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Migration policies in view of changing employment landscape[1]

A call from ASEAN Confederation of Employers to policymakers

Current context:

ASEAN is a dynamic and rapidly growing region with a population of 642.1 million and a combined gross domestic product of US$2.8 trillion as of 2017. Labour migration is a key feature of economic and social development in ASEAN, with more than US$65 billion remittances flow into ASEAN countries in 2017. There are more than 9.9 million of international migrants in ASEAN in 2017 and of these, 6.8 million are intra-ASEAN migration within the region. Some ASEAN countries send migrants throughout the world while some receiving international migrants within and outside the region. Cambodia, Indonesia, Myanmar, Philippines and Vietnam are the main sending countries while Brunei Darussalam, Malaysia, Singapore and Thailand are the main receiving countries with high reliance of several industries on migrant workers.

Employment practices of migrant workers are shaped by government immigration policies, industry and global supply chain codes of practices, international labour standards, and the costs incurred.   Thus, employers are dealing with multiple responsibilities, they have to make sure that the productivities of the migrant workers contribute to the growth and profit of the company, they have to adhere to the rules, regulations and changing policies of the Government, and they have to comply with buyers' expectation and ensure the rights and welfare of the migrant workers are well taken care of to avoid allegation of exploitation that will damage the reputation and negatively impact the business.

The impact of the Covid-19 on the economy and societies will drastically change the migration landscape in a way that is still difficult to predict. How the future in a world with Covid-19 will look like is still unclear; will employers have a need for more or less migrant workers? Will employers need different skills and competencies? Will employers be able to absorb the returning migrants into their labour force? Will Governments and Employers take necessary steps to provide opportunities, for instance through online platforms, for the most vulnerable migrants such as youth of working age, women, persons with disabilities, LGBTI etc? What remains clear however is that for a sustainable business, employers need flexibility and agility in both volumes of workforce, diversity as well as in skills and competencies.

Freer frameworks for economic migration are good for business, catalysing innovation, investment and entrepreneurship - the building blocks of sustainable development. It is therefore important to put in place well thought-out and practical policies for harnessing the developmental benefits of migration including by strengthening legal avenues for mobility, ensuring that recruitment is responsible, and promoting formal certified skills recognition schemes. The increasing scale of economic migration within, from and to ASEAN countries is undoubtedly of consequence for employers in the region, while all stakeholders must now manoeuvre in a with Covid-19 world.

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[1] The ACE migration policies is part of the collective policies of the 17 employers' organisation in Asia in its paper " A call from Asian employers' organisations to policymakers for stronger dialogue."

In this context, **four priorities** drive the ASEAN business position on migration:

1. The need for predictable and transparent legal frameworks for the mobility of skills

Businesses need to transfer and deploy people quickly, but tax, social security and immigration requirements often act as barriers to the movement of people cross-border for work. ACE encourages states to address these hindrances and make migration eco-systems more efficient and business friendly, while maintaining the safety and national security.

Further, migration systems should be predictable and transparent, different instruments should be in place for different categories of migrants including high skilled workers. Most immigration systems in ASEAN countries need to be revamped based on the current migration and employment patterns. It is important that migration law, policy and administration to keep pace with today workplace changes. This is particularly striking, as companies and the global economy struggle to survive as a consequence of the Covid-19 crisis.

The recent pandemic has highlighted the challenges related to the repatriation of migrant workers to their home countries, and their reintegration into struggling economies. On repatriation, governments should have "force majeur" policies in place that respond to emergency situations, like COVID-19 pandemic. In view of the current crisis, we would encourage an arrangement between the sending and receiving countries to provide a basic travel insurance to repatriate workers left stranded with no income, provide access to low cost healthcare and ensure their safe return home.   In addition, upskilling or reskilling programmes for this returning migrant workforce will be needed, to allow them to reintegrate into the local workforce and contribute to the local economy.

> To support Governments in the implementation of **GCM Objective 5 – "Enhance availability and flexibility of pathways for regular migration"**, we call for more dialogue on skills mobility policies between policy-makers and employers' organisations to better understand the skills needs and requirements from the various industries.

2. Skills development programmes, skills recognition schemes and skills matching frameworks that respond to labour market realities

To remain competitive in global markets, employers require a readily available pool of talented workers equipped with the right knowledge and skills to be employable and work in productive, secure jobs which grow enterprises and economies. To this end, mechanisms for mutual recognition of certified skills offer win-win solutions for employers, jobseekers and economies at large. Mutual Recognition Arrangements (MRAs) Framework which has been formalized among ASEAN Member states offers a good example of a regional system of MRAs. In addition to G2G agreements, greater collaboration between Employers' Organisations should be ensured aiming at partnerships between employers of the region.

> To support Governments in the implementation of **GCM Objective 18 – "Invest in skills development and facilitate mutual recognition of skills, qualifications and competences"**, we call for G2G collaboration that reflects employers' views to improve skills development, skills certification, recognition and matching.

3. Responsible recruitment practices

In addition to ensuring better migration experiences for workers, there is also a strong business case for companies to uphold responsible recruitment practices. Hiring in an unethical or opaque manner can result in enormous administrative, legal and reputational costs for businesses. Further, fair recruitment guarantees selection of meritorious candidates over those who merely have the ability to pay high recruitment costs. This contributes to higher productivity, efficiency and competitiveness.

Partnerships between source and host countries are required to enable and foster efficient recruitment mechanism and fair recruitment practices. Bilateral agreements including Government to Government (G-to-G) recruitment mechanism should be put in place to ensure efficient procedures, fair terms including protection of migrant workers.

The ILO operational guidelines for fair recruitment, as well as its related definition of recruitment fees and related costs, provide a sound framework to inform the work of organizations, national legislatures, and social partners in the area of promotion of fair recruitment. A national dialogue should determine who covers the related recruitment costs, either the government, employer, recruiter or worker. In this regard, ACE urges Governments to find solutions to reduce these costs to a minimum.

> To support Governments in the implementation of **GCM Objective 6 – "Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work"**, we call for greater dialogue between countries of origin and destination, as well as employers and recruitment agencies to collectively find solutions to mitigate risks, by enhancing social security and recruitment frameworks.

4. Leverage the use of technology to improve migration management

The Covid-19 crisis has shed light on our dependability on technology. We must collectively work toward smart uses of technology through the digital transformation of immigration processes. A key outcome expected from this digitization will be more integrated government systems nationally with possible regional implications. This will enable governments to manage compliance and track foreign nationals' status more effectively, along with system led monitoring of corporate compliance obligations.

Governments should have eco-systems that track the whole migration phases, including pre-departure, recruitment and return. Such systems would help locate migrant workers, improve transparency in the process, and direct them to cross-sectoral deployment.

> The GCM calls for innovative approaches, including through technology, to better manage migration in many of its objectives. We call for a digital transformation of immigration processes, and migration systems.

ASEAN Confederation of Employers (ACE)'s call:

In our globalized world and as all stakeholders will adapt to new realities, it is now high time for stronger collaboration between social partners and government on labour migration issues. In this framework, **ACE calls for regular and organised social dialogue through formal communications channels, as well as investment in data collection to make a stronger case for improved regulations**.

The consultations should not only happen in times of crisis. More importantly, mechanisms at national level should be put in place to ensure that this dialogue is ongoing to prevent and better manage upcoming crisis. On data collection, governments could begin compiling and publishing outgoing and incoming workers' statistics. The employers should have access to such information to source required skills as and when needed.

Given that businesses form the backbone of economies, it would serve governments well to ensure that any decisions on migration policies are made in consultation with the private sector, through employers' organisation.