding of their social protection entitlements. MMN notes that migrants' experiences could potentially indicate that either PDO/PDTs are not being delivered, PDO/PDTs are not being delivered according to standard curricular, and/or there are gaps in existing curricular on providing information related to social protection programmes. In order to fill gaps in knowledge, migrants relied on ad hoc information from employers, friends, and supervising organisations among others. On reflection, many of the migrants interviewed considered the information they received from these sources partial and fragmentary. Consequently, MMN recommends improving the quality of PDO/PDT to ensure that prospective migrant workers receive accurate and complete information before migrating overseas. This includes information relating to migrant workers' terms of employment, applicable labour laws, their rights to contribute and benefit from various social protection schemes, and how to seek overseas assistance via embassies and consulates in the event of problems. MMN also recommends countries of origin improve their social media presence to widen the reach of official information dissemination as to reach both documented and undocumented migrants.

Response by Panelists

Mr. Nguyen Luong Trao, Chairperson of the Vietnam Association of Manpower and Supply

Mr. Trao emphasised that migrants having an awareness of their entitlements affects their ability to access social protection programmes. He stated:



While countries of origin and destination are concerned with migrants' access to social protection and seek to publish relevant policies, whether migrants effectively access the benefits depends on their awareness of the benefits and understanding of the associated conditions.



Mr. Nguyen Luong Trao

The Vietnam Association of Manpower and Supply (VAMAS), a recruitment agency association in Vietnam, monitors and supports activities to educate migrant workers and provide information as well as helps to develop training material and curricula for workers. VAMAS helps to organise

workshops and trainings for different markets and includes information on social insurance programmes of different countries of destination. They also publish information on the website, bulletins and articles, as well as compose and publish books for overseas markets, such as South Korea and Japan. The information available covers social insurance schemes. Under the VAMAS Code of Conduct (CoC), Principle 8.5, labour contracts must meet the minimum requirements for: social insurance, food, accommodation, living conditions, labour safety, protection and support for accident, sickness, death cases. He explained that the contents related to social insurance specified in the CoC are also concretised into criteria for assessing and ranking enterprises and are verified through documents and interviews with workers. Mr. Trao also mentioned Law 72 on Vietnamese Workers Working Abroad Under Contract. He stated that the Law is in the process of being amended and will include more items about responsibilities to disseminate information to migrant workers. He stated that while social protection/insurance is not specified in law, it is part of migrant workers' rights. He also discussed Articles 59 and 60 which regulate local labour authorities to support returning workers, encourage businesses to hire them, and provide for special loans to create jobs.

Ms. Thet Thet Aung, Executive Director, Future Light Centre, Myanmar

Ms. Thet Thet Aung explained that most of the Myanmar workers her community-based organisation supports are working in Thailand and they generally lack information about social protection schemes in Thailand. She explained that even those migrants covered by schemes, when they try to seek treatment at hospitals, do not have equal access because of language barriers. She discussed the lack of clarity on how to reclaim social security contributions and suggested further international cooperation to enable migrants to access their entitlements:



Myanmar and Thailand need to work together to create a system whereby workers can re-claim contributions after returning to Myanmar.

She contrasted this to Japan, where it is quite simple to reclaim contributions after three years of working upon return to Myanmar. She explained that while the MRCs were established to disseminate information to migrants, most workers cannot reach them, particularly those in rural areas, and thus simply migrate on their own without any guidance. She emphasised a greater need for the government to monitor recruitment agencies, namely the fees they charge to workers to migrate and whether they ensure adherence to contract terms with employers in country of destination, the promised rate of pay as well as payment of entitled overtime and bonuses.



Ms. Thet Thet Aung



Mr. Pin Vireak

Mr. Pin Vireak, Executive Director, Association of Cambodian Recruitment Agencies

Mr. Vireak discussed the content for the curriculum for PDO/PDTs for Cambodian workers migrating to Thailand, and that it explicitly provides information on social protection. Module Five clearly explains social protection benefits, the contributions involved, and what to do when the workers fall sick. He explained that the PDO/PDTs mandated by the sub-decree requires companies to train the workers not only on vocational skills and language, but should also educate workers on the labour laws in the destination countries. He explained that there is only a one-day PDO/PDT, despite the ILO curriculum being set for 30 hours for workers migrating to Thailand. Most workers cannot attend a training for a longer period because they do not have accommodation and can only come the day before travelling to Thailand. Consequently the training is often only half-day with five to six hours of instruction. He explained that there is also a training post-arrival in Thailand on key content.

Panel 3

Roles and Responsibilities of Recruitment

Agencies: What role do recruitment agencies play in ensuring migrants have access to social protection?

Presentation of Key Findings by Ms. Trang Hoang, MMN



Ms. Trang Hoang

On behalf of the MMN research team, Ms. Hoang presented key findings for the theme of the panel. She highlighted the different licensing conditions in Cambodia, Myanmar and Vietnam, legal obligations of recruitment agencies and responsibilities to workers, any

legal caps or ceilings for fees, types of mandated pre-departure trainings, and industry initiatives, such as voluntary CoCs, insurance schemes or ranking systems. Ms. Hoang explained that in MMN's case studies, interviewed migrant returnees from Japan and Thailand had mixed experiences with their recruitment agencies providing them general support during migration cycle, including whether they explained social protection, the available benefits in the country of destination, and how to access them. Returnees in Myanmar and Vietnam also reported paying more than the legal caps in fees (there are no legal caps in Cambodia) and that unregulated intermediary brokers are recruiting workers and collecting fees/commissions. MMN recommends that recruitment agencies improve the quality of PDO/PDT to ensure that prospective migrant workers receive accurate and complete information before migrating overseas, ensure cost structures are transparent and fees do not exceed government set caps, and strengthen assistance provided to migrant workers, including supporting access to social protection programmes of destination countries while abroad and upon return. MMN recommends that governments in countries of origin effectively enforce laws and regulations regarding recruitment agencies, and actively monitor their performances to ensure full compliance with all prescribed standards including recruitment fee caps.

Response by Panelists

Mr. You Chidara, Chairperson Assistant, Manpower Agency of Cambodia

Mr. Chidara explained the role of recruitment agencies in increasing employment opportunities and livelihood for Cambodian workers. In partnership with the MOLVT, Manpower Agency of Cambodia (MAC), a recruitment agency association in Cambodia, seeks to expand labour markets available to Cambodian workers to improve livelihood, the quality of work in countries of destination and prevent unemployment. MAC is exploring markets overseas that offer good working and living conditions to ensure there is fair pay and access to benefits. Cambodia also wants to improve livelihoods to increase employment opportunities to local workers according to national guidelines in order to expand livelihood options beyond migration.

Mr. Chidara mentioned that 53 companies are members of MAC, and participating in the CoC. He stated that recruitment agencies assign a permanent representative in the destination country, that serves to discuss and resolve issues accessing social protection. He also explained that an agency will have a coordinator for workers before they depart, whether through a border check-point or fly overseas, to ensure they reach destination safely and again upon return for reintegration.



Mr. You Chidara



Ms. Aye Aye Nyunt

Ms. Aye Aye Nyunt, Myanmar Overseas Employment Agency Federation

MOEAF, a recruitment agency association in Myanmar, currently has 297 companies as members in its federation. MOEAF helps provide advice to and assists with negotiations for recruitment agencies, as well as the administration and supervision of the training centres to Thailand and South Korea. MOEAF trains on how to be ethical recruitment agencies and abide by rules and regulations. All the recruitment agencies should sign the CoC, under review of the Code Compliance and Monitoring Committee. Currently 280 agencies have signed and an additional 73 agencies will sign the end of this month. A reference manual as well as monitoring manual will soon be finalised. Ms. Aye Aye Nyunt discussed some of the current legal caps for different destination countries, the content of PDO/PDT, and assistance agencies can provide if workers need to return to Myanmar without their ID card.

Mr. Nguyen Luong Trao, Chairperson of the Vietnam Association of Manpower and Supply

Mr. Trao explained foreign partners should issue contracts when workers go overseas, specifying the rights and benefits of the business, social insurance in destination countries, as well as the rights of the workers. In Vietnam, a service contract signed by recruitment agencies with the workers must specify the roles and rights of different parties regarding social insurance. It should include details about the social schemes, what contributions, if any, that the employer and worker pay. Labour contract is signed between the employee and employer. Businesses also have a role to provide information about social insurance so migrant workers can fully understand the benefits before departure. While agencies provide PDO/PDT on topics such as social insurance, they should also be doing follow-up and monitor the adherence to obligations, advise employers on how to deal with issues and supervise employment contracts, to ensure employees can get insurance benefits in case of accidents or death, and assist returnees recuperate pension contributions.

Ms. Jackie Pollock, Chief Technical Advisor, International Labour Organization



Ms. Jackie Pollock

Ms. Pollock explained that according to the ILO, the law in each country should make clear the responsibilities of recruitment agencies with regards to protection and compensation for maternity, when the company is insolvent, in cases of occupational accidents/diseases, adherence with

occupational safety and health standards, and access to social security benefits. There is some confusion for instance in Thailand, where some occupations such as domestic work, are not covered by social security benefits under labour laws in Thailand.

With growing concerns by consumers about the labour conditions of workers that produce the food they eat and the clothes they wear, countries are under pressure to put in laws about supply chains. Because companies are checking the supply chains, recruitment agencies have more leverage. She remarked:



It is not a race to the bottom anymore—it is a race to the top. The agency who provides access to good labour conditions, that can prove ethical recruitment and adherence to Codes of Conducts, will be able to get larger share of labour market.

Ms. Pollock discussed the need to see greater cooperation and coordination between

recruitment agencies, labour organisations and the government. When workers attend PDO/PDT they do not have any knowledge about workers' rights and are starting from square one. Agencies should coordinate with labour organisations already providing this type of education as they know how to do this effectively.

There also needs to be a long-term integrated market plan between governments and recruitment agencies reviewing both the national labour market and overseas market and what skills are needed abroad and at home. She commented:



Skills development is the greatest social protection, it empowers workers by building up their skills so they can take care of themselves.

Ms. Pollock also mentioned that she is worried that in this policy dialogue, we are forgetting about the majority of migrants in this region who do not use recruitment agencies. She asked whether there is any responsibility by recruitment agencies towards these migrant workers. She posited that if recruitment agencies can show it is more cost effective to migrate with an agency, that they provide safer conditions, the migrants will seek the benefits and it also benefits the business of the agencies. She discussed the need to protect not only the physical safety of workers migrating but also electronic privacy to prevent identity theft.

Panel 4

Overseas Assistance: What role do embassies and Labour Attachés play in ensuring migrants have access to social protection?

Presentation of Key Findings by Mr. Luk Kay Yui Stefan, MMN



Mr. Luk described the different forms of overseas assistance countries of origin provide to their nationals while working abroad, describing the mandates of embassies and/or diplomatic missions for Cambodia, Myanmar and Vietnam, and the role and responsibilities of Labour Labour Attachés (Vietnam, Myanmar)/ Counsellors (Cambodia) detailed in the report. Mr. Luk explained that in MMN's study, migrant workers from all three

countries of origin were unaware of the specific roles and responsibilities of the Labour Attachés/ Counsellors (especially with regards to access to social protection programmes). Additionally, most of the interviewed migrants did not know how to access assistance from their embassy or consulate or explained that travelling to an embassy would require time and expense they cannot afford. Once workers understood the role of Labour Attachés/ Counsellors, many believe such an official could play an important role in assisting migrant workers access social protection in destination countries. MMN recommends enhancing means to disseminate information to migrants regarding the roles and responsibilities of Labour Attachés/ Counsellors stationed at embassies and consulates in destination countries, including using social media as a communication platform to overcome barriers to access information.

Response by Panelists

Ms. Aye Aye Moe, Director, Department of Labour, Ministry of Labour, Immigration and Population, Myanmar

According to ASEAN standards on the role of ASEAN Labour Attachés in the protection of their nationals abroad, a Labour Attaché works to ensure their nationals are not exploited or discriminated in the workplace, ensure that contracts terms and conditions of employment are fair and just, assist migrant workers who have issues with their employment (e.g. payment issues, violations of contract), provide legal

counselling and welfare assistance and make sure that their nationals are in humane and safe work conditions and not abused, including attending to the special needs of female workers. She also mentioned the need to support migrant workers to be documented, assist undocumented migrants who may be victims of transnational crimes, and in case of death, coordinate the repatriation of remains and personal effects and ensure payment of compensation and benefits. She also discussed the various roles Labour Attachés can play in promoting employment and identifying of job opportunities, assisting the development of labour migration policies in the country of origin, and promoting good relations between various stakeholders.

Myanmar has two Labour Attachés in Malaysia, one in South Korea and five in Thailand and provides embassy support where there is no Labour Attaché in Indonesia, Saudi Arabia, Singapore, and China. They provide direct access by phone and Facebook page. The embassy/consulate can also issue identification documents to Myanmar migrant workers, some of whom migrated irregularly. Myanmar also has complaints centres in Yangon and Mandalay, where a migrant worker or his/her family member can call, or mail/fax a letter. She concluded that increasing numbers of complaints received can indicate migrants' enhanced understanding of their rights:



Myanmar is getting increasing numbers of complaints as migrant workers gain greater awareness of their rights and benefits.

Mr. Horn Usaphea, Senior Official, General Department of Legal, Consular and Border Affairs, Ministry of Foreign Affairs and International Cooperation, Royal Government of Cambodia



Mr. Horn Usaphea

In Cambodia, the Labour Counsellor in embassies should monitor implementation of the MoU between countries, collaborate with and evaluate recruitment agencies as to whether they have fulfilled obligation under the law, and ensure workers receive social protection and welfare. Regarding Cambodia's complaint mechanism, he reported:



Cambodia has worked to strengthen complaint mechanisms and received more than 350 cases.

Consequently, officials met local authorities in destination countries, worked with NGO partners, and have conducted 143 on-site visits to resolve complaints. The embassy/consulate also provides consultations to inform people of their rights and works to ensure that recruitment agencies are properly penalised for violations.

Mr. Brahm Press, Executive Director, MAP Foundation, Thailand



Mr. Press discussed the role of Myanmar's overseas services in assisting migrants in Thailand seen by his organisation, how the consular plays a key function in certifying migrants' identity that affects access to daily activities. He described the help they have provided in nationality verification process, in cases of loss of passport, to verify family members, authenticate documents and certify births necessary in securing citizenship. The embassy/consulate can also help to certify identification for migrants to open bank accounts and get driver's licenses, to certify corpses for bodies taken to hospital, and to visit jail. Mr. Press explained that while certification is easy to use, it is only available in Burmese language and not other ethnic languages. Although the embassy/consulate has said offered services, the assistance is inconsistent and at times migrants are instead referred to agents where they have to pay fees. Another obstacle migrants encounter is they must have an original ID in their home country to receive services, but a number of persons do not have proper original documents and fall out of the system. He said that the officials working in Thailand often circle in and out every three months and while it may be a method to prevent corruption, it also limits the officials' ability to develop connections with migrant communities. Mr. Press also mentioned the difficulty migrants face in reaching the embassy in Bangkok or consulate in Chiang Mai, as transportation to Bangkok is especially difficult and expensive.

Panel 5

International Cooperation: How to improve international cooperation between countries of origin and destination to better facilitate migrants' access to social protection?

Presentation of Key Findings by Mr. Luk Kay Yui Stefan, MMN

In Panel 5, Mr. Luk, presented on different examples of multilateral and bilateral international cooperation, such as the regional CLMTV Meeting on “Social Welfare: Connectivity of Social Insurance for Migrant Workers in the CLMTV region.” He discussed examples from countries of origin, such as Cambodia’s plan to hold dialogues on portability and create annexes to the existing migration MoUs with Thailand and Malaysia as well as discussions by the National Social Security Fund (NSSF) to establish transferrable social security benefits to destinations including Japan, Malaysia, and Hong Kong. He discussed Myanmar’s National Plan of Action to increase advocacy with Thailand to support migrants’ access to social services in Thailand and commitment to negotiate with destination countries to facilitate portability of social protection benefits. He also discussed two non-binding Memoranda of Cooperation (MoC) between health ministries in Vietnam and Japan and Vietnam’s negotiations on bilateral social insurance agreements with Germany, South Korea, and Japan.

From its study, MMN identified areas that require greater advocacy with the countries of destination. He emphasised a key finding from the MMN report:



While migrant returnees are entitled to withdraw a lump sum of contributions to the pension scheme in Japan and Thailand, there are insufficient mechanisms to facilitate the transfer of social security benefits, meaning migrant workers often lose benefits accrued during their tenure abroad.

Mr. Luk also mentioned documented cases of dependents of migrant workers in countries of origin experiencing difficulties accessing entitlements and compensation from destination countries when their family member became disabled or passed away while working abroad. Other problems include simultaneous/double contributions required for those working in Japan from Vietnam and barriers to access entitlements such as language and the time and costs required to visit public facilities, which are far away from their work sites.

Panel 6

Upon Return: How can countries of origin assist returnees claim benefits owed to them by social protection schemes in destination countries?

Presentation of Key Findings by Ms. Trang Hoang, MMN

In Panel 6, Ms. Hoang reiterated the challenges workers face in recovering contributions to social security in Thailand and Japan upon return to their countries of origin. While recruitment agencies sending workers to Japan assist returnees, some have reportedly charged a service fee between 10 to 20 percent of the received amount. From Japan, workers are entitled to receive payment in two instalments, the first 80 percent and the second 20 percent, and workers typically complain the first procedure is not difficult but encounter problems receiving the remaining 20 percent.

MMN recommends countries of origin collectively pursue the goal of portable or transferable social security for migrant workers (especially with regards to withdrawing the lump sum amount to pension schemes), ensure migrant workers are not subject to double payment, and advocate with governments of destination countries to reduce barriers faced by migrant workers in accessing social protection schemes and social services and to make sure migrant workers do not lose social protection entitlements when they change immigration statuses. Additionally, MMN recommends that recruitment agencies strengthen assistance provided to migrant workers, including supporting access to social protection programmes of destination countries upon return.

Response by Panelists

Ms. Yin Yin Ohn, Deputy Director General, Social Security Board, Ministry of Labour, Immigration and Population, Myanmar



Ms. Yin Yin Ohn

Ms. Yin Yin Ohn explained that the Myanmar National Social Protection Strategic Plan has been in development since 2014, and the Social Protection Working Committee consists of a broad range of governmental ministries and is assisted by a technical working group of stakeholders. Myanmar is engaged in a strategy to extend social security coverage, with plans to extend

medical care to dependents of the insured workers, and reduce mandatory coverage from five workers to one, among other initiatives.

At present, the Social Security Board, Myanmar is discussing a MoC for social security benefits for migrant workers with the Social Security Organization in Malaysia. She noted:



Some of the challenges that exist in negotiating bilateral and multilateral agreements on social security includes social security systems of migrant sending countries are insufficiently developed, the systems are different to those of migrant receiving countries and the administrative capacity is insufficient to ensure that contributions are remitted in a cost efficient way, including the IT needed to facilitate the implementation of social security agreements.

Ms. Houg Sopheak, Chief of 3rd Overseas Planning Office, Ministry of Labour and Vocational Training, Cambodia



Ms. Houg Sopheak

Ms. Sopheak explained that Cambodia collaborates with destination countries and has MoUs with South Korea, Japan, Malaysia, Saudi Arabia, Bangladesh, Timor, and Thailand and plans to pass one with Singapore to ensure protection of its workers. It has also collaborated with the Philippines as another sending country through an MoU, which

allow Cambodian workers in countries where Cambodia does not have an embassy to seek assistance from embassy of the Republic of the Philippines. MOLVT regularly meets with other sending countries and with receiving countries to discuss issues related to migrant workers, annual meetings as well as ad hoc meetings if problems occur. Ms. Sopheak also mentioned the simultaneous CLMTV meeting being held in Siem Reap, focusing on the mobility of social security fund of sending and receiving countries, which demonstrates a commitment of all the countries, to ensure benefits to migrant workers.

Mr. Hajime Maekawa, Economic and ODA Section, Embassy of Japan in Cambodia

The new migration pathways in Japan may affect migrant workers' access to social security in Japan. Some problems can include, families of deceased migrants facing difficulties to fill in forms and follow the procedure to receive compensation. That process requires collaboration from country of origin, for instance to verify that the worker is deceased. Because contribution to Japan's social security is mandatory, if

there is a simultaneous contribution by the country of origin, that needs to be resolved through advocacy by the country of origin. If there are barriers for workers accessing health care services, this requires the commitment of the destination country and involvement of the partnering and supervising organisation in Japan, whose role is to help assist migrants access health services. With regards to the second lump sum payment to refund pension contributions when workers return to their country of origin, this is handled by Japan's pension service. Information on the steps should be available on the internet in Khmer, Thai, Vietnamese, and Myanmar languages.



Mr. Hajime Maekawa

Panel 7

Social Security and Overseas Workers' Welfare Funds in Countries of Origin: What is being done to ensure nationals migrating abroad can benefit from schemes in their home countries?

Presentation of Key Findings by Ms. Trang Hoang, MMN

Ms. Hoang gave an overview of the social security and overseas workers' welfare funds available in the three countries of origin. She noted that currently, there are no social security schemes available to outbound Cambodian migrant workers, but there are plans to open up NSSF membership to all migrant workers, to pilot migrant welfare fund in select provinces with a high outbound migration rate and propose a new law to facilitate the transfer of social security for Cambodian migrant workers. In Myanmar, outbound migrant workers may participate in Myanmar's social security on a voluntary basis but Myanmar currently only has three out of six types of social security benefits in place: the Health and Social Care System; Family Support Insurance System; and the Employment Injury Benefit System. In Vietnam, there is compulsory social insurance for regular outbound migrant workers on-site, which includes public old-age pension and survivor benefits funds. However, workers may be required to contribute to two different jurisdictions simultaneously from one salary. Vietnam also has an Overseas Employment Support Fund, which is intended to support workers and their families in the event of death, disabling sickness, repatriations before the expiry of their contract, or under other exceptional circumstances.

Response by Panelists

Mr. Chay Samnang, Deputy Chief of Office, Policy Office National Social Security Fund, Ministry of Labour and Vocational Training, Cambodia



Mr. Samnang discussed the NSSF in Cambodia. He reviewed two key programmes, the first for Work Injury. Work Injury covers private employees in formal enterprises with one or more employees and currently covers 1,826,023 workplaces. The programme began in 2008, requires employers to contribute at rate 0.8% (floor/ceiling) and employees receive in-kind and/or cash benefits.

Cambodia's Social Health Insurance covers both public and private employees. For private employees, it also applies to formal enterprises with one or more employees. The programme began in 2016, requires employers to contribute at rate 2.6% (floor/ceiling) and employees receive in-kind and/or cash benefits. A mechanism for social protection for outgoing migrants is under discussion and will be raised at the 16-17 Sept 2019 CLMTV ministerial conference in Siem Reap on the protection of migrant workers.

Ms. Myca Magnolia M. Fischer, Charge d'Affaires, Embassy of Republic of the Philippines, Cambodia

Ms. Fischer explained that there are currently 10 million Filipinos working overseas, which is about 10% of the population and they have been sending workers for decades. She stated that the Philippines is viewed as global champions on protecting the rights and welfare of migrants, at all stages of migration, pre-departure, on-site, and return/reintegration.



Ms. Myca Magnolia M. Fischer

She described its social protection schemes and explained that the Philippines is one of the first countries in Asia to address social security for outbound migrants. The Philippines has 13 bilateral social security agreements covering benefits for retirement, disability, death, etc. She reviewed the four salient features for social security coverage for migrants:

1) equality of treatment, 2) equality of benefits, 3) totalisation of benefits (from time working in-country and abroad) and 4) mutual administrative assistance with benefits. The Philippines enacted the Social Security Act, which requires compulsory coverage of overseas Philippines workers in retirement, death, sickness, maternity, etc. This includes participation in national health insurance, PHILHealth. There is mandatory insurance for migrant workers, coordinated by their recruitment agency before workers are deployed at no cost to migrant workers. This covers accidental death, permanent/total disability, repatriation costs (if employment terminated without cause), subsistence, money claims for employer, medical evacuation/repatriation, compassionate compensation. There are also other benefits available through the Overseas Workers' Welfare Fund such as scholarships for dependents, skills for employment, and computer literacy programmes. The workers welfare assistance programme provides on-site assistance in-country, including temporary shelter, allowance, transportation, counselling, and mediation and reconciliation between employer and employee.

Final Recommendations

At the end of each day, participants of the Policy Dialogue broke into groups consisting of a cross-section of representatives from governments, CSOs and recruitment agencies' associations to discuss existing gaps in policies and practices to support access to social protection, specifically regarding “migration mechanisms”, “information dissemination”, “overseas assistance”, “roles and responsibilities of recruitment agencies”, “international cooperation”, “assistance upon return” and “social security in countries of origin”. Based on the results of the discussion, participants collectively developed a set of recommendations to address identified gaps and improve access to social protection.

Small Group Discussions



The following is the list of recommendations agreed by all the participants of the Policy Dialogue.

Migration mechanisms

1. Provide assistance and more flexible and accessible channels for regularisation of immigration status;
2. Simplify regularisation procedures to reduce processing time and decrease costs;
3. Advocate for longer-term employment contracts;
4. Uphold maternity rights for migrants as well as protect children of migrants to ensure they are supported and do not face discrimination when accessing social services; and
5. Avoid imposing restrictions or bans on women migrating. Bans have the opposite effect on protecting women.

Information Dissemination

1. Proactively use social media to disseminate information on social protection programmes of destination countries and countries of origin;

2. Ensure the consistency and quality of information delivered in PDO/PDTs as well as in on-site/ post-arrival trainings and briefings upon return, assuring inclusion of information on social protection programmes;
3. Expand outreach through the use of social networks (e.g. other migrants and organisations);
4. Make all materials related to social protection programmes available in different ethnic languages and easy to understand; and
5. Ensure information regarding licenses of recruitment agencies is publicly available and accessible to prospective migrants, including key information such as history of complaints, violations/fines, revocation or suspension of licenses.

Overseas Assistance and Labour Attachés/ Counsellors

1. Build the capacity of Labour Attachés/Counsellors. Develop a comprehensive curriculum to train Labour Attachés/Counsellors that includes modules on gender sensitivity. Encourage deployment of more female Labour Attachés/Counsellors;
2. Develop support systems for migrants suffering from mental health issues;
3. Ensure the establishment of contingency-planning by countries of origin that addresses the needs of migrants at times of crises i.e. natural disasters;
4. Provide timely and responsive assistance to migrants, including an effective complaint mechanism that ensures coordination and streamlined referral systems between relevant stakeholders in destination countries and countries of origin;
5. Improve communication and cooperation between Labour Attachés/Counsellors and CSOs, to facilitate understanding of the needs of migrant communities and share information, with due respect to privacy; and
6. Ensure Terms of Reference for Labour Attachés/Counsellors mandate their role to assist migrant workers in destination countries access social protection and governments of countries of origin should provide oversight for effective implementation of their mandates.

Roles and Responsibilities of Recruitment agencies

1. Provide timely trainings to share accurate information (regularly updated) to migrant workers, specifically on social protection programmes, access to healthcare, how the contributory system works (i.e. salary deductions), benefits, as well as generally on relevant topics such as working conditions, employment contracts, cultures of respective countries, labour rights and safety;
2. Governments in countries of origin should develop a better monitoring system to ensure recruitment agencies comply with standards set out in laws;
3. Associations of recruitment agencies should develop a better monitoring system to ensure recruitment agencies abide by CoCs; and

4. Provide assistance to migrant workers on-site in destination countries and upon return in a timely manner.

International cooperation

1. Uphold commitments to implement provisions in bilateral or multilateral agreements;
2. Develop standard operating procedures that guarantee rights and entitlements of migrant workers as stipulated in MoUs;
3. Lobby for the formation of a subcommittee under the ASEAN Committee on Migrant Workers to develop a framework for the mobility of social protection; and
4. Collectively negotiate with and advocate to destination countries to ensure portability of social security benefits and at very least, ensure that migrants are able to recuperate contributions made through lump sum pay-outs totalling the contributions to pension schemes during period of employment.

Assistance upon return

1. Develop a transparent and accessible quantitative, qualitative and data-based monitoring system to inform the enhancement of social protection in countries of origin with the participation of different stakeholders;
2. Take steps towards establishing a welfare fund for migrants in all countries of origin in appropriate time; and
3. Provide assistance to migrant workers upon return in a timely manner.

Social Protection Programmes in Countries of Origin

1. Countries of origin should develop inclusive social protection programmes that migrants can voluntarily participate in and access when abroad; and
2. Establish flexible money transfer systems such as enable migrants to contribute to social security systems digitally.

The Policy Dialogue ended with the organisers thanking participants for their active participation. Some of the participants who were travelling to Siem Reap immediately after the Policy Dialogue to attend the CLMTV meeting expressed that they would share the key discussion points from the MMN Policy Dialogue on Roles of Countries of Origin.



Mekong Migration Network