

A photograph of a woman, likely a migrant worker, smiling broadly. She is wearing a large, wide-brimmed hat made of woven straw or similar material, with a red and white pattern. She is also wearing a pink t-shirt with Thai text in blue and yellow, and a plaid shirt underneath. She is holding a long metal rod or tool. The background is a blurred outdoor setting with a wooden fence.

WOMEN MIGRANT WORKERS

IN THE ASEAN ECONOMIC COMMUNITY



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WOMEN MIGRANT WORKERS IN THE ASEAN ECONOMIC COMMUNITY

The ASEAN Secretariat Jakarta



MINISTRY OF
MANPOWER OF THE
REPUBLIC OF
INDONESIA



Supported by



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The study was managed by the Regional Migration Programme at the UN Women Regional Office for Asia and the Pacific (ROAP).

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The overall vision and direction for the preparation of the study were provided by the advisory group comprising of Ruchika Bahl, Regional Programme Manager-Migration and Dr. Asa Torkelsson, Regional Women's Economic Empowerment Advisor, UN Women ROAP; Natalia Figge, Programme Manager, FES; Mega Irena, Assistant Director, ASEAN Socio-Cultural Community Department, ASEAN Secretariat; Shri Setiawati Ghofur, Deputy Director for Institutional Cooperation, Ministry of Manpower, Republic of Indonesia; and Asha Sharma, Senior Regional Programme Manager, DFAT, Australian Government.

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We would also like to thank our government and non-government partners from ASEAN Member States, all of whom we cannot acknowledge individually, for sharing their valuable insights at various stages of the study. Most importantly, we owe considerable debt to the migrant women who participated in this study and so generously shared with us their time, experiences, insights and knowledge.

This study is a result of the generous support of the Australian Government Department of Foreign Affairs and Trade (DFAT).

FOREWORD

Working abroad is a choice due to the limitation of available job opportunities in a country. The number of migrant workers increases each year and the ratio of women migrant workers is higher than the men.

Migrant workers, especially women migrant workers, are lack of protection as not all countries have regulations on the protection of foreign workers. Women migrant workers are vulnerable to exploitation, violation, and abuse.

On the other hand, this study has proved that women migrant workers have contributed to the economic growth of ASEAN Member States (AMS) not only in the countries of origin (COO), but also in the countries of destination (COD). However, their rights to decent work, better jobs opportunities and skills development have not been well fulfilled.

To provide the best protection for migrant workers, it should be a joint work among the Government of COO, the Government of COD, as well as the related stakeholders.

Through this study the Government of Indonesia would like to invite our partners in AMS to work together in protecting and promoting the rights of migrant workers, especially women who belong to the vulnerable group.

On behalf of the Government of Indonesia, I would like to express our sincere gratitude and highest appreciation to all related stakeholders who have contributed actively to the accomplishment of this study. I would also like to convey our special thanks to UN Women, FES, ASEAN Secretariat, and DFAT Australia for their full support and very kind cooperation.

We hope that this study will be a useful reference to the readers, especially for the AMS Governments in order to provide a better protection for women migrant workers.



Minister of Manpower
of the Republic of Indonesia



M. Hanif Dhakiri

FOREWORD

Labour migration is a phenomenon inseparable from the economic development of ASEAN as migrant workers have contributed to not only the economies of the families of migrant workers but also those of the countries of origin and countries of employment. Nearly half of estimated 6.9 million intra-ASEAN migrant workers are women and their contribution, particularly in sectors that they concentrate on including domestic work, services and tourism, could not be undermined. Despite their important participation and contribution to ASEAN economies, many women migrant workers still find themselves in variety of vulnerable situations and limited opportunities.

The launch of ASEAN Economic Community in December 2015 is expected to amplify benefits to ASEAN Member States. Projected shift of employment structure around the world including in our region also calls our attention on how ASEAN Member States and ASEAN as a whole could seize the opportunities as well as handle challenges. As ASEAN's integration process deepens and widens, ASEAN needs to ensure that our integration efforts are inclusive and their benefits are enjoyed by all including women migrant workers.

The Study on Women Migrant Workers in the ASEAN Economic Community, which is under the Work Plan 2016-2020 of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), supports the need of ASEAN to look into regional and national trends of women migration as well as opportunities and challenges faced by women migrant workers in the ASEAN Economic Community. Targeted at women migrant workers in three Priority Integration Sectors of tourism, agro-based products and infrastructure, the Study looks into their experiences in the recruitment process, their access to social protection, skills development and training, informal employment and legal aid, which are defining aspects of their employment opportunities and decent work. The Study may serve as a useful reference document for the policy makers and relevant stakeholders in bringing ASEAN closer to its Vision 2025.



A handwritten signature in black ink, appearing to read 'L. Minh', written in a cursive style.

LE LUONG MINH
Secretary-General of ASEAN

FOREWORD

Women migrant workers in ASEAN make significant contributions towards the ASEAN region's growth and vision. Out of the nearly 6.9 million workers in the ASEAN region, women constitute about half.

Even if women migrant workers are known to be key contributors in the region, the patterns, trends and characteristics of female migration still need to be better understood to fully recognize the impact of women's economic contributions to economies and labour markets in ASEAN destination countries.

To fill this critical knowledge gap, UN Women Regional Office for Asia and the Pacific (ROAP) and the Friedrich-Ebert-Stiftung (FES), in partnership with the ASEAN Secretariat, and with the support of the Department of Foreign Affairs and Trade (DFAT) of the Government of Australia, and facilitated by the Ministry of Manpower, Government of Indonesia, have undertaken a study on "Women Migrant Workers in the ASEAN Economic Community".

Our study provides a comprehensive analysis of the patterns of women migrant workers in the context of ASEAN integration, maps the trends related to women's labour mobility, and describes the key role of women migrant workers and their economic contributions to the ASEAN region, as well as the challenges women migrant workers face.

The findings are structured around three areas: (1) regional trends and characteristics of migrant women and their access to labour markets, (2) challenges and barriers faced by women migrant workers in ASEAN Priority Sectors, and (3) the migration governance framework in the ASEAN region.

Overall, the study reveals that women migrant workers are significant economic players in the ASEAN region. To fully utilize the positive gains from women migrant workers' productivity, the study advocates for an ASEAN growth agenda that is inclusive of women migrant workers, recognizes women's contributions, and facilitates women's abilities to reap benefits from emerging opportunities. Our research finds that women migrant workers overwhelmingly remain pooled in unskilled or low-skill positions at the bottom of the value chain with little upward skill or job mobility. To effectively promote women migrants' priorities in and benefits from the ASEAN Priority Integration Sectors (PIS), there is need to provide social protection, skills building, training, and decent work.

Migration is also costly and cumbersome process for women migrants, with multiple middlemen and agencies reaping benefits. Women need more information to navigate the migration chain, and countries need to collaborate closely to protect women migrant workers. Indeed, providing women migrant workers with better access to information, decent working conditions and social protection would contribute to the overall growth and development of ASEAN.

The study concludes that integrating a gender perspective in migration processes and governance structures at both regional and national levels would assist the ASEAN regional integration to deliver even more effectively on its commitments to promote progress and growth in the region.

It is our hope that the findings and recommendations of this study will guide inclusive economic growth and support the integration of women migrant workers in the ASEAN Economic Community for a prosperous ASEAN for all.



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Office for Regional Cooperation in Asia



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LIST OF ABBREVIATIONS

| | |
|---------------|---|
| ACE | ASEAN Confederation of Employers |
| ACMW | ASEAN Committee on the Implementation of the ASEAN Declaration of the Protection and Promotion of the Rights of Migrant Workers |
| ADB | Asian Development Bank |
| AEC | ASEAN Economic Community |
| AFAS | ASEAN Framework Agreement on Services |
| AFML | ASEAN Forum on Migrant Labour |
| AMS | ASEAN Member States |
| APSC | ASEAN Political-Security Community |
| ASCC | ASEAN Socio-Cultural Community |
| ASEAN | Association of Southeast Asian Nations |
| ASETUC | ASEAN Services Employees Trade Union Council |
| ATUC | ASEAN Trade Union Council |
| CMLV | Cambodia, Myanmar, Lao PDR and Viet Nam |
| DFAT | Australian Government Department of Foreign Affairs and Trade |
| ENT | Economic needs tests |
| EU | European Union |
| FES | Friedrich-Ebert-Stiftung |
| FDWs | Foreign domestic workers |
| FWL | The Foreign Worker Levy |
| GATS | General Agreement on Trade and Services |

| | |
|-----------------|--|
| ILO | International Labour Organization |
| ILMS | International Labour Migration Statistics |
| IOM | International Organization for Migration |
| Lao PDR | Lao People’s Democratic Republic |
| MERCOSUR | Mercado Común del Sur (Common Market of the South) |
| MFA | Migrant Forum in Asia |
| MMN | Mekong Migration Network |
| MNP | Movement of natural persons |
| MOEAF | Myanmar Overseas Employment Agencies Federation |
| MoU | Memorandum of understanding |
| MRA | Mutual Recognition Arrangement |
| MSMEs | Medium, small, and micro-enterprises |
| NAALC | North American Agreement on Labor Cooperation |
| NAFTA | North America Fair Trade Alliance |
| OECD | Organisation for Economic Co-operation and Development |
| PIS | Priority Integration Sectors |
| ROAP | UN Women Regional Office for Asia-Pacific |
| SIP | Settling-in-programme |
| TVET | Technical and Vocational Education and Training |
| UN | United Nations |
| UN ESCAP | United Nations Economic and Social Commission for Asia and the Pacific |
| UN Women | United Nations Entity for Gender Equality and Empowerment of Women |
| WEF | World Economic Forum |
| WTO | World Trade Organization |



EXECUTIVE SUMMARY

Photo: UN Women/Pathumporn Thongking

Background and rationale

The ASEAN Economic Community (AEC) was formally established in December 2015.¹ It is expected that the AEC will boost regional economies by 7.1 per cent and create almost 14 million new jobs. Free movement of skilled labour,² which takes

into account relevant domestic regulations and market demand conditions, is a key component of this regional economic integration agenda.³

ASEAN main destination countries – Brunei Darussalam, Malaysia and Singapore – have already experienced large labour mobility flows and a high reliance of several industries on migrant workers. Currently, the total stock of international migrants in the ASEAN is 9.9 million and of those, nearly 6.9 million have moved between countries within the region.⁴ Furthermore, according to recent research, the share of migrant workers is expected to rise with the regional integration of labour markets.⁵ To facilitate the governance of labour flows and ensure the successful economic integration of migrant workers in

1 ILO-ADB (2014).

2 As of today, the AEC has identified seven professional categories and one occupational area for skill recognition to facilitate free skilled labour mobility, and 11 priority growth sectors (PIS). The seven professions are: engineering, nursing, architecture, medicine, dentistry, surveying and accountancy. Tourism has also been identified as an occupational area. The PIS are: Agro-based products, Air travel, Automotives, E-ASEAN, Electronics, Fisheries, Healthcare, Rubber-based products, Textiles and apparel, Tourism, Wood-based products. For more information on the ASEAN Framework Agreement for the Integration of Priority Sectors (2004)PIS:

<http://asean.org/asean-framework-agreement-for-the-integration-of-priority-sectors-vientiane-29th-november-2004/>

http://asean.org/?static_post=asean-framework-agreement-for-the-integration-of-priority-sectors-vientiane-29th-november-2004

3 For a comprehensive analysis of the progress and achievements of the implementation of the AEC Blueprint see ASEAN Secretariat (2015).

4 UNDESA, International Migrant Stock (2015).

5 ILO-ADB (2014).

ASEAN, a plethora of regional frameworks, coordination mechanisms and national policy initiatives have been devised, setting ASEAN at the forefront of the international governance of labour mobility.

A substantive contribution towards the region's labour markets, production and remittance flows is made by women and girls who account for nearly half (48.7 per cent) of the intra-ASEAN migrant working age population.⁶ Yet a growing body of research has raised concerns about intersecting gender, age, ethnicity and legal status vulnerabilities impacting access to rights and opportunities for women and girls at different stages of the migration journey⁷ as well as about disparities in access to employment, income and social protection. Intrinsically, a fair question to ask is whether ASEAN's women and girls migrant workers, who are often employed in low-skill professions, will benefit from the expected increasing mobility and job opportunities in their own region.

The overall aim of this study is to shed new light on intra-ASEAN migrant women's labour mobility trends, access to and outcomes in labour markets, the contribution to ASEAN economies and high-growth sectors, and the challenges of social and economic inclusion. The report also reviews the current migrant governance frameworks at national and regional level, providing actionable evidence-based policy recommendations to benefit from women's labour mobility, provide fair and equitable migration opportunities for women, and enhance regional social and economic development.

6 UNDESA, International Migrant Stock (2015). See also analysis in this report regarding women migrant workers making up a significant share of the labour force in ASEAN destination countries.

7 Temin M. *et al*, AWID 2004 (2013).

With its focus on women migrant workers this report supplements and complements previous studies by ILO-ADB (2015) and UN Women (2016) on the social and labour market impact of the AEC, thereby completing a trilogy of evidence-based reports on the equity dimension of ASEAN integration. Finally, it contributes to filling a gap in the current policy and academic debates on women migrants as potential agents of development by focusing not only on their impact in countries of origin (i.e. through economic and social remittances) but also on their economic contribution to economies and labour markets in their countries of destination.

Methodology

UN Women presented a research proposal for conducting a regional study on exploring the interlinkages between ASEAN Economic Integration and women migrant workers at the Meeting of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) in May 2016. There was consensus that a study of this level was urgently needed. The Meeting therefore agreed to collaborate with UN Women in the conduct of the study as part of the implementation of the ACMW Work Plan 2016-2020.

A joint meeting of ASEAN Secretariat, UN Women Regional Office for Asia and the Pacific (ROAP), Friedrich-Ebert-Stiftung (FES), Australian Government Department of Foreign Affairs and Trade (DFAT) and the Government of Indonesia was held in June 2016 to finalise the Terms of Reference (ToR) for this study. Subsequently, the ToR were endorsed by the ACMW. The study was initiated in early October 2016 and an inception report was submitted in November 2016. Data collection for the study was conducted in December 2016.

The ASEAN Secretariat shared the drafted report with the ACMW representatives of 10 ASEAN Member States (AMS) for their feedback. In addition, a Validation Workshop to discuss the findings of the study was conducted in Jakarta on 10 April 2017. The Workshop was hosted by the Ministry of Manpower of the Government of Indonesia. The consultation was attended by senior officials from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam and representatives from ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), Migrant Forum in Asia (MFA), Mekong Migration Network (MMN), and the ASEAN Secretariat. All representatives provided further information and details to enhance the analysis and findings. The main findings and recommendations of the study was presented at an ASEAN High-Level Policy Dialogue on Women Migrant Workers in the ASEAN Economic Community on 7 July 2017 and disseminated among all relevant stakeholders.

This study is based on the review of a large body of literature that explores linkages between the migrant workforce, women's work, trade liberalisation and socio-economic policies, and a mixed methodology which uses both quantitative and qualitative data. Overall the research is guided by a three-tiered approach aimed at providing a comprehensive analysis of women migrant workers experiences and labour market outcomes in the context of the ASEAN economic integration process.

The first tier looks at the current trends of women's migration in the ASEAN, including in the high growth sectors, and at women migrant workers socio-economic characteristics and contribution to the ASEAN receiving economies. Secondary data from national and international

sources (UNDESA, ILO-ILMS, World Bank) has been used to undertake the regional analysis of migration patterns across AMS.

The second tier investigates the gender dimensions of migrant workers' participation, employment and working conditions in ASEAN Priority Integration Sectors (PIS). The analysis here is deepened by a focus on five salient themes that emerged from women migrant workers' experiences and by an exemplifying gender analysis of the hierarchical division of labour in one priority sector -infrastructure. Primary data collected through structured interviews with 85 key stakeholders (i.e. industry representatives, trade unions, civil society organisations, etc.) including women migrant workers has been used for this analysis.

The third tier draws linkages between ASEAN-level policy commitments, bilateral agreements between select countries and national level migration policies, to highlight the impact on women migrant workers' access to decent work and social protection. The policy analysis in this section is based on secondary data and primary information collected from a diverse group of stakeholders. A total of nine questionnaires from government representatives, civil society groups, trade unions, workers associations, and international organisations were also collected.

Definitional Clarity

As defined in the ToR, findings in the report apply to regulated and unregulated intra-ASEAN women migrant workers employed in the formal ASEAN PIS. Women migrant workers in the informal sector were not included in the study as the scope of the research covers formal ASEAN PIS.

Furthermore, the study looks at ASEAN as a whole and focuses mainly on the top sending (Myanmar, Lao PDR, and Cambodia) and top net-receiving countries (Thailand, Malaysia, Singapore).

The terminology ‘women migrant workers’ and/or ‘women and girls’ has been used throughout the report when engaging in gender analysis or discussion over gendered dimensions of labour migration⁸, while ‘female migrants’ is used only for the numerical reporting on sex disaggregated data. Finally, the terms ‘country of origin’ and ‘country of destination’ are used throughout the report as agreed with AMS during the Validation Workshop held in Jakarta on the 10 April 2017.⁹ Exception is made in some of the statistical outputs where the terms ‘net-sending’ and ‘net-receiving’ countries are used with reference to the positive or negative balance between the inflows and outflows.

Confidentiality and research ethics

This study was conducted in strict adherence to United Nations Evaluation Group’s Ethical Guidelines for Evaluation.¹⁰ Accordingly, the consultants maintained independence, impartiality, honesty and integrity throughout the course of the study. A cross section of stakeholders including women migrant workers were consulted and an extensive body of

8 The decision reflects the distinction between the socially constructed nature of gender versus biological traits..

9 See also the participatory glossary compiled by the Open Working Group on Labour Migration & Recruitment at <http://recruitmentreform.org/wp-content/uploads/2015/05/Recruitment-Reform-Glossary-2016-06.pdf>

10 The guidelines are available at <http://www.unevaluation.org/document/detail/100> . The guidelines are used for this study as those are the most comprehensive on confidentiality and ethics relating to data collection in the United Nations system.

literature was reviewed to provide for an unbiased set of findings. The consultants maintained transparency on the purpose and goals of the study for all stakeholders they conferred with. The consultants, UN Women and FES maintained confidentiality on the identities of the participants. For the highest levels of quality and standards, all efforts have been made to ensure that accurate, complete and reliable information is presented in the study, within the research scope and focus.

Main Findings

The findings of this research are structured around the three areas of analysis developed in the report: regional trends and characteristics of women labour migration in the ASEAN; challenges and barriers faced by women migrant workers in ASEAN PIS; and the migration governance framework in the ASEAN region.

Regional trends and characteristics of women labour migration in the ASEAN

1. Women migrants form nearly half of the total intra-ASEAN migrant populations.

Women account for 48.7 per cent of all intra-ASEAN migrants in 2015. In Singapore and Thailand, women form more than 50 per cent of the total migrant population. While the volume of intra-ASEAN migration has been growing since the 1990s in all net-receiving countries, trends for the share of registered migrant women have been uneven across the region: increasing in Singapore and Thailand, constant in Brunei Darussalam and decreasing in Malaysia.¹¹

11 Analysis of regional migration trends is based on data from UNDESA, International Migrant Stock, 2015.

2. Women migrant workers make up a significant share of the labour force in ASEAN destination countries.

Women migrant workers make up more than 10 per cent of the total workforce (male and female) in Brunei Darussalam. In Thailand and Malaysia, the share of total employment accounted for by registered women migrant workers is comparatively lower (2-4 per cent). However, official data significantly underestimate the total contribution of migrant women to the labour force in both countries due to the large presence of undocumented workers.

3. Households, agriculture, construction and manufacturing are the primary sectors of employment of women migrant workers.

Women migrant workers in Malaysia and Thailand are largely employed in the household sector, agriculture, manufacturing and construction (Thailand only). In comparison with male migrant workers, women are especially overrepresented in domestic work. Wholesale and retail trade and tourism are also significant as sectors of employment. Data for Thailand show some degree of concentration by nationality – e.g. Myanmar women in manufacturing, Cambodian women in agriculture and construction and Laotian women in the household sector. Sex-disaggregated data are not publicly available for Brunei Darussalam and Singapore, but the sectoral distribution of the whole migrant workforce is similar to that of Malaysia and Thailand, the main difference being that very few migrant workers are employed in agriculture.

4. Women migrant workers are largely young and have low education levels.

Women migrant workers in AMS have a younger age profile than the

local labour force. Thirty per cent or more of women migrant workers in Malaysia and Thailand for example, are girls in the 15-24 age group. Furthermore, an overwhelming majority of women and girl migrant workers have either primary or intermediate level of education (87 per cent in Brunei Darussalam and 91 per cent in Malaysia). While more recent arrivals show a higher proportion of highly educated women (20 per cent in 2012-14 in Malaysia), trends remain however dominated by women with basic and intermediate education.

5. Women migrant workers in ASEAN earn significantly less than men and the local female workforce.

Data on employment-related income for Brunei Darussalam and Malaysia show that women migrant workers' average monthly wage is less than half than that of all employed women, and 30-50 per cent lower than that of migrant men. While the large wage gap between migrants and the domestic workforce is partly due to the concentration of women migrant workers in low-paid jobs, disaggregated wage data by occupation show that Malaysian workers earn higher wages even in the same occupations in which most migrants are employed (especially in medium-skilled manual jobs).

6. Women migrant workers contribute significantly towards the destination countries' economies.

Evidence in this report suggests that while women migrant workers tend to find employment in low skilled jobs and are paid less, their participation and contribution to ASEAN economic growth is significant not only in their countries of origin but also at destination. A time series analysis of the contribution of women migrant workers to the domestic wages in

destination countries shows that women migrant workers have a positive and significant impact on increasing domestic wages by an average of 14 per cent. The highest positive impact on domestic wages is in Singapore, followed by Malaysia and Thailand.

Challenges and barriers faced by women migrant workers in ASEAN Priority Integration Sectors (PIS)

1. High administrative and intermediation costs discourage the use of official migration channels.

Women migrant workers face several disempowering barriers during the recruitment process. Among those, high migration costs related to the payment of official documentation, and the long chain of middlemen, including agents, brokers, and sub-contractors, who charge fees for administrative services. High payments and the prospect of 'debt bondage' become a deterrent for women workers to migrate through official channels. Women migrant workers interviewed for this study also reported the proliferation of false contracts and retention of passports by employers or recruitment agents.

2. Women migrant workers in ASEAN high growth sectors dominate the bottom of the occupational hierarchy.

Available data on migrant employment by occupation (not disaggregated by sex) confirm that migrant workers are largely concentrated at the bottom of the occupational skill ladder, i.e. in low-skilled or medium-skilled manual jobs. Disaggregated labour shortage estimates from Thailand also suggest that the bulk of labour shortage is in lesser-skilled professions that are largely women dominated and attract large inflows of women migrants into the country. The qualitative gendered analysis of the hierarchical division of labour in the construction sector has

also revealed that ethnic stereotypes and gender norms sort migrants into different categories of work and entrap women into 'general labour' types of occupations, at the bottom end of the occupational hierarchy, and with very little scope for upward mobility or new job skills.

3. Limited social protection coverage and opportunities for skill development characterise women migrants' working experiences in the ASEAN.

Consultations with women migrant workers in the high-growth sectors in the ASEAN revealed that their experiences are characterised by limited social protection in the areas of housing, contractual protection and income security, and access to healthcare. While there is substantial variation in employers' compliance with housing standards, often inadequate and inappropriate accommodation occurs mostly because of lack of regulation, and/or legal loopholes wrought through practices of subcontracting and outsourcing. Similarly, access to healthcare may be denied when the subcontracting of labour creates loopholes for employers to evade their fiscal responsibilities. Opportunities for skills development and training are also limited for migrant women.

4. Conditions of informal employment are experienced by women migrant workers in ASEAN Priority Integration Sectors (PIS).

The lived experiences of women migrant workers consulted for this study were characterised, at different stages of their migratory journey, by conditions of informal employment, such as high job insecurity, rapid turnover between jobs, low pay and unsafe working conditions. Some documented women migrant workers end up in informal work due to

bureaucratic restrictions that ‘tie’ work visas to the original employer. As a result, if a documented migrant worker opts for, or is forced to, leave her official place of employment she is rendered undocumented. Hiring undocumented (women) migrant workers may represent an attractive option for employers who can escape time/cost-intensive administration procedures attached to hiring documented workers, provide lower wages and avoid implementing safety regulations.

5. Limited access to information still undermines women migrant workers’ ability to enjoy their rights and entitlements.

The widespread recognition of migrants’ need for information and services in both countries of origin and destination has led to the implementation of several initiatives to provide information to migrants prior to departure and on site. Under the aegis of ASEAN Forum on Migrant Labour (AFML), civil society organisations (CSOs) are largely responsible for providing those services.¹² Yet interviews for this study revealed that women migrant workers still “don’t know how to help themselves” and face significant barriers in accessing legal aid. This is also ascribable to the low visibility of CSOs and migrant support non-governmental organisations (NGOs). Women migrant workers are also limited in their capacity to expand their collective access to rights. Interviews with women migrant workers have revealed that, in some countries (e.g. Thailand), they are permitted to join unions but they cannot assume leadership roles or set up migrant-only unions.

¹² The ILO (2014) paper reviewing the state of implementation of such initiatives showed that significant progress has been made.

The migration governance framework in the ASEAN region.

1. Priority sectors and professions identified by the AEC and its focus on high skilled workers do not reflect the reality of women migrant employment in the region.

The priority sectors and professions identified by the AEC are not those that employ large numbers of women migrant workers: with the exception of health care and tourism. Furthermore, the detailed examination of the AEC Blueprint in this report shows its exclusive focus on the mobility of high-skilled labour and the absence of specific provisions for addressing gender gaps in employment and for valuing the vast contribution of women migrant workers mainly confined to the lower end of the occupational hierarchy.

2. AEC is trade and investment focused, and relatively less focused on labour market conditions.

Economic integration will create job opportunities in certain high growth sectors and skilled professions, and may increase women’s migration for work. But without opportunities for skills development, easier migration processes and adequate protections, women migrant workers – who are rarely employed in these sectors and in highly skilled occupations – are unlikely to truly benefit from these opportunities. Furthermore, women migrant workers are likely to remain vulnerable to informal employment and exploitation. In this context, while internationally normative frameworks on decent work and labour standards exist, the AEC policy and the ASEAN migration frameworks are yet to be fully equipped to ensure protective and enforceable mechanisms mandating decent work for workers at all levels of the occupational stratification.

3. ASEAN frameworks focus more on skilled labour, and less on skills development.

Despite the large proportion of unskilled/low-skilled labour migrating within the region, the AEC vision and regional instruments and mechanisms – such as ASEAN Framework Agreement on Services (AFAS), Movement of Natural Persons (MNP), Mutual Recognition Arrangements (MRAs), and the AEC Blueprint – focus on the mobility of skilled labour, and professional and intra-corporate transfers. Yet experts in consultations have stressed that because of the high share of recorded and unrecorded labour flows within ASEAN being of low and semi-skilled migrant labour, the silence of institutional mechanisms on this aspect of labour mobility will be counterproductive to the overall vision of the AEC. Furthermore, women migrant workers who are largely unskilled, remain at low levels of the occupational ladder because of poor scope of skills development in their area of employment.

4. National mechanisms for skills development are not synchronised with the ASEAN high growth sectors.

Stakeholders' interviews have revealed that there is no regional mechanism mandating skills and human resource development among the member states. While each country has its own Technical and Vocational Education and Training (TVET) and skill training priorities, these are few and far between when it comes to migrant women workers. Findings in this report suggest that the most marginalised groups of women have limited access to education and skills training in both origin (before migrating) and destination countries. Women migrant workers who are largely unskilled,

remain at low levels of the occupational ladder because of the poor scope of skill development in their areas of employment. This curtails their ability to benefit from economic integration and growth in the region, and gives migrant women workers little chance to come out of precarious employment and poverty.

5. Women migrant workers' access to social security is uneven across the ASEAN region.

Examples of gender-sensitive social protection initiatives exist in some AMS, including free or subsidised quality childcare facilities in places of employment, the provision of safe accommodation, employment guarantee schemes, and flexible, reasonable work hours that accommodate care work responsibilities. Yet, women migrant workers' access to social security remains uneven across the region. Furthermore, migrant women with irregular status are excluded from social security benefits. The low level of public spending allocated to social security – below the Asian Development Bank's (ADB) recommended threshold in all AMS – might also undermine the coverage and fairness of social security programmes for women migrant workers.

6. Stronger commitment to all workers' economic integration and welfare is needed from both origin and destination countries.

While all AMS have signed the non-binding ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, none of the ASEAN net-receiving countries have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their

Families. Furthermore, the instrument for the implementation of the ASEAN Declaration is still under discussion. National employment acts and labour laws provide for the regulation and protection of registered migrant workers. However, undocumented migrants and domestic workers are often excluded from the purview of national employment regulations. In addition, in those AMS which have laws to protect women from sexual harassment in the workplace, they most often exclude workers in informal labour sectors. Memorandum of Understanding (MoU) are also criticised for not being rights-based nor ensuring a strong commitment to workers' welfare, decent work and labour standards for all workers.

Conclusions and recommendations

This report has revealed the significant role of women migrant workers as economic contributors for the ASEAN region. Yet their role remains often an unaccounted component of regional and national progress, and women migrant workers still experience challenges in fulfilling their economic potential and enjoying decent and equitable work conditions. For the ASEAN regional integration to deliver on its commitment towards equitable growth and a people-centered community, it is imperative that women migrant workers are not left behind and their contribution is acknowledged in the development of regional integration frameworks.

Solutions to address these challenges must be concertedly undertaken by both destination and origin countries. AMS also need to recognise and address the policy dissonance between the regional

integration frameworks and the reality of women's migration patterns in the region, ensuring recognition of lower-skilled and informal work as well as the gender responsiveness of migration and labour market policies.

On the demand side, it is important to recognise that current migration processes are cumbersome and create loopholes for recruiters and employers, and middlemen to exploit vulnerable workers, especially women. Migrants need to be provided with access to decent work, and violations of non-negotiable human rights must be prevented. In countries of origin, better skills development opportunities for women workers, as well as access to information about training, is necessary. Skills development needs to be linked to the high-growth sectors, beyond gender stereotypes. This will allow women migrant workers to take advantage of AEC-related free mobility and rising employment opportunities in the skilled, high-growth sectors.

Furthermore, as repeatedly emphasised during consultations for this report, coordination and close collaboration between countries is required to reduce remaining hindrances for protecting women migrant workers. More specifically AMS should harmonise measures for migrant workers at both national and regional level to enable them to access decent work on terms equivalent to men. This report recommends that women's migration movement should be made easier, their work should be better measured and recognised, and women need to be provided with better access to information, decent working conditions and social protection; regardless of gender, age, ethnicity or nationality. Without concrete recognition, low-skilled women migrants will continue to subsidise the region's development.

To conclude, an overarching recommendation of this report is the promotion of gender mainstreaming and gender responsiveness in the migration process and governance at both regional and national levels. To this end, three sets of recommendations for action are provided below to be implemented at both regional and national (countries of origin and destination) levels.

Key recommendations

Regional level

Encourage AMS to:

1. Ensure the gender-responsive implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.
2. Establish regional standards and mechanisms for monitoring and evaluation of progress of gender-responsive labour mobility instruments.
3. Work towards harmonising ASEAN governments' mechanisms for portable social security.
4. Address the issue of undocumented migrants in ASEAN PIS and informal sectors in the regional-level labour mobility mechanism, by promoting decent work and the right of equality of treatment for all migrant workers; the decriminalisation of informal work; the implementation of social protection floors within social security systems; and avenues for the transition of workers from informal to formal economies.
5. Expand the scope of skills harmonisation and certification beyond MRAs.
6. Implement regionally enforceable skills development mechanisms in sectors

that are significant employers of women migrant workers.

7. ASEAN and its Sectoral Bodies and Organs, including ACMW, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), and ASEAN Intergovernmental Commission on Human Rights (AICHR), to strengthen institutions and activities to ensure the rights and interests of women migrant workers throughout the migration cycle.
8. Ensure that options for migration other than only being temporary should be made available for women migrant workers.
9. Ensure the right of collective bargaining for all workers, including women migrant workers.
10. Expand sex-disaggregated data collection on labour migration in ASEAN PIS and National Priority Sectors.

Countries of destination

Encourage countries of destination to:

1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention Concerning Private Recruitment Agencies (No. 181)
2. Ensure gender-responsive social protection and social security mechanisms and synchronise them with national migration policies to eliminate any scope of conflict (or double payment) in the provision of social protections to migrant workers.
3. Strengthen decent work enforcement mechanisms through robust non-discriminatory labour laws and gender-responsive implementation mechanisms.

4. Recognise the contribution, of undocumented migrants in formal National Priority Sectors and implement rights-based mechanisms to ensure worker's rights for all.
 5. Ensure that amnesty programmes, where available, are less cumbersome and costly.
 6. Increase regulation of employer's responsibilities to provide adequate housing.
 7. Increase the number of trained (including gender responsive training) women migrant labour inspectors to monitor the condition of women migrant workers.
 8. Improve the collection of data and statistics on employment of women migrant workers in National Priority Sectors.
 9. Hold multi-stakeholder consultation on issues of women migrant workers and include civil society, migrant worker groups and employers.
 10. Ensure post-arrival orientation programmes and increase the visibility of trade unions and migrant-support NGOs in the migration process, so that the migrants are familiarised with where information and help can be accessed.
3. Strengthen and expand skills development and training that leads to job mobility and wage increases, especially in sectors where the scope for employment of women workers is high (i.e. electronics, manufacturing). Ensure that women are informed about availability of training.
 4. Strengthen and expand pre-departure programmes in partnership with countries of destination to help women migrant workers make informed decisions about migration.
 5. Strengthen laws on recruitment processes to meet international standards (including the ratification of the ILO Convention No. 181), reduce transaction cost of migration and ensure monitoring of recruitment agencies.
 6. Hold multi-stakeholder consultations on issues of women migrant workers and include civil society, migrant worker groups, and employers.
 7. Monitor conditions experienced by women migrant workers in destination countries through consular engagement.
 8. Develop policies and programmes to support employment and entrepreneurship of women migrant workers upon return.

Countries of origin

Encourage countries of origin to:

1. Pursue the development and implementation of comprehensive gender-responsive bilateral MoUs with major countries of destination for legal and safe labour migration, which include mandatory training for women migrant workers.
2. Support the development and implementation of gender-responsive bilateral social security agreements which ensure portability.



CHAPTER 1: INTRODUCTION

Photo: UN Women/Pornvit Visitoran

The ASEAN Economic Community (AEC) was formally launched on 31 December 2015, marking a major milestone in the economic integration agenda of the ASEAN region. The overall aim of the AEC is to transform ASEAN into a globally competitive single market and production base, with a free flow of goods, services, investment, skilled labour and freer flow of capital¹³. In the next decade, it is expected that the AEC will boost the region's economies by 7.1 per cent and add almost 14 million new jobs.¹⁴ Another feature of the AEC is the aspiration and work towards facilitating a freer flow of skilled labour. This is envisaged to happen through the implementation of MRAs which should provide for the mutual recognition of professional qualifications and experience, and through the facilitation of temporary visas and employment pass issuance for ASEAN professionals and skilled labour.

13 <http://www.asean.org/wp-content/uploads/images/archive/5187-10.pdf>

14 ILO and ADB, 2014.

While migration among southeast Asian countries is not a new phenomenon, with the income differentials between AMS and the current demographic evolution characterising the region, intra-regional mobility for work is likely to persist and to increase in the near future. The ongoing development of the 'migration industry' driven by monetary gains, social networks, and fast technological developments, which have translated into cheaper and faster transportation and communication, and are also contributing to the increase of demand and circulation of migrant workers in the region.¹⁵

Yet the boost to skilled labour migration and the creation of sector-specific jobs is a relatively new development and there are questions and concerns about the process and the socio-economic impact of heightened migration. Research looking at the social impact of AEC-led job creation

15 Geiger A. Y (2015); ILO and ADB (2014)

and migration has questioned the equity dimensions of job creation in the region.¹⁶ The resulting reports suggest that while the AEC will increase demand for specific skilled jobs in the short-term, it will only have limited impact on intra-ASEAN migration, as this movement is dominated by workers in low-/medium-skilled professions and skilled labour represents less than 1 per cent of the workforce.¹⁷

The feminisation of migrant flows is also a consistent feature of intra-regional migration in ASEAN. At present, intra-ASEAN migrant stock is nearly 69 per cent of the total migration in the region, while women migrants constitute almost half (47.8 per cent) of the total migrants in ASEAN.¹⁸ However, gender inequality and barriers to women's economic empowerment remain stark challenges across all AMS, due to each country's unique socio-cultural, eco-political and geographical context.¹⁹ Increased economic integration therefore does not automatically translate into increased free mobility for all. As such, the creation of jobs and the economic boost is expected to have an unequal gender impact because of existing structural inequalities and institutional barriers that continue to limit women's economic participation in the region's labour markets.

Equipped with increasing evidence and backed by a rising chorus of concerns regarding the unequal benefits of the AEC, a corollary question is: How will the boost in AEC-led migration and job creation affect women migrant workers? This question is central to the present study as its primary objective is to understand how AEC-led labour mobility and job creation may affect

Women migrant workers in the ASEAN region. As such, by specifically focusing on women migrant workers, this report supplements and complements previous studies by ILO-ADB (2015) and UN Women (2016) on the social and labour market impact of the AEC, and thereby completing a trilogy of evidence-based reports on the equity dimension of ASEAN integration.

Through a comprehensive examination of women's migration patterns across the region and in select high-growth sectors, and a gender analysis of existing migration frameworks, this report draws out the barriers to freer movement and participation of women migrants within ASEAN and proposes strategies for overcoming them. The remainder of this chapter provides a brief primer on the AEC and conceptual linkages between regional economic integration and labour mobility. Using secondary data and statistics from international and national sources, Chapter 2 analyses regional patterns in women's migration, to examine the hypothesis regarding a 'feminisation of migration', and a regional comparison of access to social protection and decent work. Chapter 3 provides a deeper look into the quality and nature of migrant women's participation in some of the ASEAN high-growth sectors. The analysis in this chapter uses detailed primary interviews with women migrants at different levels of the hierarchical division of labour. Chapter 4 presents a critical examination of the regional and national policies in origin and destination countries, focusing on the level of support they offer women migrant workers around priority issues. The final chapter presents regional, national and sectoral recommendations for addressing the barriers and problems faced by women migrant workers, and suggestions for enhancing the quality of their participation in the ASEAN economies.

16 ILO and ADB, 2014. UN Women and FES (2016).

17 ILO (2015a).

18 ILMS

19 For further discussion on these issues, please refer to UN Women, FES, ASEAN (2016)

1.1 Rationale for the study

Formation of the ASEAN Economic Community (AEC)

Regional integration efforts in the ASEAN region started in the 1960s, when five countries – Indonesia, Malaysia, the Philippines, Singapore, and Thailand – agreed to come together to form the Association of Southeast Asian Nations (ASEAN).²⁰ The AMS eventually increased in number to ten²¹ with the inclusion of Brunei Darussalam, Cambodia, Lao People’s Democratic Republic (Lao PDR), Myanmar and Viet Nam. The AMS committed themselves to various regional measures for integrating the regional economy. ASEAN Vision 2020, adopted in 1997, laid the foundation for an “ASEAN Economic Region in which there is a free flow of goods, services and investments”. The year 2020 represented the time by when the regional integration would take effect. The date for the formation of an economic community was subsequently set at 2015. A roadmap was agreed upon by member states (2009-2015 Road Map) laying down the blueprint for the formation of the three communities – ASEAN Economic Community (AEC), ASEAN Political-Security Community (APSC) and ASEAN Socio-Cultural Community (ASCC) – with agreed targets and timelines. These three communities jointly form the basis of the overall ASEAN Community.

With its 2015 Blueprint, the AEC set foundations for a single market and production base allowing for free movement of goods, services, investment, capital and skilled labour within the ASEAN region.²² The AEC 2015 Blueprint set out

four key pillars for economic integration: a single market and production base; a highly competitive economic region; a region of equitable economic development; and a region fully integrated into the global economy. The 2015 AEC agenda has now been refined and expanded in the AEC Blueprint 2025 to include five interrelated characteristics (see Figure 1).

Figure 1. Five pillars of the ASEAN Economic Community 2025



While the movement of services and skilled labour forms and remains a critical aspect of policy and programme priorities within the AEC, the achievement of a free movement regime for skilled labour is also an important component of the AEC Blueprint 2025. However, the AEC Blueprint does not fully address social and gender goals and does not include a social or gender component – a detailed analysis will be provided later in this report. Instead, right and social dimensions of migration are included under the ASCC pillar. There, too, the mechanisms inscribed for labour mobility management are conspicuous in their singular focus on management of a skilled and professional labour force, despite the presence of a large low-skilled

20 ASEAN Overview: www.asean.org

21 Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam

22 ASEAN Secretariat (2015a).

and unskilled workforce: a significant proportion of which are women migrant workers.

Given the direct and indirect impact of the economic policies on movement of people, it is important to examine women's current patterns of migration, and existing opportunities and barriers in accessing AEC labour markets. Furthermore, with the final intent of informing the ACMW Work Plan and its interactions with the other ASEAN Sectoral Bodies and Pillars, the study also seeks to understand how the creation of the AEC may affect existing gender differences in migrants' access and participation in decent work across ASEAN PIS.

Impact of regional economic integration on migration patterns

The relationship between economic integration and labour migration is complex, with several inter-twined direct and indirect impacts. It is important to understand the issue of labour mobility in the AEC in the context of experiences in other economic cooperation areas, such as the European Union (EU), the North America Fair Trade Alliance (NAFTA), and the Common Market of the South, Mercado Común del Sur (MERCOSUR).

With 28 member countries at present, the EU is one of the largest regional trade blocs facilitating labour migration. A frontrunner in the application of single market principles in regional integration,²³ the EU has considerably expanded labour mobility and migration within its policy frameworks.²⁴ Similarly, labour migration under the six member states of MERCOSUR (Argentina, Bolivia, Brazil, Paraguay,²⁵

Uruguay, and Venezuela), surpasses any restrictions on citizens related to mobility linked with commercial purposes and considers mobility as a basic freedom attached to citizenship. It entitles all citizens of member countries with the freedom to work and live within another State Party, if they have no criminal record within the past five years²⁶ and grants migrants with equal civil, social, cultural and economic rights²⁷. In comparison, NAFTA – given its focus on liberalisation of trade in goods, services and investment – does not specifically provide for a free movement of labour.²⁸ Thus, labour migration was defined under parameters of temporary entry of specific commercially linked categories of workers, including business visitors, traders and investor, intra-corporate transfers, and professionals with at least a baccalaureate degree.²⁹ The North American Agreement on Labor Cooperation (NAALC) was signed to improve working conditions and living standards in Canada, Mexico, and the United States (US), under the aegis of NAFTA. Moreover, given that the mobility mandate and rights protection mechanisms were mainly directed towards skilled workers under certain specific categories, an overwhelming impact of NAFTA on migration was a sharp increase of undocumented migrants from Mexico to the US.³⁰

There has been considerable academic inquiry on the impact of economic integration and trade liberalisation on labour migration and migrant workers. Meyer (2006) challenges conventional wisdom that liberalisation will bring

23 Boeri T and Brucker. H (2001).

24 General Agreement on Trade in Services (GATS)

25 Following the impeachment of Paraguayan President Fernando Lugo in 2012, Paraguay was suspended from Mercosur

26 IOM (2007).

27 Jurje F. and Lavenex. S (2015).

28 Zamora R.G (2009).

29 Jurje F. and Lavenex. S (2015).

30 Almost a 185 per cent between 1992 to 2011 (from 3.9 million to 11.1 million). See Public Citizen; n.d.; NAFTA's Legacy for Mexico: Economic Displacement, Lower Wages for most, Increased Immigration

development-for-all and argues that “trade liberalization is not inherently welfare producing; it can produce or reproduce inequality, social disparities and poverty, at the same time as it expands wealth.³¹” O’Brien (2008) sought to explain the paradox of the effects of regional integration on labour by positioning labour as a factor of production, as both central and peripheral to economic integration. It is central due to the prominence of labour mobility mechanisms in regional economic agreements, because labour rights are often undermined in regional integration projects, labour becomes a “commodity of utmost concern to the designers of inter-state regional integration projects, but labour as a political actor and the interests it articulates are marginalised and undermined”.³² It is apparent that in regional integration, migration of labour would flow from the lesser developed economies to the developing and/or developed economies in response to labour market needs and economic opportunities.

However, Chiswick and Hatton (2003) establish that since international migration responds strongly to market signals - this may happen both legally (where policy environment is favourable), or illegally when there are artificial barriers to mobility.³³ As mentioned above, evidence from NAFTA suggest that regional integration increased illegal migration from Mexico to the USA.³⁴ Mobility-related restrictions in the face of regional-level economic opportunities have also led to high growth of the informal sector. Evidence from MERCOSUR shows that almost four-out-of-five jobs created throughout the process of regional integration were in the informal sector and not necessarily connected to exports.³⁵ A

higher percentage of workers thus took up precarious employment contracts which were unprotected by labour laws or standards despite the apparent institutional mechanism that considered labour protections in their ambit - but for the formal sectors.³⁶

Evidence of formalising migration channels - as presented above from NAFTA and MERCOSUR - could inform the ASEAN experience and its regional migration policy mechanisms, which focus on channels for work and skills-related migration. Those precedents have shown how mobility-related restrictions in the face of regional level economic opportunities, also led to high growth of the informal sector. Even in cases of formal migrant labour, a range of barriers to integration have been documented. Reportedly, intra-regional migrant workers in the EU were disadvantaged in education, housing, health and civic participation.³⁷ It also created a fragmented workforce, wherein intersecting differences in gender, ethnicity and age, perpetuated existing labour market segregation.³⁸ When the EU was enlarged to include the A8³⁹ member states, trade unions from the industrial sectors were noted to be ambivalent with respect to migrant workers from the new and relatively less developed member countries. They often excluded and were even hostile towards migrant labour, as the inflow of migrant labour exerted a downward pressure on wages and jobs.⁴⁰ Evidence from past studies on the impact of trade integration on migration and migrant workers appears to be mixed.

31 Meyer. L.B (2006).

32 O’Brien. R (2008).

33 Chiswick. B and Hatton. T. J (2006).

34 Zamora. R. G (2009).

35 Tokman. V.E and Fernandez. D.M (1997).

36 *ibid.*

37 Spencer. S (2006).

38 Krings. T (2009).

39 The A8 countries were eight of the ten countries that joined the European Union in 2004, namely: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia.

40 *Ibid.*

As the focus of this study is to understand the effects on women migrant workers, it is equally important to synthesise past evidence on the feminisation of migration and how that is likely to change in the aftermath of the regional integration.

Feminisation of migration and impact on women migrant workers

Women comprise nearly 50 per cent of the total migrants globally, and nearly 48 per cent in the ASEAN region. The feminisation of migration is the result of many factors: changes in the demographic structure, increasing demand for cheaper caregivers in rich countries, more visible inequalities in wealth and opportunities across countries, and globalisation and aggressive policies of private recruitment agencies.⁴¹ Increased demand for migrant women in the ever-expanding (informal) domestic and care sectors has also translated into an increase of girls and young women migrating, often informally, for work in neighbouring countries. While national policies set a clear minimum age for formal migration, labour mobility through unregulated routes sees younger women undertaking the risk of illegal border-crossing and undocumented employment. Referring specifically to the situation in Cambodia and Malaysia – which is in line with broader regional trends of feminisation of migration – Tunon and Rim (2013: 5) highlight how despite Cambodian labour migration laws (i.e. Article 4 of Sub-decree 190) setting 18 as the minimum age for migration and the Malaysian Government mandating a minimum age of 21 for domestic workers, “there have been reports of birth dates being altered on identity documents to enable girls and young women under 21 to migrate”. These young women and girls are often not aware of their legal rights or how to get help, and can often be recruited into situations of debt bondage and forced labour.⁴²

41 INSTRAW (2007).

42 Drolet (2013).

Yet as Hugo (2000) notes, the impact of migration on women workers depends on the intersection of numerous factors, among those being the context in which the migration occurs, the type of movement, and the characteristics of the migrant workers.

With the changing trend in international migration, there is a growing awareness in social science research that the consideration of gender is critical when studying the motivations, outcomes, and barriers to international migration. Nevertheless, there has been little effort to explicitly model the differences between men and women with respect to the determinants and outcomes of international migration. This is a serious shortcoming in the existing literature. Unless we can measure adequately how migration affects women’s status, and socio-economic and labour conditions, it would be difficult to advocate for migration policies that are sensitive to the specific needs of women migrants.

Past studies show that migrants’ education, age, gender, occupation, sector of work and employment status impact on migration outcomes.⁴³ Özden and Neagu (2010) used a sample from the 2000 US census covering migrants from 130 countries, to jointly analyse female migrants’ labour market participation and their performance levels, using two proxies – skilled level of occupation and wages – for two migrant cohorts; those who arrived in the US in the 1980s and those who came in the 1990s. They found that the higher levels of education and the location where migrants obtained their education had some impact on labour market outcomes. Migrants who completed their education in the U.S were more likely to be employed, except for those from Ghana, Jamaica, and Nigeria. In contrast, Asian and Middle-Eastern female migrants had lower levels of participation but higher levels of performance. Migrants

43 World Bank (2013).

from Latin America had low levels of employment mainly due to low levels of education. The authors concluded that education levels are the most important variables influencing labour market outcomes, regardless of where the migrants were educated.

Gender and development theory points out that women may be more susceptible to negative effects of neo-liberal trade reforms given their overwhelming involvement in domestic work and differential access to economic resources (such as education, assets, credit, skills training and promotions).⁴⁴ Prevailing discriminatory gender patterns both in origin and destination countries also influence migrant labour market performance and living and working conditions for women migrant workers.⁴⁵ At all levels of labour mobility, women migrant workers continue to face significant gaps: For example, the wage gap between women and men, labour market segregation by gender, and the 'glass ceiling' (in which women are clustered in the lower rungs of the employment ladder), in both origin and destination countries.⁴⁶ More specifically, findings from a migration mapping of Cambodian women migrant workers in Malaysia show that migrant women experience harsh working conditions, sexual harassment, lack of freedom and inability to access their own funds for emergencies. As the research highlights, rural migrants working as 'beer promoters' in urban areas suffer stigmatisation and are perceived as 'sex workers' and more than a third of 640 'beer promoters' surveyed reported having been coerced to performing sexual acts. Traditional morals and value systems often make it difficult for women who have migrated into urban areas to return to their villages.⁴⁷

44 Meyer. L.B (2006).

45 Cortes. R (2013).

46 European Network of Migrant Women and European Women's Lobby, 2012

47 Chen. L (2006).

Even though economic integration and trade liberalisation is expected to boost exports and create jobs in export related sectors, past literature provides extensive evidence that women migrant workers are overwhelmingly engaged in 'feminised jobs'.⁴⁸ This means that women migrant workers tend to find employment in the domestic sector and the care economy in service-related occupations, such as domestic workers, nurses or caregivers, and waitresses or other hospitality related positions.⁴⁹ As Van Eyck (2004) argues, "gender acts as a basic organizing principle of labor markets in destination countries, reproducing and reinforcing pre-existing gender patterns that oppress women in their origin countries". Not only does this put them in a precarious position and at risk of exploitation and hinders their possibilities to advance their skills and to benefit from the expectant growth from trade liberalisation policies.⁵⁰

To conclude, evidence from other regions suggests that while trade liberalisation may increase migration of women because of the economic opportunity it presents, without adequate protections women are unlikely to benefit from these opportunities and will remain vulnerable to informal employment and exploitation.

1.2 Objectives

The impact of AEC on women migrant workers must be examined differently than non-migrant workers, as: (a) skilled labour migration in specific professional sectors has been streamlined under the AEC and it is important that women workers benefit

48 Meyer. L.B (2006)

49 Caritas Internationalis, n.d, The Female Face of Migration.

50 For more See, UNDESA's Population Division: International Migration Stock Data: The 2015 revision. <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>

equitably from these opportunities; (b) women migrant workers will be indirectly affected because they comprise a significant share of workers in the 11 PIS; and (c) women migrant workers are often identified to be the ‘worst-off’ in terms of access to jobs, including formal skilled employment, decent work conditions, access to social protection and high level of vulnerability.

It remains unclear whether the freer movement of labour under the AEC and the boost in economic production and exports will improve migrant women workers’ economic and social well-being, and if they can benefit from the new economic opportunities. On one hand, formalisation of migration in skilled categories and priority sectors is expected to raise the labour market demand for more migrant workers. On the other hand, unequal access to social protections, health and skill enhancement opportunities, prevent them from accessing decent work conditions and improving their overall well-being. As a result, the actual impact of the AEC on women migrant workers remains an open question.

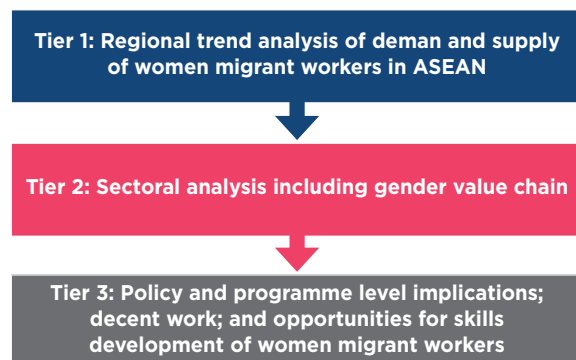
There are strong linkages between women migrant workers as a significant part of the ASEAN labour force and a ‘development for all’ perspective. Bearing this in mind, UN Women Regional Office for Asia-Pacific (ROAP) in partnership with Friedrich-Ebert-Stiftung (FES) and ASEAN Secretariat, and with the support of the Australian Government Department of Foreign Affairs and Trade (DFAT), commissioned this report to analyse, how the ASEAN economic integration might affect women migrant workers in the region. The main objectives of this study are to:

- Demonstrate the economic contribution of women migrant workers in select high growth priority sectors in ASEAN.
- Identify the challenges and barriers faced by women migrant workers in select high-growth priority sectors (perspectives from destination and origin states).
- Identify targeted actions to promote employment opportunities, decent working conditions and skills development interventions for migrant women workers to contribute to the ASCC and AEC 2025 Blueprints.

1.3 Research design

A three-tiered approach was applied to address the research objectives outlined above. Annex 2 presents the detailed matrix linking the research objectives of this study to the primary questions, type analysis and data sources. Figure 2 shows the linkage between the three-tiers of analysis as noted in the ToR.

Figure 2. Research approach



Tier 1: Regional trend analysis of demand and supply of women migrant workers in ASEAN

Using secondary data from multiple national and international sources, we analysed current trends in women’s

migration in the ASEAN region and in the high-growth sectors. The scope for regional trends includes all AMS where migration data is available, focusing specifically on sex-disaggregated migration data. Through rigorous analysis of available quantitative data, the impact of women labour mobility on the migration pattern of women workers in the region is presented. The contribution of women migrant workers to the ASEAN receiving economies is measured using the methodology described in Annex 5.

Tier 2: Gender analysis of women migrant workers' participation, employment and working conditions in the ASEAN Priority Integration Sectors (PIS)

Primary data from focus group discussions (FGD) and in-depth interviews with migrant workers, worker associations, civil society organisations (CSOs) and government agencies (85 stakeholder interviews), is examined to understand the gender dimensions of migrant workers' participation, employment and working conditions in the ASEAN PIS. The investigation here is deepened by a focus on five salient themes that emerged from women migrant workers' experiences and by an exemplifying gender analysis of the hierarchical division of labour in one priority sector (infrastructure). The selection of the sector and countries for primary data collection is presented in Annex 3.

Tier 3: Policy analysis

The third tier is a gender analysis of existing migration governance frameworks at the regional and national levels. Specific mechanisms and opportunities for skill development in the origin and destination countries are also examined.

Tier 3 analyses the linkages between ASEAN level policy commitments, bilateral agreements between select countries and national level migration policies to highlight any incongruence and how that affects women migrant workers' access to decent work and social protection. The policy analysis in this section is primarily based on a desk review of existing documents given that we did not receive the intended responses from government agencies. Primary information from government stakeholders in Indonesia and Thailand is used to complement the desk-based review of national migration-related policy documents.

1.4 Data sources

Country level interviews for primary data collection were conducted from during 10-23 December 2016. Interviews and FGDs were conducted with multiple stakeholders including government and other regional ASEAN bodies, as well as civil society groups and migrant women workers. In total 85 stakeholders were interviewed during country visits. The list of stakeholders was shared with the ASEAN Secretariat and members in November 2016, and finalised with inputs from all members of the reference group. Nine completed questionnaires provided further information. Questionnaires were completed by four government representatives, three NGOs, one workers' association and one international organisation. Annex 4 provides the details of stakeholders who were interviewed, according to their country. Specific names of individuals are withheld for confidentiality reasons. A summarising illustration of the primary data sources is provided below.

Table 1. Primary data sources

BREAKDOWN LIST OF STAKEHOLDERS

| FIELD VISITS | | | | | QUESTIONNAIRES | |
|------------------------|-----------|-----------|-----------|-----------|------------------------------------|----------|
| | MALAYSIA | LAO PDR | THAILAND | INDONESIA | | NO. |
| Government rep. | 0 | 1 | 16 | 8 | Government representatives | 4 |
| Regional bodies | 1 | 0 | 0 | 1 | NGOs | 3 |
| Private sector | 1 | 1 | 2 | 2 | Trade Union/ Worker Association | 1 |
| NGOs | 5 | 5 | 1 | 1 | International Agencies | 1 |
| TU/Worker Associations | 4 | 2 | 3 | 1 | Total | 9 |
| Expert Group | 0 | 1 | 0 | 0 | | |
| International Agencies | 3 | 2 | 1 | 0 | | |
| WMW | 5 | 8 | 6 | 4 | | |
| Total | 19 | 20 | 29 | 17 | | |

Labour migration data for the quantitative analysis was obtained from a mix of national and international secondary data sources. The World Bank's Bilateral Migration Matrix 2010 and 2013, contain two stand-alone sets of time-estimates per country of origin (but not sex disaggregated). The Organisation for Economic Co-operation and Development (OECD) also maintains a sex-disaggregated database on immigrants in OECD and non-OECD countries, but this data focuses primarily on those migrating into OECD countries and does not contain data on intra-ASEAN migration. To obtain a sex aggregated time-series, we relied on the UN Department of Economic and Social Affairs (UNDESA) International Migrant Stock data which provides estimates for around 230 host countries based on migrants' sex and country of origin. The database provides sex-disaggregated data for six time points (1990, 1995, 2000, 2005, 2010 & 2015) for intra-ASEAN migration.⁵¹

51 For more See, UNDESA's Population Division: International Migration Stock Data: The 2015 revision. <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>

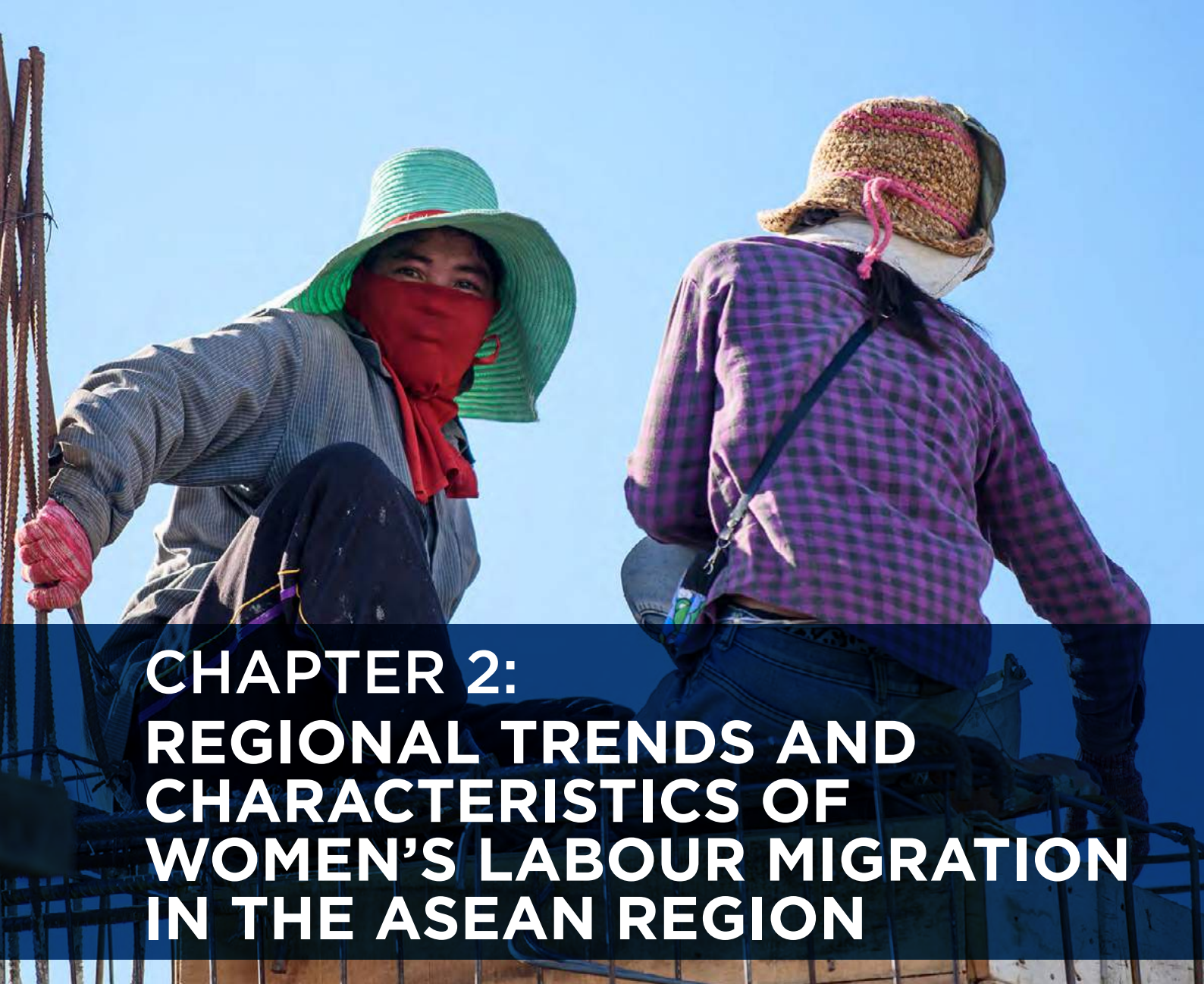
The Integrated Labour Migration Statistics (ILMS) database of the International Labour Organization (ILO) uses national sources of data to provide data on the flow of international migrants within the ASEAN region, based on various categories (sex, employment status, economic activity and country of origin) for different time periods (depending on availability of national data). Even though the ILMS tables seek to provide sex and industry-disaggregated data, they are limited by the data provided to them by countries. Furthermore, these national data sources rarely conduct data collection on migrants, regarding occupation, industry or sex.⁵²

Across the ASEAN region there is no standardised methodology or categorisation for data collection as related to labour migration for men or women migrant workers. Women may be recorded as applying to work overseas by their country of origin, but if there

52 For more See: International Labour Migration Statistics Database in ASEAN (ILMS) accessible via ILOSTAT or APMigration. <http://apmigration.ilo.org/asean-labour-migration-statistics>

is no reciprocal record in the country of destination, then data regarding the sector they migrated to, how long they worked and how much they earned, is lost. A preliminary analysis of national data sources helped provide data on emigrants or immigrants but there are significant data gaps in terms of the sectors those migrants are engaged in, their status in employment, their ages or sex. For example, the Office of Foreign Workers Administration, Department of Employment, Ministry of Labour in Thailand provides sex and industry disaggregated data of registered migrant workers as per country of origin. But similar records are not available in Singapore or Malaysia. Similarly, the Philippine Overseas Employment Administration maintains data on the flow of emigrants by sex, but records of the industry or sector of employment the emigrants migrated into is not maintained. A detailed list of indicators and data sources used in this study is provided in Annex 5.

Based on the results from the three tiers, the report provides recommended actions to promote employment opportunities, decent work conditions (including a decent wage, safety, and social protection) and skills development for migrant women workers for consideration in the ASEAN integration context and in the high-growth sectors.



CHAPTER 2: REGIONAL TRENDS AND CHARACTERISTICS OF WOMEN'S LABOUR MIGRATION IN THE ASEAN REGION

Photo: UN Women/Pornvit Visitoran

This chapter provides an overview of the trends in women's migration patterns in the ASEAN region. Data on 'official' migrants (those that are employed formally and those that enter through registered channels) across most AMS is quite easily available. However, data on migrants working informally and those that are undocumented is not easily available from official sources. This report relies on data from official sources, including international data sources such as the World Bank, UNDESA, ILO and national sources including labour force surveys. Limited data on the numbers of undocumented immigrants in select receiving countries is also presented here.

The chapter also analyses the socio-economic characteristics and outcomes (i.e. occupational skills, education, and wages) of women migrant workers in ASEAN. Women migrant workers' economic participation in the region based on sheer numbers is high. Quantification of their economic contribution shows that women migrant workers' contribution to the region's largest economies is also high. However, mirroring the existing social and economic realities, it is not surprising that women migrant workers tend to be less educated and primarily working in low-skilled professions. Women migrant workers are a subset of the large female workforce in the region that remains

untapped, underutilised, unrecognised and relatively underpaid across the region. Women migrant workers face additional vulnerability, through their limited access to social protection and institutional protection for decent work, compared to native workers. The social and psychological cost borne by these women and their families, and by extension the broader society, remains concealed and unaccounted for in national systems.

2.1 Intraregional migration in the context of the ASEAN Economic Community (AEC)

Characteristics of ASEAN migration patterns

It is estimated that there are over 20 million migrants from AMS, 6.9 million of whom have migrated within the South-East Asian region.⁵³ Member states can be identified as net-sending or net-receiving countries per labour migration and mobility profiling. In the region, Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines and Viet Nam are the net-sending countries, while Brunei Darussalam, Malaysia, Singapore, and Thailand, are the net-receiving countries of labour migration.⁵⁴ (see Figure 3)

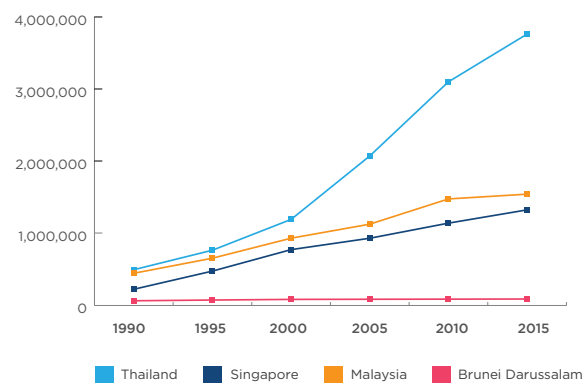
While intra-ASEAN migration has grown substantially over the past two decades, most of it is concentrated in just a few corridors, reflecting a serious imbalance of flows. About 96 per cent of the 6.9 million intra-ASEAN migrants in 2015 moved to just three countries: Malaysia, Singapore, and Thailand. While the data from the United Nations identified 58 migration corridors involving intra-ASEAN migrants, the top five corridors – Myanmar

to Thailand, Indonesia to Malaysia, Malaysia to Singapore, Lao PDR to Thailand, and Cambodia to Thailand – represent 86 per cent of the total intra-ASEAN migrant stock.

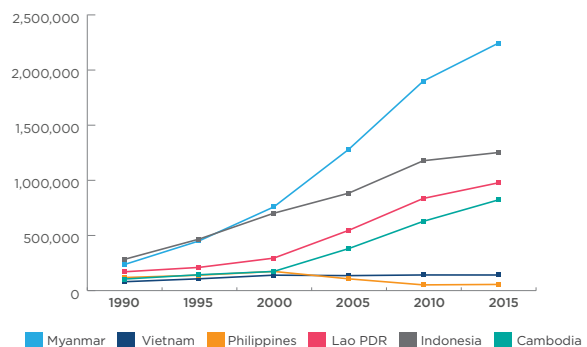
Similarly, intra-ASEAN migration from the main sending countries – Cambodia, Indonesia, Lao PDR, and Myanmar – has dramatically increased, with stocks of

Figure 3. Trends in intra-ASEAN migrant stock by country of origin and destination, 1990-2015

(a) Stock of intra-ASEAN migrants in net-receiving countries



(b) Stock of intra-ASEAN migrants from net-sending countries



Source: UNDESA, International Migrant Stock, 2015

53 UN Department of Economic and Social Affairs (UNDESA), Population Division (2015).

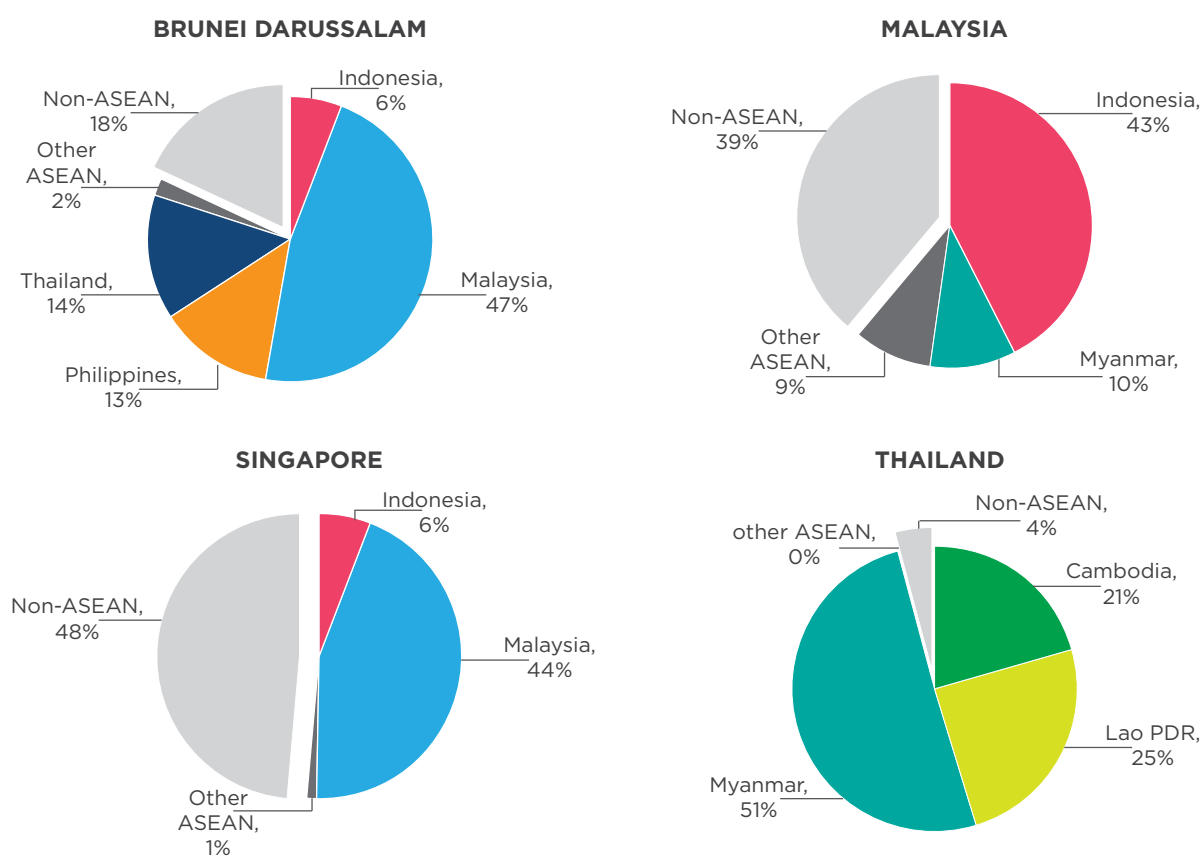
54 Pasadilla. G (2011).

nationals in other AMS that are currently 5 to 10 times larger than in 1990. For Viet Nam and the Philippines, however, intra-ASEAN migration in 1990 accounted for only 6-7 per cent of their total nationals abroad and has since declined further: the main destination countries are in the Gulf Arab States, east Asia, Europe and North America.

migrant stock comes from other AMS – approximately 52 per cent in Singapore; 61 per cent in Malaysia; 82 per cent in Brunei Darussalam; and 96 per cent in Thailand. Around two million migrants from Myanmar are in Thailand – accounting for almost one-third of the total intra-ASEAN migrant stock – while roughly one million migrants each from Indonesia, Malaysia, and Lao PDR have migrated to Malaysia, Singapore and Thailand, respectively.⁵⁵

Figure 4 shows that in the four mainly receiving AMS, more than half of the

Figure 4. Origin of international migrant stock in net-receiving countries, 2015



Source: UNDESA, International Migrant Stock, 2015

55 UNDESA, International Migrant Stock, 2015.

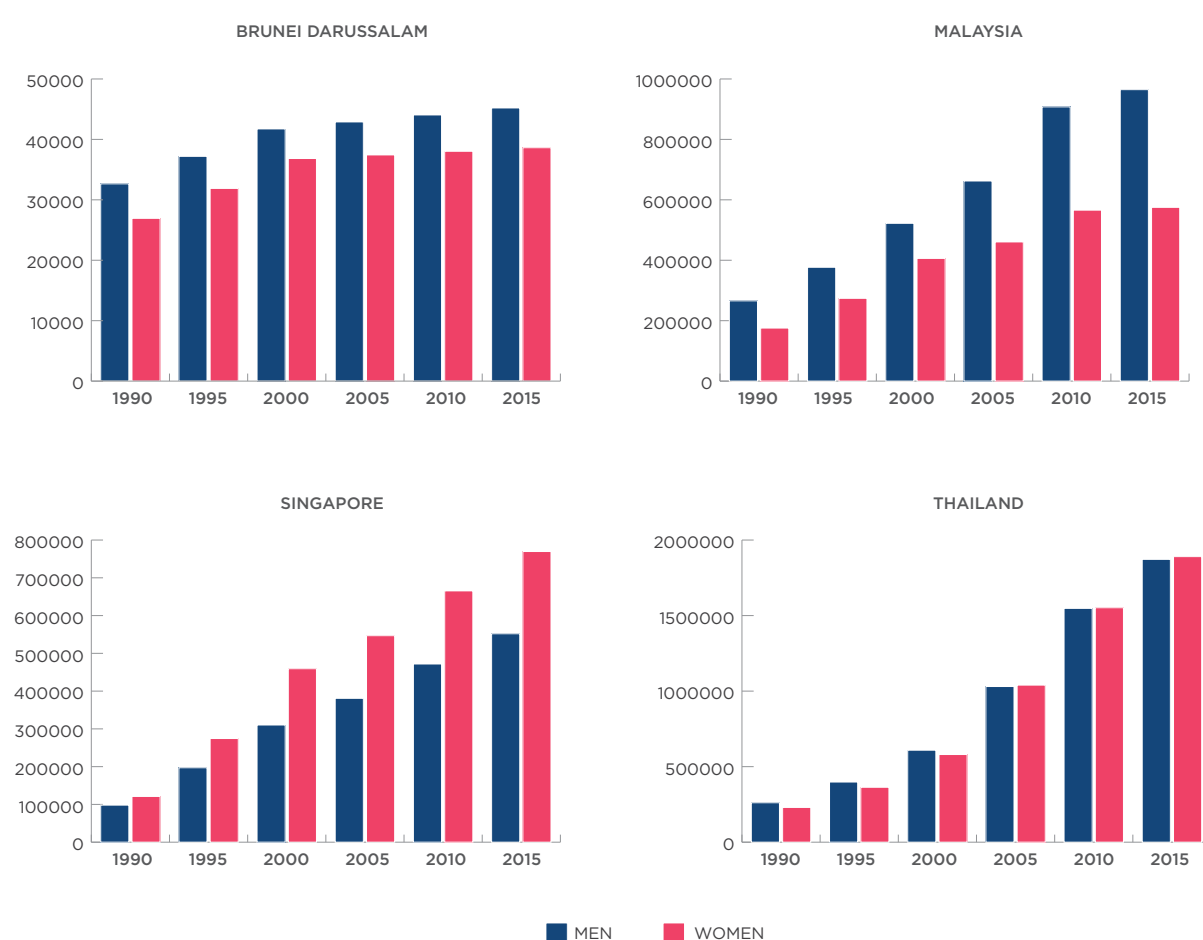
Feminisation of migration in the ASEAN region

Migrant women form a large share of the intra-ASEAN migrant population – 48.7 per cent of all migrants (both labour and non-labour) in 2015. Female migrants have accounted for an increasing majority of the ASEAN migrant stock in Singapore (58 per cent in 2015; see Figure 5). The share of women migrants also increased from 47

to 50 per cent in Thailand between 1990 and 2015, while it has remained fairly stable at 46-47 per cent in Brunei Darussalam. Malaysia is the only net-receiving country where a large majority of intra-ASEAN migrants are men – and the percentage of women has declined from 44 per cent in 2000 to 37 per cent in 2015.

Data by country of origin confirm these trends. The stock of women migrants living

Figure 5. Total intra-ASEAN migrants by sex in ASEAN net-receiving

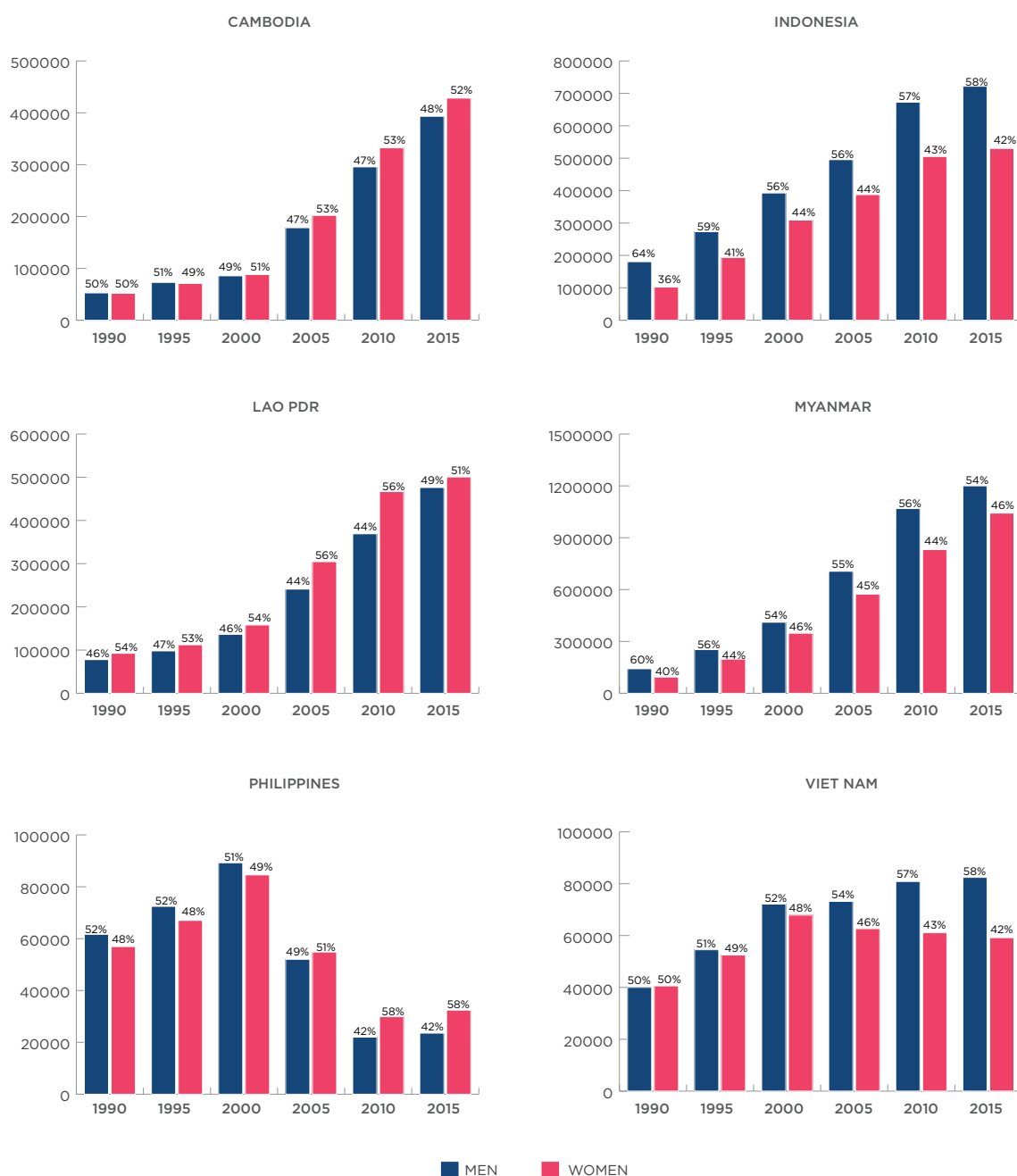


Source: UNDESA, International Migrant Stock, 2015 countries

in other AMS has been rapidly increasing since the 2000s for all the primary sending countries – Cambodia, Indonesia, Lao PDR, and Myanmar – but not from the Philippines and Viet Nam (see Figure 6). Over this period women have accounted for the majority of intra-ASEAN migrants

from Cambodia (51 to 53 per cent) and Lao PDR (51 to 56 per cent). The percentage of women amongst Myanmar and Indonesian migrants has increased between 1990 and 2000, and has been recently in the range 42 to 46 per cent for both countries of origin.

Figure 6. Total intra-ASEAN migrants by sex from net-sending countries

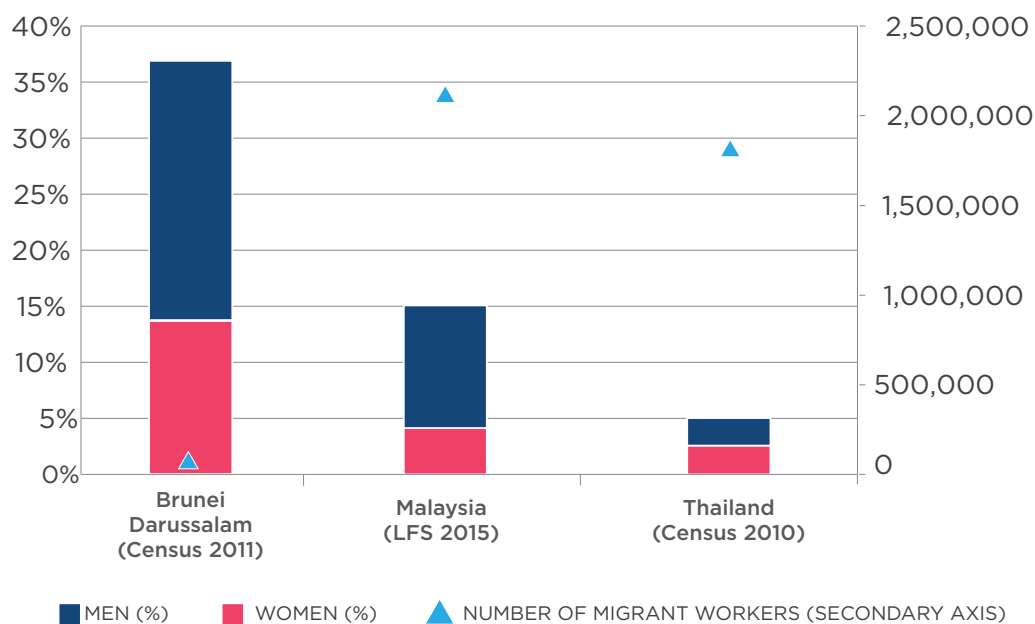


Source: UNDESA, International Migrant Stock, 2015

UNDESA estimates refer to the total migrant population, rather than to migrant workers only. Figure 7 provides data on migrants employed in ASEAN net-receiving countries based on national data sources. It reveals that the contribution of women migrant workers to the employed labour force is highest in the two smallest and economically most developed countries in the region. In Brunei Darussalam, women migrant workers account for 14 per cent of total employment. As shown earlier (see Figure 4), the majority of migrants in the country come from the ASEAN region. In Singapore, data from Manpower Research and Statistics Department, Ministry of Manpower – not disaggregated by sex – show that migrant workers make up 38 per cent of total employment.⁵⁶

With a labour force of 14 and 39 million respectively, the relative incidence of intra-ASEAN migration on total employment is significantly lower in the two largest destination countries of the region – Malaysia and Thailand. Registered women migrant workers make up 4.3 per cent of total employment in Malaysia and 2.1 per cent in Thailand. However, these figures underestimate the actual extent of migrant labour in the two countries due to the presence of large numbers of undocumented migrants not captured in the official data. This is elaborated in the next section.

Figure 7. Migrant workers by sex as a percentage of total employment in ASEAN net-receiving countries



Source: ILO International Labour Migration Statistics (ILMS) and OECD DIOC-E database
No sex-disaggregated data from Singapore available.

⁵⁶ Manpower Research and Statistics Department, Ministry of Manpower <http://stats.mom.gov.sg/Pages/Employment-Summary-Table.aspx> or <http://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>

Undocumented workers and labour shortages

Irregular migrant workers have also played a significant role in ASEAN economies, especially in Malaysia and Thailand. While Thailand's 'porous' border with Myanmar has made it especially difficult to control undocumented workers' movement, many foreign workers in both countries become irregular because they overstay their visas or fail to renew their work permit. Estimates of the number of undocumented migrants are difficult, by definition, as they are not registered by administrative data sources and are typically undercounted in censuses and national household surveys. However, official and unofficial sources indicate that irregular migration has been a structural component of ASEAN workers' movements to Malaysia and Thailand and that a large share of the undocumented workers are women migrants.

National estimates of the number of irregular migrant workers can be obtained from the comparison of data across a range of administrative (e.g. expired visas/work permits and regularisations) and other sources that should capture migrants employed regardless of their legal status (e.g. population censuses). For Thailand, estimates attempted at several points in time show that over the last decade irregular migrant workers have consistently outnumbered registered migrant workers (See Table 2 below).⁵⁷ While the rate of irregularity has decreased since the mid-2000s (from 74 to 58 per cent), the absolute number has increased (from 1.3 to 1.6 million).

57 See also Martin (2007) for annual estimates for the period 1996-2007.

Table 2. Estimates of irregular migrant workers in Thailand

| | 2007 | 2009 | 2013 |
|----------------------------|-----------|-----------|-----------|
| Migrant workers | 1,800,000 | 2,556,082 | 2,766,968 |
| of which: Irregular | 1,339,986 | 1,444,803 | 1,592,870 |
| % of irregular | 74% | 57% | 58% |
| NGOs | 5 | 5 | 1 |

Source: Martin (2007) and IOM Migration Report (2011, 2014) based on Ministry of Labour data

Since the 1990s the Malaysian government has implemented various initiatives to regularise migrants with irregular status. Data on the number of undocumented workers applying for regularisations show that the presence of irregular migrants has been a systemic feature of the Malaysian labour market. Evidence also suggests that regularisations did not provide a permanent solution to irregular migration and employment as many migrants failed to renew their passes and fell back into irregularity, so the number of irregular migrant workers has remained high.⁵⁸ A total of 1.3 million foreigners participated in the 2011-12 '6P'⁵⁹ exercise, about half of whom were from Indonesia. The recent 'rehiring' programme is expected to involve 400,000 to 600,000 irregular immigrants.⁶⁰

58 World Bank (2013), Immigration in Malaysia: Assessment of its Economic Effects, and a Review of the Policy and System. Report completed in Collaboration with ILMIA—Ministry of Human Resources of Malaysia.

59 The 6P program, which was implemented in 2011, allowed undocumented foreign workers to register with the Home Ministry and obtain temporary work permits. Foreign workers in the service industry were issued two-year work permits and foreign workers in the manufacturing, construction and farming industries received three-year work permits. See <http://www.gtlaw-insidebusinessimmigration.com/foreign-worker/malaysia-extends-350000-work-permits/>

60 Immigration director-general Mustafar Ali, quoted on FreeMalaysiaToday, 25 January 2017.

Women migrants are often employed in informal economies and forced to use irregular or/and unsafe migrant channels to migrate. While the lack of sex-disaggregated data prevents an estimation of unregistered women migrant workers, regularisation records reveal that almost 40 per cent of Indonesians and almost half of Cambodian migrants applying for Malaysia's '6P' programme were women. Given the high degree of feminisation of labour migration to Thailand, it can be assumed that women also account for a large proportion of the irregular migrant workforce in Thailand.

Migrant workers working in the informal sector are likely to fill labour shortages in most economic activities.⁶¹ Disaggregated data on labour shortages by occupation, published by Thailand's Ministry of Labour, further indicates that the bulk of shortages are in low-skilled professions that are dominated largely by women and attract large inflows of women migrants into the country (see Table 3). A lack of similar data in Malaysia and Singapore prevents a calculation of the labour shortage by economic activity.

Table 3. Labour shortages in economic activity in Thailand, 2016

| | 2016 |
|--------------------------------|------|
| Sales and retail workers | 18% |
| Trade workers | 25% |
| Plant operators and assemblers | 20% |
| Elementary occupation | 15% |
| Professionals | 0.7% |
| Senior Management | 15% |
| Other professions | 5% |

Source: Ministry of Labour, Thailand

The concentration of migrant workers in lesser skilled occupations and the informal sector highlights a critical policy

61 ASEAN Research Center for Migration (2013).

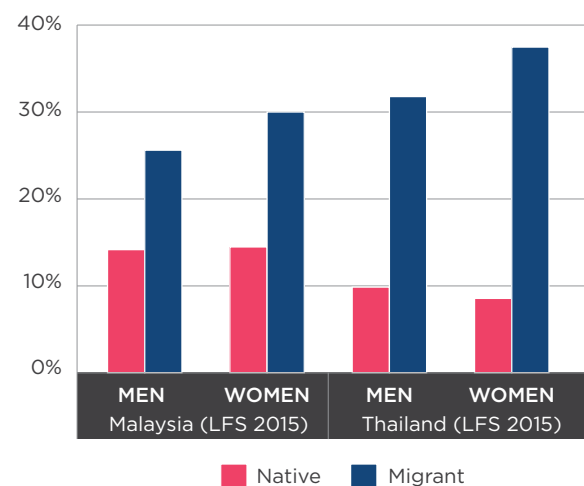
dissonance in the AEC that promotes free mobility for skilled professions yet does not recognise, and by extension excludes, the vast majority of women migrant workers who are employed in low- and medium-skilled professions. This is further discussed in Chapter 4.

2.2 Characteristics of women migrant workers in the ASEAN region

Age profile

Women migrant workers in AMS have a younger age profile than the native labour force. Girls account for a much larger share of the female migrant employment than of the native workforce (see Figure 8 below). This is especially true in Thailand, where 37 per cent of all women migrant workers are aged between 15 to 24, compared to only 9 per cent amongst the native female employment. In both Malaysia and Thailand, male youth are also over-represented in the migrant workforce relative to their native counterparts, although to a lesser extent than migrant girls.

Figure 8. Youth (aged 15-24) as a percentage of total employment by sex and migration status in Malaysia and Thailand

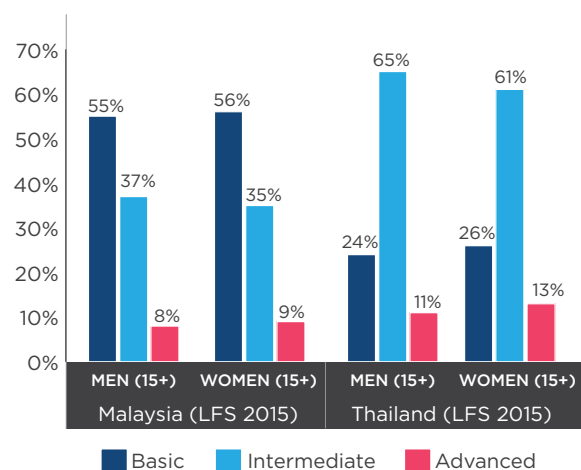


Source: ILO International Labour Migration Statistics (ILMS) database and OECD E-DIOC Database

Education and skill levels

A disproportionately higher number of migrant workers – female and male – in Brunei Darussalam and Malaysia have either primary or intermediate levels of education (see Figure 9 below). Only 9 per cent of the total stock of female migrants in Malaysia and 13 per cent in Brunei Darussalam have tertiary education levels. Data by year of arrival from the Malaysian Labour Force Survey show that the proportion of highly educated women has been higher amongst recent arrivals (20 per cent in 2012-14), which however remain dominated by women with basic and intermediate education.

Figure 9. Education attainment levels of female and male migrant workers in Malaysia and Brunei Darussalam

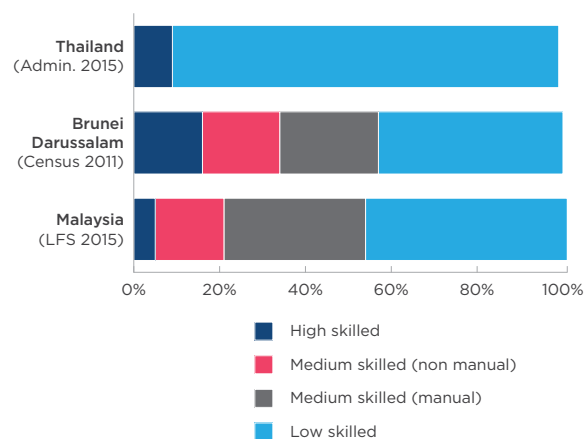


Source: ILO International Labour Migration Statistics (ILMS) database

Data on the occupational distribution of migrant workers – not available by sex – confirm these findings (see Figure 10 below). A total of 90 per cent of registered migrant workers in Thailand are employed in low skilled jobs. The same applies to the largest share of migrant workers in Malaysia (47 per cent) and Brunei Darussalam (43 per cent), but in these two countries migrants are also present in medium-skilled, especially manual, jobs. A slightly

higher proportion of migrants in Brunei Darussalam are found in highly-skilled jobs (16 per cent) compared to Malaysia and Thailand.

Figure 10. Distribution of migrant workers by occupational skill levels⁶² in net-receiving countries



Source: ILO International Labour Migration Statistics (ILMS) database

Evidence presented in this section strongly suggest that the vast majority of migrant women admitted to AMS remain unlikely to qualify for the high-skilled categories that have been selected for AEC MRAs and free mobility.

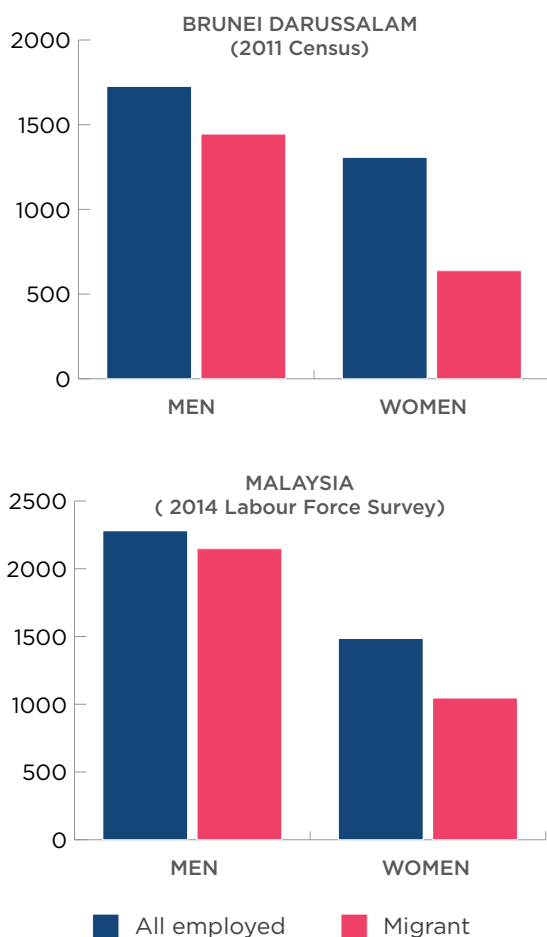
Wage levels and gaps

Statistics on employment-related income disaggregated by sex and migration status are unavailable for most ASEAN destination countries. However, available data on the average monthly employment-related income of employed persons for Brunei Darussalam and Malaysia show that women migrant workers earn significantly less than men and the local female workforce (see Figure 11 below). In Brunei Darussalam women earn half the average monthly wage

62 Occupational skills are coded with the following four groups: Highly-skilled (ISCO categories 1, 2 and 3), Medium-skilled non-manual (ISCO categories 4 and 5), Medium-skilled manual (ISCO categories 6, 7 and 9) and Low-skilled (ISCO category 9).

of migrant men, and less than half of the local female workforce. In Malaysia, there is also a 50 per cent wage gap between women migrant workers and the local workforce, and a 30 per cent wage gap between migrant men and migrant women. Considering the median wage rather than the mean wage, the immigrant/native and gender gaps do not substantially differ.

Figure 11. Mean monthly wage rate of migrant and all workers by sex (in local currency)



Source: ILO International Labour Migration Statistics (ILMS) database

Part of the immigrant/native wage gap is due to the concentration of female migrant

workers in lesser skilled professions. However, analysis of Malaysian data disaggregated by occupation show that Malaysian workers earn higher wages in occupations where most migrants are employed, especially in medium-skilled manual jobs.⁶³ It is also noteworthy that these statistics only include registered migrant workers. The real gap in migrant wages is likely to be significantly higher if undocumented workers were taken into account.

Access to decent work and social protection

'Social protection' features prominently in the 2030 United Nation Sustainable Development Agenda, where it is recognised as a cornerstone of inclusive growth and considered imperative to combatting poverty, deprivation and inequality.⁶⁴ Social protection includes guaranteed access to essential affordable goods and services in the areas of housing, healthcare, income security and maternity protection,⁶⁵ among others.

More specifically, social protection is considered the same as 'social security' and defined as all measures providing benefits, whether in cash or in kind, whether contributory or tax-based, to secure protection, *inter alia*, from: (i) lack of work-related income (or insufficient income) caused by sickness, disability, maternity, employment injury, unemployment, old

63 World Bank (2015) Malaysia Economic Monitor: Immigrant Labour.

64 Transforming Our World: the 2030 Agenda for Sustainable Development.

65 Maternity protection as agreed among government, employers and workers is broader than just maternity leave and maternity care. It also includes protection against discriminatory practices at recruitment and at work, protection against occupational safety and health issues, working hours, arrangements for breast feeding, etc.(see ILO Maternity Protection Convention, 2000 (No.183).

Table 4. Coverage of migrants in social security

| Country | Medical care | Sickness | Unemployment | Old age | Work injury | Family | Maternity | Invalidity |
|----------------------------|--------------|----------|--------------|---------|-------------|--------|-----------|------------|
| Receiving countries | | | | | | | | |
| Singapore | Yes | Yes | .. | No | Yes | .. | Yes | Yes |
| Brunei Darussalam | No | No | .. | No | No | .. | No | No |
| Malaysia | Yes | .. | .. | Yes | Yes | .. | .. | Yes |
| Thailand | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Sending countries | | | | | | | | |
| Cambodia* | Yes | Yes | .. | Yes | Yes | .. | Yes | Yes |
| Indonesia | Yes | Yes | .. | Yes | Yes | .. | .. | Yes |
| Lao PDR* | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Myanmar* | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Philippines | Yes | Yes | .. | Yes | Yes | .. | Yes | Yes |
| Viet Nam* | Yes | Yes | Yes | Yes | Yes | Yes | Yes | .. |

Source: ILO 2015; Pasadilla (2011); Thailand Ministry of Labour; Singapore Ministry of Manpower

age or death of a family member; (ii) lack of access or unaffordable access to health care; (iii) insufficient family support, particularly for children and adult dependents;⁶⁶ and (iv) general poverty and social exclusion.

From a gender perspective, social protection efforts must account for women's significantly larger share of unpaid care work (e.g. caring for children, disabled, sick and elderly relatives and other community members). The time demands related to women carrying an unequal burden of unpaid care work restricts their ability to seek education and healthcare, to enjoy leisure time, and to increase or advance in paid work. The following sections examine current access to elements of social protection for women migrant workers in AMS.

Table 4 summarises the ASEAN schemes for social security protection that are relevant to migrant workers. It illustrates that of countries of destination, Thailand has the most migrant-friendly social security policies in place. Migrant workers in Malaysia have access to medical care, old age allowance, and work injury and invalidity compensation. Yet, family and maternity benefits that are applicable to local women workers are not available to migrants. Brunei Darussalam and Singapore do not allow migrant workers to contribute to their provident funds unless they are permanent residents. However, medical care, sickness benefits and work injury compensations are provided in Singapore while no provision at all is available available in Brunei Darussalam.

66 ILO, World Social Protection Report, 2010-11.

With reference to the classification of migrants' social protection status provided by Holzmann *et al.* (2005),⁶⁷ most legal migrants in ASEAN net-receiving countries fall under Regime II (Exportability). This includes situations where legal migrants have different degrees of access to host country social services and social security, but are not covered by social security agreements with their countries of origin. The exception is Brunei Darussalam which, with no social services and social security provided to legal migrants, can be classified as Regime III (Access exclusion). No ASEAN net-receiving countries fall under the more generous Regime I (Portability), which allows indiscriminate access to social services in the host country and full portability of accrued benefits.

In-depth and experience-based information on migrant women's access to social services and protection is provided in Chapter 4.

2.3 Economic contribution of women migrant workers

Evidence suggests that while women migrant workers tend to find employment in low-skilled jobs and are paid less, their participation and contribution to ASEAN economic growth is high in destination and origin countries. A simple econometric model was used to estimate the economic contributions of migrant workers in destination countries. While there exist standard models that have estimated economic contributions of migrant workers in destination countries, a sex-disaggregated analysis of the contribution

is missing. One of the main challenges in calculating the economic contribution/impact of women migrant workers in the destination country is the unavailability of reliable sex-disaggregated data on migrant worker employment, wages and skills level.

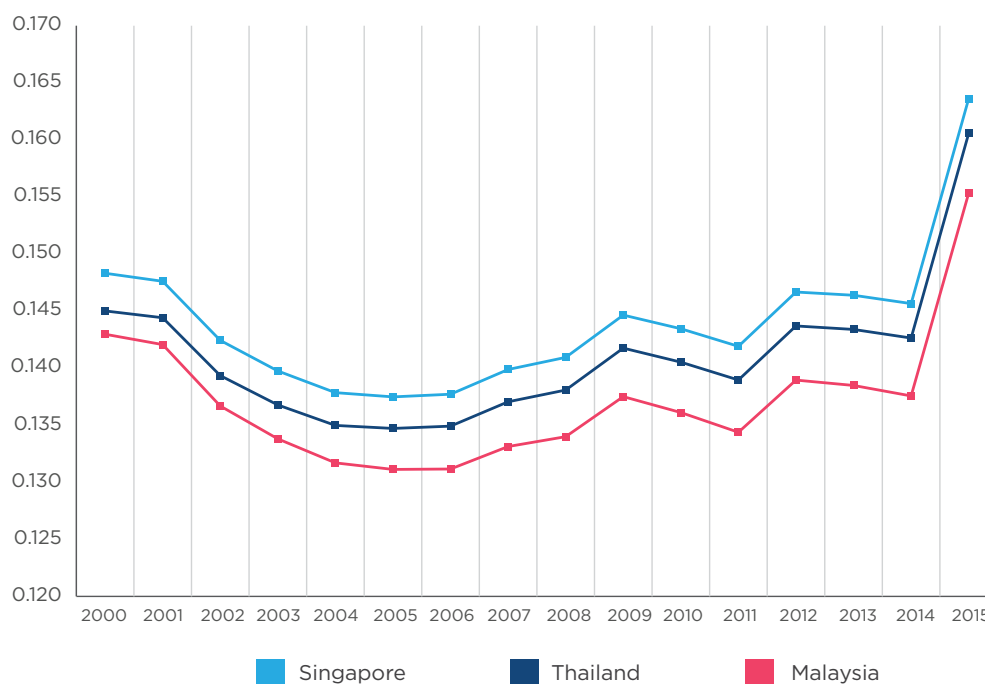
Most of the literature on the economic impact of immigrants uses a model developed by Borjas (1995) to calculate the 'immigration surplus', or increase in national income accruing to natives. In this paper, we adapt the standard specification developed by Borjas (1995) to calculate the economic contribution of female migrant workers. The standard model used in the specification and the data sources are described in Annex 5.

A time series regression using 15-year data from all receiving countries (except Brunei Darussalam due to lack of data availability) was estimated to measure the impact of female migration (X/key independent variable) on labour market outcomes in receiving countries. The labour market outcome measured was the share of domestic workers' wages (as a percentage of total national output). Figure 12 shows fitted values of the impact of female migrants on the wages of domestic workers in Brunei Darussalam, Malaysia, and Singapore. In all three destination countries, women migrant workers have a positive and significant impact on increasing domestic wages by an average of 14 per cent. The highest positive impact on domestic wages is in Singapore, followed by Thailand and Malaysia. The high positive impact of female migrant workers on domestic wages in Singapore would be because the share of female migrant workers to total migrant workers is highest in Singapore (58 per cent) compared to Thailand (50 per cent) and Malaysia (37 per cent).⁶⁸

67 For a more comprehensive discussion of the applicability of Holzmann *et al.* (2005) classification of migrant social protection status to AMS. See also Pasadilla (2011).

68 Shown in Figure 4

Figure 12. Contribution of female migrant workers to the income level of the domestic population



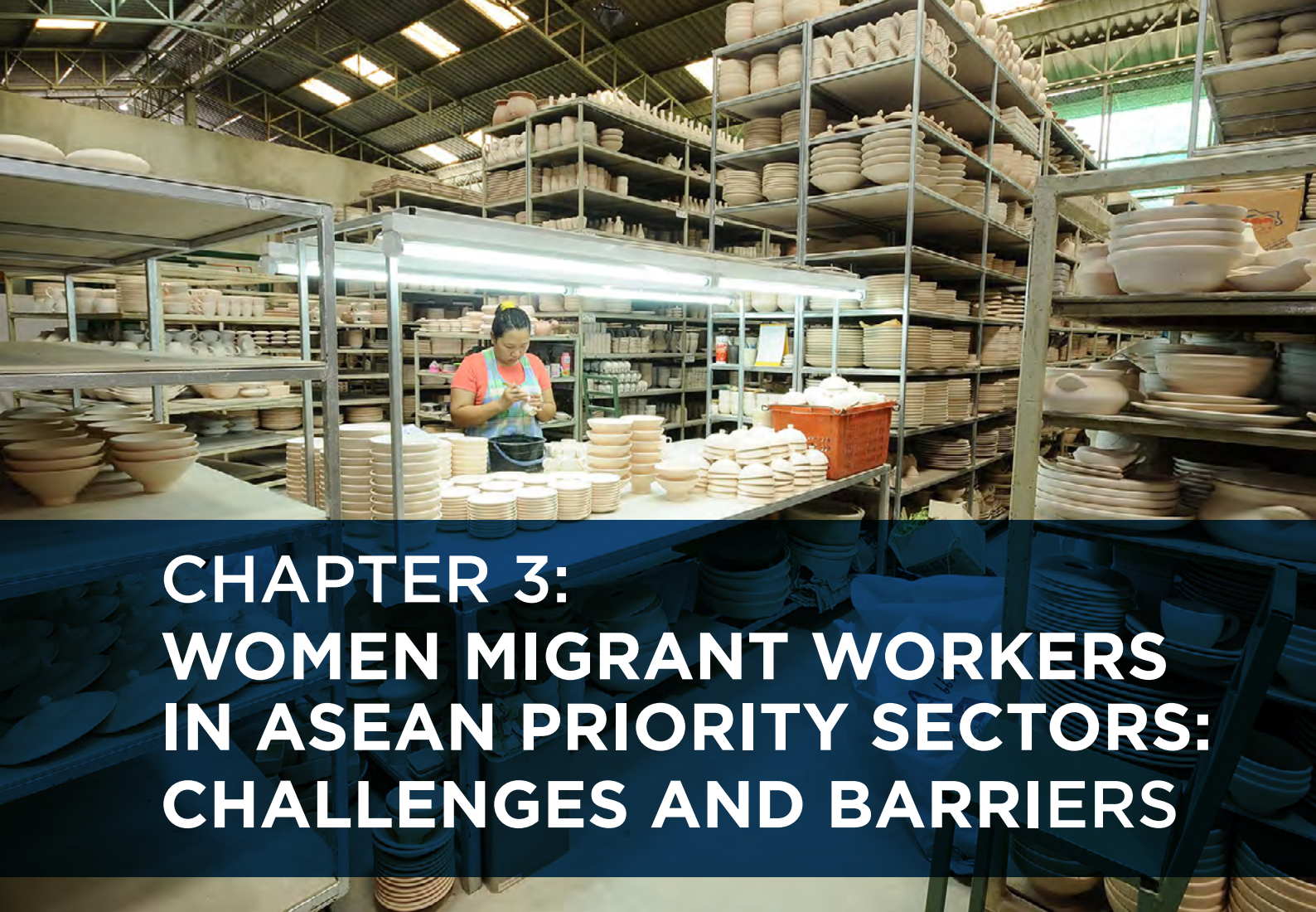
Source: estimates using ILOstat, UN DESA and national data sources. Variable wise data list is in Annex 5.

2.4 Summary

This chapter examined broad regional trends and characteristics in women migrant workers' economic participation and access to social protection in AMS. The evidence shows conclusively that women migrant workers form a large share of the working population in the region. However, their participation in the ASEAN economies is limited to low-skilled and unskilled professions. Further, a disproportionately large share of intra-ASEAN women migrant workers is less educated and in those countries for which data is available, the gap between average wages of male and female migrant workers is large.

Conversely, the contribution of women migrants to the economies of their destination countries is significant. Simple estimates of the economic contribution of migrant workers show that women migrants' economic participation contributes nearly 14 per cent to the income level of their domestic counterparts.

Yet, as it stands, the expected boost in job creation through ASEAN economic integration will not benefit the vast majority of women migrant workers who do not have the skills to take advantage of new economic opportunities. This analysis also raises the issue of access to social protection – injury, family, maternity and medical compensation – that would recognise women migrant workers' economic contribution and the need for decent working conditions.



CHAPTER 3: WOMEN MIGRANT WORKERS IN ASEAN PRIORITY SECTORS: CHALLENGES AND BARRIERS

Photo: UN Women/Pornvit Visitoran

This chapter looks at the economic participation of migrant women workers in the high-growth sectors in ASEAN economies. Eleven PIS have been identified by the AEC for trade liberalisation. In addition, every country in the region identified national economic priority sectors where it channels investment and promotes employment. These high-growth sectors attract workers – both domestic and foreign. In the context of AEC, it is important to examine the current participation of migrant women in key growth sectors – both in terms of numbers and the quality of their participation.

The analysis presented here draws on over 80 consultations with women migrant workers and industry representatives from three main ASEAN priority sectors – tourism, agro-based products, and

infrastructure sectors. In addition, consultations with worker groups, trade unions, CSOs and producer forums in Indonesia, Lao PDR, Malaysia and Thailand were also conducted.

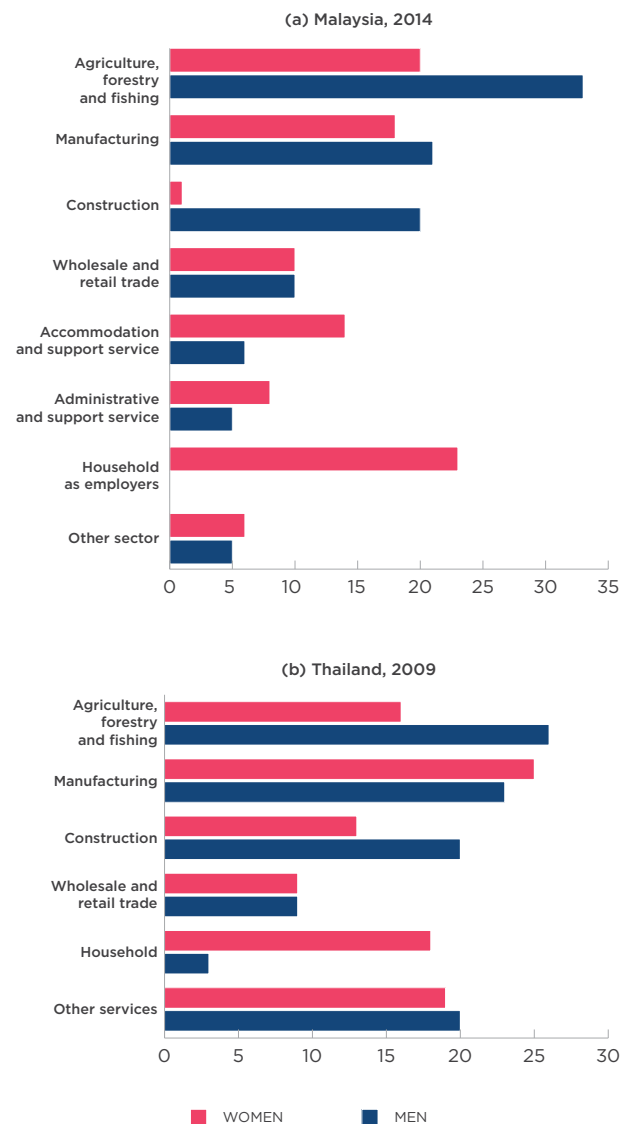
The original intent for this chapter was to provide a gender value chain analyses for three priority sectors in the ASEAN region: tourism, agro-based products, and infrastructure. However, during data collection it became apparent that women migrants overwhelmingly do not move up the value chain. Thus, the study was altered and the analysis is now organised into five salient themes that emerged from women migrant workers' experiences. These include: access to social protection, opportunities for skills development and training, informal employment, recruitment process and cost, and access to legal aid.

The chapter begins with an overview of women migrant workers' participation in ASEAN priority sectors in the destination countries. Then, to illustrate the lack of opportunities for women migrant workers' upward mobility in the current paradigm, we present an exemplifying gender analysis of the hierarchical division of labour conducted for one priority sector, construction, a major component of the booming infrastructure sector in the more prosperous AMS such as Malaysia and Thailand. We also include four 'spotlights' on migrant women's stories to illustrate the intersection of multiple themes in a single migrant's experience. Findings centre on women's experiences of migration to consider whether freer movement of labour and increased economic production within the ASEAN region is likely to improve their economic and social well-being.

3.1 Participation of women migrant workers in the ASEAN Priority Integration Sectors (PIS)

Sex-disaggregated data on sectoral participation could only be found for Malaysia and Thailand (see Figure 13). In Malaysia, women migrant workers are primarily employed by Malaysian households (23 per cent), in agriculture (20 per cent), manufacturing (18 per cent) and tourism (14 per cent). In Thailand, agriculture, manufacturing and domestic work are also primary sectors of employment for migrant women, but – differently from Malaysia – the construction sector also employs a large number of intra-ASEAN women migrant workers.

Figure 13. Sector-wise participation of women and men migrant workers in Malaysia and Thailand

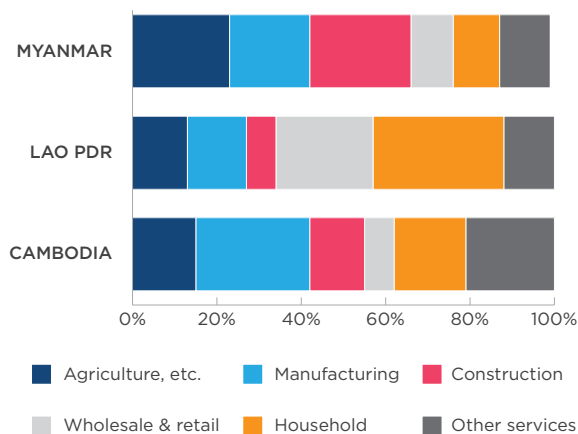


Source: Malaysia: Labour Force Survey. Thailand: IOM Thailand Migration Report 2011 (Tab. 1.4 compiled with data from Thai Ministry of Labour, Office of Foreign Workers Administration).

The charts also show that, relative to their female counterparts, male migrant workers in both countries are more concentrated in agriculture and construction, while very few migrant men are employed by private households.

Analysis of the sector-wise participation of migrant women in Thailand by country of origin also shows that there is some degree of ‘specialisation’: Myanmar women are especially concentrated in the manufacturing and other services sector; Laotian women are more likely to be employed in the trade and household sector; and Cambodian women are overrepresented in agriculture and construction (see Figure 14).

Figure 14. Sector-wise participation of women migrant workers in Thailand by country of origin (2009)

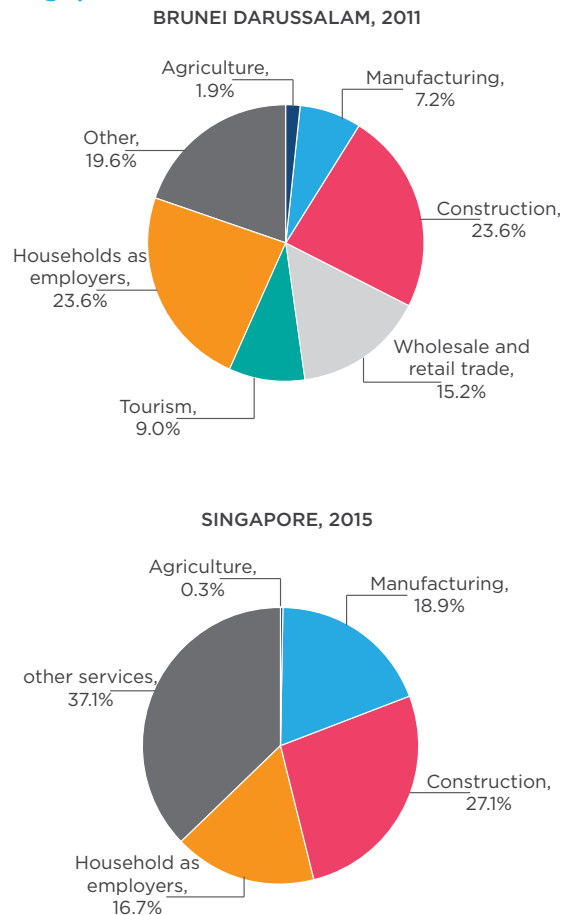


Source: IOM Thailand Migration Report 2011 (Tab. 1.4 compiled with data from Thai Ministry of Labour, Office of Foreign Workers Administration).

Sex-disaggregated data were not available for Brunei Darussalam and Singapore, hence the sectoral distribution of all migrant workers is presented in Figure 15. In these two countries the agricultural sector is very small and employs only few migrant workers, unlike Malaysia and Thailand. However, the distribution of migrant workers across other economic activities is similar. Construction and manufacturing absorb a large share of migrant workers, especially in Singapore. Data on total employment for Singapore also show that the construction sector is

less male dominated than, for example, in Malaysia.⁶⁹ However, it has to be noted that this data does not differentiate between female migrant workers and female resident workers. Sectors that employ significant shares of the migrant workforce in Brunei Darussalam are also wholesale and retail trade (15 per cent) and tourism (9 per cent). In both countries, private households employ a significant proportion of migrant workers (17 per cent in Singapore and 24 per cent in Brunei Darussalam). As for Malaysia and Thailand, this sector is likely to be almost entirely female dominated.

Figure 15. Sector-wise participation of migrant workers in Brunei Darussalam and Singapore



Source: ILO International Labour Migration Statistics (ILMS) database

⁶⁹ According to the ILOSTAT database, in 2015 women accounted for 27 per cent of employment in the construction sector in Singapore and 9 per cent in Malaysia.

3.2 An exemplifying gender analysis of the hierarchical division of labour

Using data from in-depth interviews and site visits, an exemplifying gender analysis of the hierarchical division of labour was conducted to assess the contribution of women migrant labour towards economic growth of specific sectors, as envisioned through regional integration and trade liberalisation in the AEC. The analysis here focusses on one priority sector: infrastructure. While the analysis was conducted in select countries, the findings are valid at the sectoral level across the region. Overall, our research revealed that women migrant workers overwhelmingly remain pooled in unskilled or low-skilled positions at the bottom of the employment hierarchy with very little scope for upward skill or job mobility.

Hierarchical division of labour in the construction sector

Construction is a significant component of the infrastructure industry in the ASEAN region.⁷⁰ In rapidly developing Malaysia and Thailand, cranes and construction worksites are visible in capital cities and the fast-expanding suburban areas. Migrant labour makes up a bulk of the workers hired in the construction sector. The Thai Government estimates that there are just over half a million (documented) migrant workers in the construction sector, most of who are from Cambodia and Myanmar.⁷¹ Approximately, 50 per cent of these are women.

In both Thailand and Malaysia, the exact number of undocumented migrant workers in the construction sector is

unknown. However, similarly to findings in other studies,⁷² industry and civil society representatives interviewed for this research have suggested that undocumented migrants, many of them women, make up a significant portion of general workers in this sector.⁷³

The different nodes of the hierarchical division of labour include initial inputs, un- or low-skilled general labour, semi-skilled and skilled labour (masonry, electrical, plumbing, roofing), management (engineers, scientists, technicians), and retail. Each stage involves different types of processes, actors, inputs, technologies and labour (see Figure 16 above).

The first node, 'inputs', includes actors such as project developers, government, equipment and materials suppliers, and financiers. Investments at this stage may be foreign or domestic. The second node is 'general labour'.

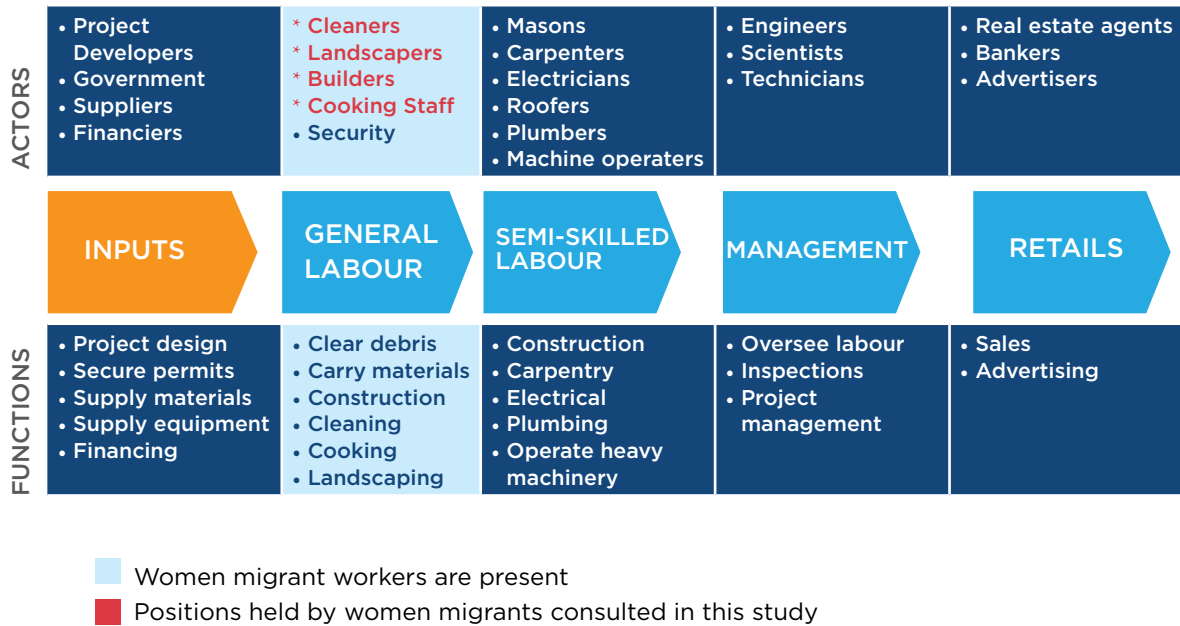
72 The 2016 ILO publication 'High Rise, Low Pay: Experiences of Migrant Women in the Tahi Construction Sector' cites similar findings.

73 As far as women migrant workers are concerned, consultations with policy makers and sector representatives in Malaysia suggested that few – if any – women worked in construction. The same is confirmed also by Labour Force Survey data here presented in Figure 13. Yet consultations with migrant welfare organizations and migrants themselves for this report revealed a different picture. For instance, some estimated that up to 20 per cent of construction workers in Malaysia are women, nearly all of whom work as 'general workers' (unskilled workers). This discrepancy between high-level and grounded accounts may point to the relatively obscure visibility of women migrant workers and the need for their participation in policy making spaces where industry and trade-specific decisions are made. Furthermore, as conveyed by the Ministry of Human Resources, the discrepancy in data may also be related to the closer contact and access that NGOs and CSOs have to women migrant workers. A call for a closer collaboration between governmental agencies and CSOs was therefore expressed by the Malaysia Ministry of Human Resources during the validation meeting for this report.

70 ASEAN Secretariat 2015. ASEAN Investment Report 2015.

71 ILO 2016. High Rise, Low Pay, p.viii.

Figure 16. Construction (Infrastructure): Gendered hierarchical division of labour



Positions at this second node receive the lowest pay and are largely occupied by migrant workers. Women migrant workers, who are generally present at this level, tend to be responsible for clearing of debris, carrying materials, mixing of cement, cleaning-up between project stages and maintenance cleaning of show homes, tending to plants in the landscaping department, and caring services in worker encampments, such as running canteens and cooking.

General labour is considered unskilled work, regardless of whether the worker has skills. It is common practice for employers in the infrastructure sector to hire women not based on their skills, but as a ‘marriage requirement’ alongside their husbands.⁷⁴ In such situations, women are not valued in their own right and for their own contributions, even when these may equal or exceed those of their husbands.

74 Ibid.

Box 1. Migrant story: Irene (migrated from Indonesia to Malaysia); textiles and apparels; infrastructure

Irene is 34 years old, from rural Kebumen, Indonesia. After graduating from high school, Irene left her four siblings and her parents, who owned a small noodle shop, and moved to Jakarta. There, she worked for two years in a factory that manufactured helmets, on the production line and later, in administration. Irene sent all her earnings to her parents so that they could pay for her younger siblings' school fees.

While working at the factory, Irene received a phone call from a migration recruiter, who had acquired Irene's contact details from her parents. The recruiter had gone door-to-door in her home village, and won over Irene's parents with accounts of high earnings in factory work in Malaysia. The recruiter told Irene the same stories. With pressure from her parents, Irene decided to migrate. She was 21 years old at the time.

Irene signed the contract provided by the recruiter, who obtained all the documentation required for Irene, including a passport. Irene and her parents paid the recruiter's fees, which were very expensive at the time [IDR 5,000,000/USD 376]. Prior to her departure, Irene spent three weeks at a training facility in Central Java where she was supposed to receive language, culture and skills training relevant to her new job. However, she only received language training. Irene was unsure of exactly what the recruitment fee that she and her parents paid covered, although she suspected it was the documentation processing, training and airfare.

When Irene arrived at the airport in Malaysia, she was met by another recruitment agent. Before leaving the airport, the new agent took Irene's passport and forced her to sign a new contract. The new contract stipulated that Irene would work in a garment factory, and indicated a salary that was significantly lower than what she was originally promised. Irene felt that she had no choice but to sign it.

At the garment factory, Irene made RM 360 (approximately USD 81) per month. Her employers provided transportation to and from the factory, as well as hostel style accommodation in a house shared with thirteen other people. The house only had two bathrooms and each room slept five. The hostel was dirty and uncomfortable.

Irene's work at the garment factory consisted of packing boxes. The work was not difficult in terms of the skills required to do the job, and Irene did not receive any training at all. However, it was challenging to meet the targets set for her, and Irene's employers penalised her with salary deductions whenever she failed to meet them. Irene worked five days a week and eight hours a day, with two of days of overtime. Although Irene worked hard to meet her targets, she never advanced, and did not know why.

After fifteen months, Irene broke her two-year contract as she was to be married to a man back home. Her employers only allowed her to leave after she had lied to them that she was pregnant. Believing her to be expecting a child, Irene's employers forced her to buy her own flight home (something that her recruitment fee was supposed to cover).

In Indonesia, Irene worked on her new husband's small farm. Just over a year later, poverty and the difficulty of rural survival forced Irene to confront the prospect of leaving her husband and migrating for a second time.

Again, Irene navigated the migration process through a recruiter. However, the recruiter told Irene that she would not need to attend a training centre this time, because she could now migrate on a tourist visa. The recruiter promised her a job and a work permit, yet manipulated her data and produced false documents. Believing what the recruiter told her, Irene paid the recruitment fee and boarded a flight to Malaysia.

When Irene arrived in Malaysia, she discovered that there was no job waiting for her. To make matters worse, because she entered on a tourist visa, she would be considered an undocumented migrant worker if she did secure employment. Irene's husband had left Indonesia for Malaysia a few months before her and was working in the construction sector. He found work for Irene as a general labourer at the same company, who hired her even though she did not have a legal work permit. As a general labourer, Irene mixed cement and assisted more skilled workers, like her husband. She was paid RM 35 (approximately USD 7.8) per day for doing the same work as other male general labourers, who earned RM 50 (approximately USD 11) per day. Irene worked seven days a week, ten hours per day. When it rained, Irene's boss moved her to the landscaping department, where she would prune plants and trees. When there wasn't any work to be done, Irene's employers did not pay her.

"Because I was undocumented, I couldn't sleep, I was always nervous," said Irene. The police often raided the construction site, and Irene, like many other undocumented women working there, used Malay-style clothing to try to blend in. When the project managers were alerted to an impending raid, Irene and others would hide in the surrounding areas.

During the two and a half years that Irene stayed in this job, she and her husband sent their earnings home to Indonesia to pay for the care of their infant daughter, who was in the care of Irene's parents.

Interviews with migrant workers have suggested that ethnic stereotypes categorise migrants and nationals into differentiated areas of work. Gender stereotypes work in similar ways. Employers believe that women are best suited to cleaning work and 'cannot handle' more skilled positions that would entail heavier lifting or mounting heights for instance, that may be required for electrical work: For example, when asked if women have opportunities to develop skills and move up the employment ladder, a project manager

consulted in this study replied: "No. I don't think they can take it. Look at that high rise; I don't think they can take it". His response signals deeply ingrained gender norms about what kinds of work women and men are suited for and consequently the gendered division of labour which confines women to the bottom end of the occupational structure.

The semi-skilled labour node includes masons, carpenters, electricians, plumbers, roofers and heavy machinery operators.

Depending on the level of professional training a worker has received, this may also be classified as skilled labour. In Malaysia and Thailand, migrant workers tend to be employed at this level. Yet they are almost exclusively men.

Actors in the management node on the other hand include engineers, scientists and technicians who design developments, and oversee and inspect projects. This work requires a university degree and/or

higher level of professional training and certification. These positions are almost exclusively held by men who are mostly country nationals. Migrant workers who work at this level tend to have permanent residency.

Finally, there are those involved in retail, including industrial and real estate developers and financial institutions. Again, most of these actors are male and country nationals or pertain to foreign firms.

Box 2. Migrant story: Thiri (migrated from Myanmar to Thailand); infrastructure; agro-based products; tourism

Thiri migrated to Thailand from Shan State in Myanmar as a teenager as her family was poor and could not survive in her village, which was located in a conflict zone. Thiri had little access to information about what legal migration entailed. A friend from her village organised Thiri's migration through a broker, who failed to process her official documents and instead arranged for Thiri to cross the border while hidden under a tarp in the back of a truck. Thiri paid the broker an initial fee, and once she started working, continued to hand over her salary to him until free of her debt bondage.

Thiri was nervous because in her village, it was thought that girls who migrated to Thailand became sex workers. However, in Thailand Thiri found a job on a construction site. There, she earned 75 Baht (USD 2) daily.

After a while, Thiri returned to Myanmar. However, she did not stay for long because of how difficult it was to earn a living there. Thiri decided to migrate again. This time she was helped by an auntie, who told her to walk across the border at night, and then accompanied her to Chiang Mai.

Again, Thiri found work on a construction site as a general labourer doing informal work and earning 75 Baht a day. Thiri mixed and carried cement and bent and carried iron rods. On the construction site, migrant women workers did not get promoted. Mainly Thai nationals, and in few cases male migrant workers, were employed in high-level positions.

There were many other women migrants working at the site alongside Thiri, and they lived together in encampments. Many of the women had children, who grew up among the workers. Thiri recalls that it was risky for single women to live at the encampment because they were vulnerable to sexual harassment and rape.

Life as an undocumented migrant was also economically risky. The police knew of the encampments, and that the workers were paid bi-weekly. The police staged raids on the workers' payday and extorted bribes. Migrants who refused or could not pay the bribe were arrested. Many migrants ran and hid in the surrounding forest on payday to escape the police.

After a while, Thiri transitioned to work on a carrot farm that formed part of a Royal Development Project. At the farm, Thiri earned 52 Baht (USD 1.5) a day and could survive on this wage because she did not have any children to support. She did the weeding and watered the sloped plot of land, harvested vegetables and washed the finished product. At this job, too, there were no opportunities for women migrants like Thiri to advance. From there, Thiri found work at a strawberry farm with similar conditions.

Eventually Thiri ended up in the hospitality industry as a housekeeper in a hotel in Bangkok. For eight years, she did the same job and earned the same salary. Her colleagues were also migrant women workers, and none of them advanced in the company. Higher salaries and more skilled positions were occupied by Thai nationals. On one occasion Thiri was offered the position of housekeeping supervisor's assistant (a Thai woman), but Thiri found that the supervisor was very hard on her, so she went back to cleaning rooms.

In all Thiri's jobs she has worked under a verbal agreement. Her employers resisted signing an official contract because they would be required to provide social benefits. There are many ways in which this left Thiri vulnerable, including in the case of illness, withheld wages and unemployment. Thiri has also contended with sexual violence: for example, when the wife of the hotel owner travelled out of the city, Thiri's male employer tried to rape her. Without a contract or work permit, Thiri had no recourse for help.

Thiri would eventually like to return to Myanmar and start her own small business offering baked goods or making soap. But she does not see the government supporting such initiatives, and knows she must save money before she turns 55 and the Thai government deports her.

3.3 Emerging themes on women migrant workers' experiences in priority sectors

The exemplifying analysis of the hierarchical division of labour and shared migration and work experiences have revealed five key challenging areas that must be addressed for women to benefit from the increasing mobility and job opportunities in AEC. These include: recruitment process and cost, access to social protection, opportunities for skills development and

training, informal employment, and access to legal aid. In addition to the barriers, we also highlight opportunities to enhance women's economic advantages and strengthen women migrants' – currently restricted – access to human and labour rights.

i. Recruitment process and cost

Migrant workers face several significantly disempowering barriers during the recruitment process. Two of the most common abuses reported by women

migrant workers were false contracts, and retention of passports and other identity documents by employers and agents.

Women reported signing one contract in their sending country, and upon entering the host country, being forced by employers and/or recruiters to sign a different contract. Often, women were forced to sign the new contract while still at the airport. Given that the employer is responsible for covering the costs of the migrant's return ticket, the migrant has little choice in this instance for resisting coercion. Often, the second contract included salary deductions and increased workload.

“At the airport, the agent forced me to sign a new contract. They took my money, my wallet, and all my documents. They took everything. It was my first time [migrating], so I thought maybe they do this. I felt scared, why did they take everything, even my wallet? I asked if I could keep my wallet because there was a photo album of my family [in it] and they said no.”

Migrant workers face a ‘high cost of migration’- and both, documented and undocumented migration costs are high. Significant fees charged for official documentation are a deterrent for women workers to migrate through official channels. Thus, debt bondage is a serious problem for migrant workers.

Many are forced to migrate to places where the recruitment fees are lower but treatment of migrants is worse. For instance, many women working in the hospitality sector reported that they would prefer to migrate to Hong Kong because migrants there are well organised and enjoy

some protections. However, due to the high cost of recruitment fees to Hong Kong (as mentioned by women migrant workers interviewed), they instead migrate to Malaysia, where recruitment fees are lower but migrant protection is much less secure.

For undocumented women migrant workers especially, extortion is a serious problem. A long chain of middlemen, including agents, recruiters, brokers and sub-contractors, charge migrants and employers (who in turn subtract costs from migrants' salaries) fees for administrative services. Migrant workers are often forced to ‘pay off’ the police during raids to avoid arrest and deportation. These people take a cut from migrant workers' economic earnings. According to a woman migrant worker, ‘everything has a price’. In extreme cases, migrant women who threatened to report withheld salaries and indecent working conditions, reported being blackmailed by recruiters and employers, who took degrading photographs of the women or threatened to report to police that they stole private property or ran away.

It is important that for women migrant workers to participate in the AEC growth process and move freely across countries, the cost of legal and safe migration must be reasonable.

ii. Access to social protection

The following sections examine current access to elements of social protection for women migrant workers and identify some ways forward. Findings on access to social protection among women migrant workers are discussed across three broad sub-themes: access to housing, healthcare, and income security.

Housing

Many employers provide migrant workers with on-site or near-site accommodation.

In most cases accommodation is provided free or almost free of charge (e.g. migrants may be asked to pay for utilities). On one hand, employer-provided housing equates to cost savings for migrant workers, however, this arrangement also raises questions about surveillance and adequacy of housing provided. Employers admit that keeping migrants on or near the worksite allows employers to supervise migrants and ensure they are available for work.

There is substantial variation in employers' compliance with housing standards, where these exist. There is also a great variability in the quality of housing provided for migrant workers.

In most cases when employers or subcontractors provide housing, it is communal living arrangements in shared houses or flats with dormitory-style sleeping spaces. A house may accommodate twelve workers spread across three bedrooms, or consist of a large open space with 50 workers sharing beds in shifts (day shift and night shift). Such measures help employers to save costs. In Malaysia, employers are required

to provide separate accommodation for men and women. As of 1 January 2017, the Ministry of Home Affairs has also required employers to provide minimum standards of accommodation to migrant workers and the guidelines are currently being developed.⁷⁵ However, at the time of this research, women migrant workers interviewed reported that many employers did not follow those rules. Accommodations often had inadequate boundaries between women and men's sleeping quarters and in many cases had communal bathing spaces. In the absence of appropriately divided living spaces, women migrant workers were exposed to risks related to sexual harassment and/or abuse from co-workers and strangers.

Inadequate and inappropriate accommodation occurs because of a lack of regulation, legal loopholes through practices of sub-contracting and outsourcing, and corruption (e.g. bribing regulatory officials). In Malaysia, CSOs have had some success in pressuring individual companies to improve migrant worker housing due to inadequacy in quality and gendered risks.

Box 3. Housing on construction sites

Major infrastructural works often provide onsite encampments for migrant workers to live in. These unevenly regulated spaces create barriers and challenges for migrant's well-being. At a construction site in Seremban, Malaysia, workers are allocated to encampments according to nationality, with Indonesian migrants in one encampment, and Bangladeshi migrants in another. According to the project manager, this is to prevent cultural conflicts around the organization of accommodation, such as cleanliness, and harassment of women by men of the other nationality.

The windowless rooms are constructed of plywood and contain two single mattresses on the concrete floor. The bathing area is communal. Workers here show a great deal of entrepreneurial spirit. Women migrant workers set up a canteen to sell basic goods such as medicines, hygiene items and snacks, as well as hot meals for breakfast, lunch

⁷⁵ Consultation with Ministry of Ministry of Human Resources, Malaysia, Validation Workshop, Jakarta, 10 April 2017

and dinner. They also planted a garden in which they grow bananas, tapioca, and greens. Chickens roam the area. Using scraps salvaged from the construction site, migrant workers constructed a gym and a communal leisure space with a television, stereo system, tables and play-centre for children.

When the construction project is finished, the developer will demolish this encampment and construct a new one at the next project site.



Healthcare

Migrant workers' access to healthcare varies in destination countries. Even in countries where laws require employers to provide migrant workers with healthcare, poor regulation and legal loopholes result in many migrants not having access to medical care in times of need. Undocumented migrant workers are even less likely to have access to healthcare.

In the infrastructure sector, most medium-to-large companies provide basic onsite medical assistance at a workplace clinic. Migrant workers may use this service in case of minor illnesses and injury. Employers are required to provide insurance to cover treatment and hospitalisation in the case of more serious

illness and accidents, which are common in sectors with high exposure to hazardous chemicals (agro-processing) and physical labour and machinery (infrastructure). However, in reality migrant workers and civil society groups report that the coverage is often insufficient. Informants for this study spoke of accidents where migrant workers were left unable to pay medical bills.

One of the drivers of insufficient or non-existent access to healthcare is the widespread practices of sub-contracting and outsourcing of labour. Sub-contracting labour creates a legal loophole through which large companies can evade the financial responsibility of providing migrant workers with healthcare. Through sub-contracting and outsourcing the question

of who is responsible for healthcare costs is obscured. Large firms may outsource parts of the manufacturing process to smaller companies, which may provide only a limited level of medical coverage: For example, coverage may include three minor illnesses (not requiring hospitalisation) per year. Given the physically intensive nature of work undertaken by migrant workers, this level of coverage is insufficient.

Another salient issue raised in consultations was that of pre-existing medical conditions. Potential migrants are required to undergo medical screening as part of the recruitment process. However, forging of medical documents is common, and those workers who migrate through illegal channels may not undergo medical screening at all. In Malaysia, the incidence of tuberculosis in migrant workers is a concern.⁷⁶ Once in the host country, an ill migrant may not have access to treatment and if tested positive in Malaysia, may not be permitted to return to their home country. When this happens, the often-unaffordable costs of medical treatment fall on the migrant worker and her/his community network.

In some cases, CSOs play a significant role in closing the gaps when the State and employers fail to protect migrant workers. The CSOs can tap into and strengthen community networks which raise funds to pay for medical expenses, flights home, and in the worst cases, funeral services.

In the absence of state support (i.e. public healthcare), care of sick and injured family and community members often falls on women. Women migrant workers are more likely than men to miss opportunities for paid labour, to care for needy others. This puts women migrant workers at a further economic disadvantage.

76 Malaysia Medical Association (2016).

Host countries must implement and enforce adequate provisions of healthcare, for women migrant workers to benefit from the AEC. In this context, adequacy relates to the affordability, availability, accessibility, and quality of services provided. The Social Protection Floors Recommendation no. 202 offers useful guidelines for assessing healthcare policies. Affordability and accessibility mean that women migrant workers should not face hardship or an increased risk of poverty due to seeking and accessing health care. Availability and quality of services indicate the host State's institutional capacity to respond to the needs of women migrant workers in a manner that addresses their needs, both in terms of the range and quality of services provided.⁷⁷

Income security

Social protection as it relates to income security, or unemployment benefits and employment guarantees, includes income protection, employment injury protection, disability benefits, and maternity protection (covered in the next section).⁷⁸ As women migrant workers are already paid less than men for the same work or work of equal value, employment guarantees protect women migrant workers from economic vulnerability and would likely improve their and their families' economic well-being.

However, women migrant workers' access to these benefits is uneven across AMS and women consulted for this report, had an overall lack of access to unemployment benefits and employment guarantees. This was repeatedly reported by women employed in the infrastructure sector where it is commonplace for employers to hire an excess of workers to ensure that a project is completed on time. However, if projects are completed early, workers are

77 R202: Social Protection Floors Recommendation (2012).

78 World Social Protection Report 2014/15. ILO.

assigned to new projects (if available) or made redundant. Women migrant workers who are overwhelmingly hired as general workers in the construction sector, and are also perceived as less capable than men of performing worksite related tasks, are likely to be the first to be released.

One unemployment benefit that impacts women differently from men is that of maternity protection. Maternity protection includes “protection against suspension or loss of income during maternity leave and access to maternal health care”.⁷⁹ Comprehensive maternity protection ensures the economic security of pregnant women, mothers of newborn children and their families more broadly. It also includes access to affordable, quality pre-natal and maternal healthcare. From a gender perspective, effective maternity protection also promotes equality between men and women in employment opportunities and types of occupation.

Women migrant workers face distinct challenges due to their migration status: Far from home, they do not have access to traditional family and community support systems to aid in childcare and issues related to maternal health.

The absence of adequate maternity protection forces many women to risk their health during pregnancy by working beyond what is physically advisable, and post-partum, returning to work prematurely, putting not only their own health at risk, but also the health of the new-born child. Women are forced to make such decisions because they fear losing their source of income. Undocumented women migrant workers are often forced to give birth at workplace accommodations, aided by other women workers, instead of at a public hospital for fear of being detained because of their illegal status in the country. In such cases the new-born child does not receive a

birth certificate and may become stateless, creating future problems when faced with entering the school system or returning to the mother's home country.

For women migrant workers to be able to return to paid labour, they must also have access to affordable and quality childcare. Some workplaces provide onsite childcare services, but these provisions tend to be limited to large companies and are not widespread. Effective social protection must recognise and support women's caring responsibilities. A notable example of increasing social protection for migrant mothers and their children is in Thailand. In 2009, Thailand extended its education policy to cover pre-school to high school and vocational training. Importantly, the programme includes stateless children and children of migrants (among others).⁸⁰ Social protection extensions such as these alleviate some of women's care burden and increase the chances that they will return to paid labour after bearing children.

Social protection summary

Examples of gender-sensitive social protection initiatives include free or subsidised quality childcare facilities in places of employment, employment guarantee schemes, and flexible, reasonable work hours that accommodate care work responsibilities. Adequate social protection accounts for the differences between the experiences of men and women and for the gendered division of care work.

At a regional level, it is important that women migrants and the groups that advocate on their behalf, must also have a seat at the table in the formation, monitoring and evaluation of social protection policies. This increases the chances that migrant women workers' experiences will inform effective policies and sound allocation of spending.

⁷⁹ Ibid.

⁸⁰ World Social Protection Report 2014/15. ILO.

Box 4. Migrant story: Gita (migrated from Indonesia to Malaysia); manufacturing; infrastructure

Gita is 45 years old, and comes from a farming family in West Java. Gita attended high school until her junior year, at which point she dropped out to get married. She had two children with her first husband, who worked on the farm with her father. Gita worked in the household, caring for her children.

Gita decided to migrate to Malaysia to escape from her husband, who was abusive, and to make enough money to support her children to eat and attend school. Gita left her children, who at the time were in primary school, with her parents.

Using a recruiter, Gita prepared to migrate, signing a contract and procuring the necessary documents. She paid for just over half of the recruitment fees using personal and family savings, and used loans to pay the remainder. At this moment, Gita entered a situation of debt bondage. The recruiter forced Gita to relinquish her birth certificate, family card, and the certificate proving her level of high school education, to be held as collateral. When Gita arrived at the airport in Malaysia, another agent forced her to relinquish her passport.

Gita knew that she was migrating to work in a factory. Prior to departing for Malaysia, she had been sent to a factory in Jakarta similar to the one that was to employ her. There, she spent a few days in a classroom, being briefed on what to expect.

In Malaysia, Gita worked as a machine operator for two years in a factory manufacturing plastic bags for carrying rice. The conditions at the factory were very uncomfortable. The factory did not have air-conditioning, and it was often very hot. Gita's work was physically demanding and required her to remain standing at all times. Gita worked six days a week on eight hour shifts. If another worker was absent or the factory had additional orders to fill, Gita was forced to work two eight hour shifts in one day, with one hour to nap between shifts. On these days she stood for 16 hours. Gita earned USD 16 per day, with a small pay increase for overtime hours. Gita did not receive any skills development training during her two-year contract.

The factory that employed Gita provided hostel-style accommodation in a two-bedroom flat shared by eight people. The employer also provided medical services at the factory clinic. There, she could receive treatment for minor health issues at no cost. For instance, one day Gita fainted on the factory floor, and was treated at the clinic. Some of Gita's colleagues suffered more serious illnesses, and were sent home to Indonesia with their contracts cancelled.

When Gita had fulfilled her two-year contract she returned to Indonesia. While she was in Malaysia, Gita met her 'sweetheart', an Indonesian man that she would eventually marry. Her new husband, who worked in the infrastructure sector as a foreman for a construction company, had received permanent residency in Malaysia nearly 20 years previously. On a holiday in Indonesia, he and Gita married.

Five years after returning to Indonesia and with a one-year old child, Gita migrated again to Malaysia. This time, she went with the intention of operating the canteen at the workers'

onsite accommodation at the construction company that employed her husband. Gita migrated to Malaysia on a tourist visa, and proceeded immediately to the Indonesian embassy in Kuala Lumpur with her husband, who had permanent residency in Malaysia, to certify their marriage. This way, Gita would be able to remain in the country.

Gita works at the encampment canteen from 7am to 12am, seven days a week. She cleans and keeps a small kiosk stocked with basic pharmaceutical and hygiene items, candy and other snacks, and prepares traditional Indonesian hot meals such as fried meatballs and rice, available for purchase by the encampment residents. The service Gita provides at the construction worksite is vital because there are few options for low-cost meals for the workers nearby.

iii. Opportunities for skills development and training

Many women migrant workers receive little to no training before migrating. In Indonesia, regulated migration stipulates that a potential migrant undergo mandatory tenure at a technical and language skills training centre before they migrate. However, many women migrant workers reported that they received little to no relevant training at these centres. The many undocumented migrants do not attend such training centres at all.

Once in the destination country, few women reported receiving any opportunities for skills development. In Thailand however, according to the Skill Development Promotion Act (2545 B.E), business operators with up to 100 employees must provide skill training to at least 50 per cent of the total number of regular employees annually (certified training expenses can be claimed for income tax exemption). Labour inspectors are sent by the Department of Labour Protection and Welfare to ensure labour law compliance (including with regard to the minimum wage) amidst constraints related to shortages of labour inspectors. In 2016, there were about 20,000 migrant workers trained by employers and half of them were women migrant workers.⁸¹

However, most of the women migrant workers interviewed for this project reported that opportunities for skills training were non-existent (consistent with other recent research).⁸² The only training received by some women migrant workers consulted related to sexual and reproductive health and was provided by NGOs that visited factories to educate young women. Generally, opportunities for advancement was reported to depend on the “benevolence of the bosses”. Furthermore, women migrant workers interviewed reported that it is uncommon for employers to offer general workers training opportunities that would allow them to transition into skilled positions. It is more common that during the recruitment process the employer will request that skilled jobs (e.g. electricians or plumbers) or managerial-level positions will be allocated to country nationals. Only one of the women migrant workers that was interviewed for this project had the opportunity to assume a supervisory role, and that was in the hospitality sector in a small, independently run hotel. She eventually turned down the position due to lack of training and unfair demands by her employer.

81 From consultations for this report with Thai Ministry of Labour’s Department of Skill Development

82 ILO, *High Rise, Low Pay*, p. xi (2016).

iv. Informal Employment

The experiences of women migrant workers consulted for this research were characterised (at different stages of their migratory journey) by conditions of informal employment such as job insecurity, rapid turnover between jobs, low pay and unsafe working conditions. Some of their stories have been reported in this chapter.

The issue of differentiated payment based on nationality, gender, and migration status is salient. Migrant workers are often paid less than country nationals for the same work. Women migrant workers are overwhelmingly paid less than men for the same work or work of equal value. When undocumented, workers' wages are not regulated and migrants are unlikely to receive the applicable minimum wage even when government-mandated.

In infrastructure, many migrant workers are day workers. This means that they engage in casual labour and are only paid for the days that they are offered work. Thus, many migrants experience a high level of economic insecurity. For women who are responsible for children, this is particularly insidious. For many women migrant workers, their low earnings are too little to escape poverty. As a result, women have also reported finding themselves often forced to supplement low and erratic wages through sex work.

Some documented women migrant workers end up in informal work due to bureaucratic restrictions that 'tie' work visas to the original employer. As a result, if a documented migrant worker opts for, or is forced to, leave her official place of employment (i.e. due to harassment, overwork, indecent working conditions, withheld salary, etc.) she is rendered undocumented. If she secures further employment, which many do, it is as an undocumented worker. Undocumented

women migrants are likely to engage in unstable, irregular employment.

In general, women migrant workers transition often between places of employment as well as between sectors. For instance, many migrants enter Malaysia to work in the agro-processing sector and secure employment on a plantation. Demand for employment in high growth sectors is high. However, low wages compel migrant workers to shift from plantation work to construction (the difference could be 30RM to 50RM per day). However, frequent transitioning between jobs diminishes women's opportunities to move up the occupational ladder and increases the risk of accessing undocumented work. As documented contract-based migrant workers are not permitted to switch employer, they often 'run away'. As a result, the employer fails to cancel the migrant worker's visa. Yet the worker may find employment from a new employer that is willing to hire the migrant despite lack of documentation.

From the employer's perspective, hiring undocumented workers is attractive because they can avoid time and cost-intensive administration procedures attached to hiring documented workers. Furthermore, the lack of employment guarantees associated with informal work grants employers the ability to withhold pay for hours that they have not worked. Weather may also disrupt infrastructure workers' capacity to work outside. At a construction site in Seremban, Malaysia, a project manager reported that he tries to find alternative projects for workers when heavy rain makes construction work impossible. For instance, some workers will be transferred to the landscaping nursery. However, in other cases, there is simply no work, and workers are not paid for idle hours.

Furthermore, especially in the infrastructure sector, employers offer work for a determined duration of time (temporary work). Once a project is completed, workers may or may not be offered further employment on a new project. If offered further employment, workers will be required to move work and living sites.

Working as an undocumented worker poses significant gendered risks. Women migrant workers may be more likely to accept or tolerate precarious work and are susceptible to reduced salaries and sexual harassment. Due to fear of legal repercussions, undocumented women are less likely to approach the police or other authorities in the case of such abuses.

As general workers in un- or low-skilled positions, migrants are likely to engage in work with safety deficits. In the agro-based products industry, this may involve contact with hazardous chemicals and physically demanding work. In tourism, this includes (unwilling) engagement in sex work. In infrastructure, safety regulations are not evenly implemented. While the project manager on the site visited for this report implemented safety trainings, reports from other areas suggest that employers often fail to provide their workers with adequate safety gear, or ask them to purchase the gear themselves. This poses barriers to women, who are systematically paid less than men.⁸³ A mandatory regulated minimum wage that does not discriminate on the basis of nationality, gender or status is imperative if migrant women are to benefit from the AEC.

Box 5 Migrant story: Yadanar (migrated from Myanmar to Thailand); agro-based products; infrastructure

Yadanar first migrated from Myanmar to Thailand as a pre-teen. She crossed the border on foot with the guidance of an auntie. Yadanar's sister, who was already in Thailand working on a farm, was expecting a baby and wanted Yadanar to help her. Yadanar was afraid of migrating and did not know that she needed official documentation.

Yadanar lived on the farm with her sister until she was 13 years-old, at which point she travelled to Chang Mai. Through personal networks, Yadanar found and paid an agent from Myanmar to help her find a job.

Yadanar was placed as a housekeeper with a family who told her that they needed someone to take care of their baby. She did not sign a contract. On the first day of work, the family took Yadanar with them to a restaurant and did not allow her to eat. They forced her to sleep in a storeroom that was riddled with mosquitos and offered her only the family's leftovers. Due to these abuses, Yadanar ran away from the house after ten days and returned to her sister, having only earned 60 Baht.

By that time, Yadanar's mother had also migrated from Myanmar to Thailand and was also working, undocumented, on the farm. Yadanar was hired by the farm owners and worked there for two years, cultivating the land and harvesting vegetables alongside her colleagues, who were all migrant workers. At the age of 15 years, Yadanar secured a work permit, yet continued to work informally on a verbal contract. Whenever she took a day of leave, her salary was deducted. After two years on the farm Yadanar found work at a small restaurant, where she earned 4,000 Baht a month working from 8am to 10pm every day.

83 ILO, *High Rise, Low Pay*, p. xi (2016).

When Yadanar met her future husband, she transitioned to a construction site, where she has worked for the past six years. The work there is very demanding. If the employees sit down to take a short rest or to eat, the supervisor deducts a half day's pay from their salary. As general labourers, men and women do similar work, except for a few minor tasks. However, the women workers are paid less than men. Migrants like Yadanar do all the lower level work, with more skilled positions reserved for Thai nationals. Yadanar has not been given any opportunities to improve her skills or advance at the site.

Yadanar and her colleagues have started organising themselves to improve their working conditions. For instance, they challenged their employer over irregular salary deductions (from 5 to 100 Baht) for supposed social security. Upon investigation, their employer discovered that the accountant had been embezzling the money. The employer however continues to treat the workers poorly.

Yadanar intends to stay in Thailand because her family lost their land in Myanmar. According to Yadanar, they have nothing to return to there.

v. Limited Access to Legal Aid

According to one CSO, many women migrant workers “don't know how to help themselves”. Civil society organisations that support women migrant workers have low visibility, such that many women migrant workers are unaware of the resources available to them. As a result, they do not know where to complain about abuses or ask for help. Some women migrant workers face infrastructural barriers to accessing legal aid, including lack of access to telephones or public spaces. In an unfamiliar country and with little leisure time to venture outside of the workplace, many women migrant workers at the bottom of the hierarchical division of labour are even unfamiliar with where they are located geographically.

In many countries, migrant workers may be permitted to join unions, if these exist. Yet many migrant workers are discriminated against due to ethnicity, foreign nationality, and in the case of women, gender. Starting migrant-specific unions is not an option. Migrant workers are not allowed to assume leadership positions or to start their own

unions. One significant effect of this is that the unions are unaware of the presence of women workers in the relevant industries and the unions are less likely to advocate for protections that matter to women. As it stands, women migrant workers are grossly limited in their capacity to expand their collective access to rights. As a vital part of the workforce and as significant contributors to the host country's national development, migrant workers should be allowed to form their own unions and exercise agency in the improvement of their conditions. Origin and destination countries should increase the visibility of migrant-support NGOs throughout the migration process so that potential and current migrants better understand their rights and receive information about specific service provided in countries of destination. As emphasised by the Ministry of Manpower of Malaysia during consultations for this research, the support provided by NGOs and CSOs to large numbers of women migrant workers is crucial: Given their direct contact with women migrant workers, more partnerships with the government should be in place – especially in data and information

gathering - so that “a true picture of the situation can be drawn”.⁸⁴ In Viet Nam, there are a number of organisations actively supporting employees to access policy-related information and employment opportunities; basic social services such as health care, attending public school for children, buying cheap electricity and water, and stabilising rents; and to improve professional skills. These initiatives, in addition to providing direct support, help migrant workers participate in formal and informal social networks to increase access to information on social security policies. The distinctive feature of these initiatives is the diversity of content and form of support, focusing on empowering employees themselves through information access, increased self-confidence, collective spirit and inclusion. At the same time, it attracts the active participation of different stakeholders such as authorities, associations, employers, hostels and service providers. These initiatives are implemented at the grassroots level in collaboration with government agencies, mass organisations, CSOs and individuals.⁸⁵ A project called ‘We are Women’ funded by UN Women’s Fund for Gender Equality (FGE) and implemented by the Institute for Development and Community Health is a community-based network for migrant women that seeks to increase their capacity to access and use available social protection benefits, legal protection and healthcare services in Viet Nam. This project is an example of a replicable initiative that empowers women migrant workers through access to information.⁸⁶

84 Malaysia Ministry of Human Resources, Validation Workshop, Jakarta, 10 April 2017.

85 From consultations (through questionnaires) for this report with the Institute of Labour Science and social Affairs - Viet Nam Ministry of Labour, Invalids and Social Affairs.

86 We are Women. Available at: <http://www.unwomen.org/en/news/stories/2016/8/migrant-women-of-viet-nam-claim-social-protection-and-rights#sthash.P2CMMwGF.dpuf>

Summary

Accounts of migrant workers in the high-growth sectors in the ASEAN have shown that women occupy the bottom of the hierarchical division of labour. Women migrants’ experiences in the ASEAN PIS are characterised by an absence of social protection (in terms of decent housing, income security and access to healthcare), limited opportunity for skills training, and informal employment. Recruitment costs are high and cumbersome, and characterised by the existence of middlemen and agencies.

Gender-sensitive social protection initiatives – including free or subsidised quality childcare facilities in places of employment, employment guarantee schemes, and flexible, reasonable working hours – are in many cases missing or limited in migrant women’s experiences in the ASEAN growth sectors. Most women migrants lack access to even the most basic social protection such as a minimum wage and contractual protection.

Furthermore, women migrant workers are exceptionally limited in their capacity to expand their collective access to rights. They have limited access to legal aid and collective bargaining mechanisms. Migrant women workers face infrastructural barriers to accessing legal aid, including lack of access to telephones or public spaces. In some countries, they are permitted to join unions but they cannot assume leadership roles and cannot set up migrant only unions.

To ensure that women migrant workers participate equally and fairly in the regional economic integration, it is imperative that migration be viewed from a gender lens and that gender be integrated into every pillar of the ASEAN Community. The following chapter discusses the specific policy frameworks for the promotion and protection of migrations in the ASEAN.

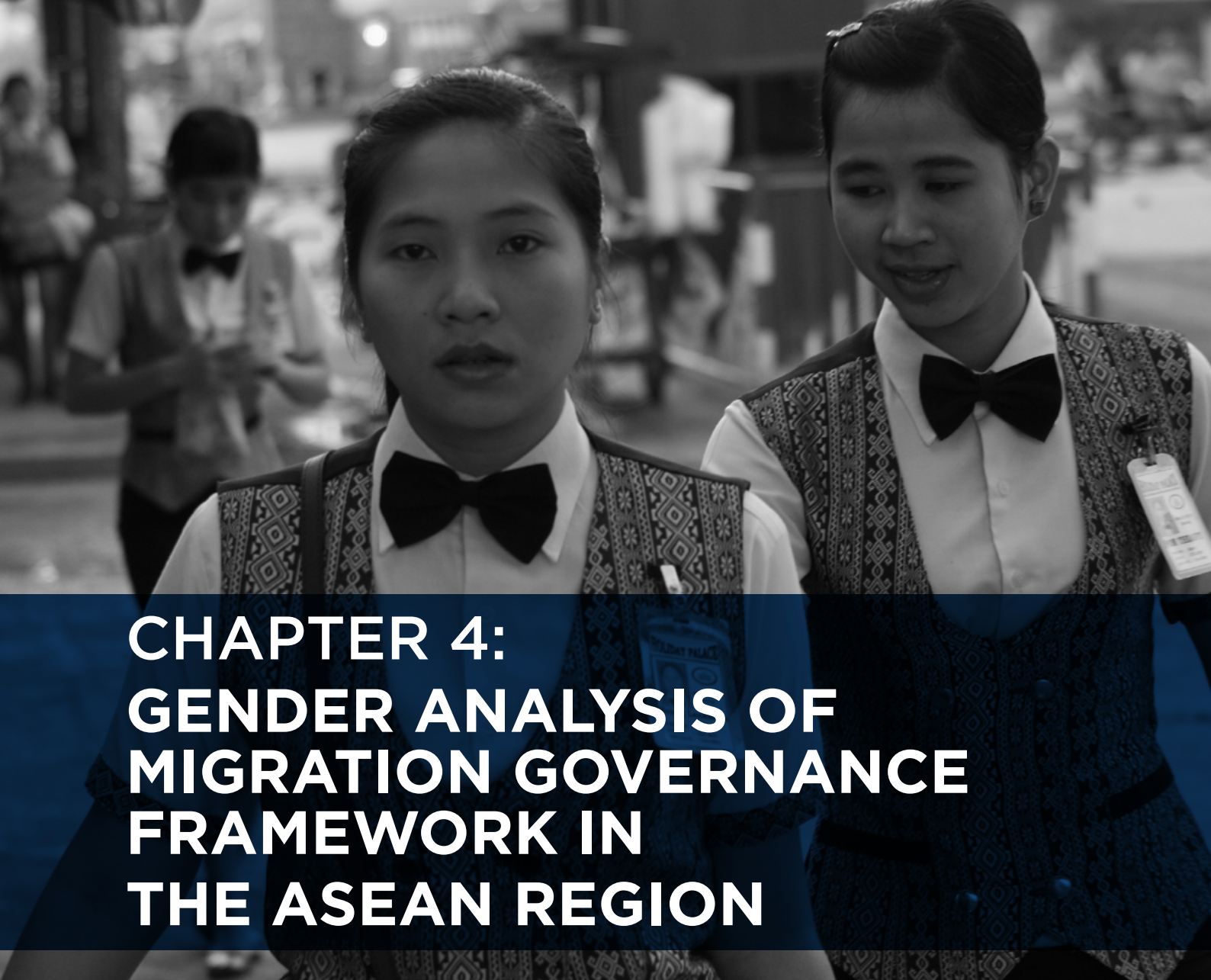


Photo: UN Women

CHAPTER 4: GENDER ANALYSIS OF MIGRATION GOVERNANCE FRAMEWORK IN THE ASEAN REGION

The gender analysis presented in Chapter 3 identified five major barriers in the achievement of equity-focused intentions and impacts of the AEC on migrant women workers. Barriers include inadequate social protection, limited opportunities for skills development and training, high levels of informal employment, loopholes in recruitment processes and high associated costs, and limited access to legal aid.

While gender norms and biases that put less emphasis on education and skills training for women and girls grossly diminish the economic opportunities available to women migrant workers, significant policy-level barriers further

accentuate women's susceptibility to employment-related gender gaps, irregular migration and vulnerable employment.

In more general terms, "most of the AMS have enacted a number of legislations, policies, and programmes on social protection against the negative impacts of integration and globalisation for the identified groups (i.e. women, children, elderly, and persons with disabilities)."⁸⁷ More specifically, countries such as Myanmar have focused their social protection policy on children, whereas "the Philippines has more social protection assistance initiatives for women."⁸⁸

87 ASEAN Secretariat (2016) p.33.

88 Ibid.

Yet the influence of policy and migration management mechanisms are the key factors that affect how the ASEAN economic integration will impact women migrant workers in the region. In this chapter, regional- and country-level policy frameworks are analysed from the perspective of these emerging barriers to the socio-economic well-being of migrant women workers.

4.1 Regional-level policy analysis

This section highlights the key aspects of the AEC Blueprints relating to labour mobility and migration. It further discusses the main ASEAN-level policy frameworks relating to movement of persons within the region. An analysis of this regional policy mechanism is then presented from a gender and migrant worker's lens to draw interlinkages between the barriers/challenges in the economic empowerment of women migrant workers in AEC and existing policy mechanisms.

AEC and labour migration-related regional policy frameworks

The movement of services and skilled labour forms and remains a critical aspect of policy and programme priorities within the AEC, in both the Blueprint 2015 and Blueprint 2025. Post-integration, the achievement of a free-movement regime for skilled labour is an important component of the AEC Blueprint 2025. Both from a transfer for services and skills perspective, labour mobility remains at the centre of the AEC mandate given the projected increase in employment opportunities. A net increase of 14 million jobs in six ASEAN economies is estimated, accompanied by the expansion of specific sectors such as trade, transport, and construction.

While the overall goals of inclusivity, development-for-all and regional growth are deeply entrenched in both the AEC Blueprints (2015 and 2025), they remain largely silent on issues relating to the most vulnerable groups - including women workers and migrant workers. The mechanisms inscribed for labour mobility management are conspicuous in their singular focus on management of the skilled and professional labour force, despite the presence of a large low-skilled and unskilled workforce - a significant proportion of which are women workers.

Several agreements and policy documents address labour mobility, mechanisms and regulations. Some of these include the ASEAN Framework Agreement on Service, Agreement on Movement of Natural Persons, Mutual Recognition Arrangement, ASEAN Qualifications Reference Framework, and the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

- The ASEAN Framework Agreement on Services (AFAS), signed in 1995, aims to “enhance cooperation to improve the efficiency, competitiveness and supply of services, and liberalize further the trade in services” among member states.⁸⁹ The focus of this agreement is to eliminate restrictions on cross-border supply and consumption abroad of services, allow higher foreign equity participation, and progressively remove various other restrictions. As such, it includes all provisions of, and is modelled closely on the World Trade Organization General Agreement on Trade in Services (WTO/GATS).⁹⁰ Specifically, it follows the provisions

89 ASEAN Framework Agreement on Services, <http://www.asean.org/storage/images/2015/september/Articles-on-AEC-2015/Edited%20AFAS.pdf>

90 General Agreement on Trade in Services (GATS)

of ‘Mode 4’⁹¹ of GATS and “does not concern persons seeking access to the employment market in the host member, nor does it affect measures regarding citizenship, residence or employment on a permanent basis.” To date, eight packages of commitments to liberalise services under AFAS have been agreed upon under the business and professional services, construction, distribution, telecommunications, tourism, and maritime transport sectors.⁹² The focus of this agreement, however, remains on the conditions for market access by service providers and national treatment under horizontal commitments. Commitments under AFAS are linked to investment and business flows, and are limited to facilitation of movement of highly-skilled staff under the intra-corporate transferee category.⁹³

- The Agreement on Movement of Natural Persons (AMNP), signed in 2012, supersedes the AFAS and attempts to encapsulate all ASEAN-level mobility commitments under its purview. Not only does it incorporate all Mode 4 commitments as in the AFAS, it extends provisions for the “movement of natural persons engaged in trade in goods, services and investment through streamlined immigration procedures for the temporary entry and stay of those

persons.⁹⁴ Similar to AFAS, the purview of commitments under AMNP remain limited to Intra-Corporate Transferees and Business Visitors, with the exception of Cambodia and Viet Nam which also include certain Contractual Service Suppliers. Mobility under AMNP remains dependent on domestic immigration procedures, numerical quotas, Economic Needs Tests (ENT)/labour market tests, and with pre-employment requirements (such as health clearances, security clearances, and personal and professional references) and technological transfer conditions.⁹⁵

- Mutual Recognition Arrangements (MRAs) further promote the AEC agenda of liberalising trade in services by mutual recognition of authorisation, licensing or certification of professional service suppliers among member states. MRAs have been signed by member states on seven professional categories and one occupational area to date: engineering, accountancy, architecture, surveying, nursing, dental and medical practitioners, and tourism, and framework arrangements in surveying and accountancy are underway (Fukunaga, 2015). It is feared that this professional classification of skills will create ‘wanted’ and ‘unwanted’ migrant workers. Those professionals who are generally well protected and who already have easier access to legal migration will receive better support and better protection of their rights. The other lower-skilled migrants

91 Mode 4 concerns specifically with “the presence of persons of one WTO member in the territory of another for the purpose of providing a service. It does not concern persons seeking access to the employment market in the host member, nor does it affect measures regarding citizenship, residence or employment on a permanent basis.” World Trade Organization, https://www.wto.org/english/tratop_e/serv_e/mouvement_persons_e/mouvement_persons_e.htm

92 ASEAN Framework Agreement on Services, <http://www.asean.org/storage/images/2015/september/Articles-on-AEC-2015/Edited%20AFAS.pdf>

93 Jurje. F and Lavenex. S (2015).

94 ASEAN Agreement on the Movement of Natural Persons, http://www.asean.org/storage/images/2012/Economic/sectoral_aem/service/agreement/ASEAN%20AGREEMENT%20ON%20THE%20MOVEMENT%20OF%20NATURAL%20PERSONS.pdf

95 ASEAN Framework Agreement on Services, <http://www.asean.org/storage/images/2015/september/Articles-on-AEC-2015/Edited%20AFAS.pdf>

who are already marginalised will be even more left out; categorised as 'unwanted'.⁹⁶ The critique therefore, remains on the nature of the MRAs which pertain to professional skills categories, and reports suggest that implementation of the MRAs has been weak.⁹⁷

- The ASEAN Qualifications Reference Framework (AQRF) is a common reference framework that enables comparisons of education qualifications across participating AMS⁹⁸. The objectives of AQRF include: to support recognition of qualifications; to encourage the development of qualifications frameworks that can facilitate lifelong learning; to encourage the development of national approaches to validating learning gained outside formal education; to promote and encourage education and learner mobility; to support worker mobility; to improve understanding of qualifications systems; and to promote higher quality qualifications systems.
- The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed by all AMS in 2007, expressed the commitments to protect and promote the rights of ASEAN migrant workers in ASEAN. The Declaration lays out general principles, obligations of receiving states, obligations of sending states, and commitments by ASEAN in different key areas.⁹⁹ Specifically, the Declaration calls on

sending and receiving states to ensure the dignity of migrant workers by outlining their obligations in the areas of: (a) protection from exploitation, discrimination, and violence; (b) labour migration governance; and (c) the fight against trafficking in persons.¹⁰⁰ The Declaration enshrines specific obligations of both origin and destination and receiving countries in ASEAN.

Following the signing of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) was established with the purposes to: (i) ensuring the effective implementation of the commitments made under the Declaration; and (ii) facilitating the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers. For this, the ACMW has developed its Work Plans which include a number of projects and activities to build capacity and exchange information, practices and experiences among AMS in protecting and promoting the rights of migrant workers. The ACMW Work Plan 2016-2020¹⁰¹, for example, focuses on four thematic areas; notably (i) governing mechanism of labour mobility; (ii) expanded social protection; (iii) protection and promotion of the rights of migrant workers; and (iv) labour dimension of trafficking in persons. One of its activities is an annual ASEAN Forum on Migrant Labour (AFML) which is convened to review, discussion and exchange of practices and ideas between governments, workers' and employers' organizations, and civil society stakeholders on key issues

96 UN Women and FES (2016)

97 Papademetriou. D, Sugiyatro. D, Mendoza .D and Salant. B (2015)

98 <http://asean.org/asean-economic-community/sectoral-bodies-under-the-purview-of-aem/services/asean-qualifications-reference-framework/>

99 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007; <http://www.ilo.org/dyn/migpractice/docs/117/Declaration.pdf>

100 ILO, Migrant; http://www.ilo.org/dyn/migpractice/migmmain.showPractice?p_lang=en&p_practice_id=41

101 http://asean.org/storage/2012/05/FINAL-PRINTING_27Content-ALM-WP.pdf

Figure 17. Obligations of countries of origin and destination



facing migrant workers in Southeast Asia. In addition to this, efforts of AMS to finalise an ASEAN instrument on the protection and promotion of the rights of migrant workers has been on-going.

Migrant women workers and ASEAN-level policy frameworks

With the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, AMS have collectively taken cognisance of, and expressed a

commitment to the rights and protection of migrant workers. The vision of ‘freer’ labour mobility within the region, is sought to be achieved by implementation of MRAs based on national and AQRF and issuance of temporary visas.¹⁰² These mechanisms however, are restricted to facilitate movement of skilled labour, while there is increasing evidence that a significant part of labour migration in the region is that of low or unskilled labour force. Even with respect to provision of mechanisms

¹⁰² Jurje. F and Lavenex. S (2015).

for skilled labour force mobility, ASEAN-level progress is slow and uneven, and it's been difficult to adapt domestic policies and political commitment in standardising ASEAN level procedures.¹⁰³

A detailed examination of the AEC Blueprints and ASEAN regional-level policy frameworks, elicits certain key themes of analyses in relation to women migrant workers. These are:

AEC focus on high-skilled workers does not reflect the reality of women migrant employment in the region

As established earlier in this report, the migration phenomenon in its entirety – causes, process, and impacts – is highly gender differential. It has also been well-established across the southeast Asian region, that persistent inequalities exist in women's access to resources, labour markets and economic opportunities. It is imperative then that the policies and mechanisms that regulate labour mobility and migration within the region are gender-specific and responsive. Regulatory mechanisms established need to be relevant to the unique migration patterns, employment opportunities, skills and qualifications, and socio-economic

contexts of women migrant workers. This is critical to promote and protect the rights of women migrant workers and ensure that the benefits of economic integration in the region are spread across all stakeholders.

The AEC Blueprint is the guiding policy document for economic integration measures in the region. It is noted that both, the AEC Blueprints, 2015 and 2025 do not make specific reference to gender inequalities within the region, in that the vision and action points for economic integration in ASEAN presented therein lack any gender specificity. Also, while the centrality of labour mobility in the economic integration is discernable, the blueprints are quiet on the role of the unskilled and low-skilled migrant labour force in the region. The focus on free flow of skilled labour in the AEC, disenfranchises the large numbers of unskilled and informal economy workers - a significant proportion of them being migrant women workers.

Presented below is an examination of the provisions of the AEC Blueprint 2025, from gender and women migrant workers perspective, highlighting gaps in gender mainstreaming and responsiveness.

Table 5. Analyses of ASEAN Economic Community Blueprint 2025

| Key characteristics | Gaps in gender-mainstreaming and responsiveness to women migrant workers |
|--|---|
| I. A Highly Integrated and Cohesive Economy | |
| Trade in Goods | Rules of Origin to enhance the participation of women-owned MSMEs. |
| Trade in Services | Expand focus to service sectors that are high employers of women workers, for instance, domestic work. Promote human resource development through technical cooperation for services employing women workers. |
| Investment Environment | |

103 Sugiyarto. G and Agunias. D.R (2014).

| Key characteristics | Gaps in gender-mainstreaming and responsiveness to women migrant workers |
|---|---|
| Financial Integration, Financial Inclusion and Financial Stability | Promote financial inclusion of women-owned MSMEs. Enhance financial access and literacy for all women workers. |
| Facilitating Movement of Skilled Labour and Business Visitors | Enhance the scope of the integrated economy to facilitate movement of all kinds of labour within the region. Expand the scope of the MRAs to develop mechanisms for mutual recognition and regulation of labour in low wage/low skill jobs. |
| Enhancing Participation in Global Value Chains | Enhance participation of women at all levels of the regional and global value chains. Focus on the formal and informal women workers. |
| II. A Competitive, Innovative, and Dynamic ASEAN | |
| Effective Competition Policy | Ensure that rules of competition policy safeguard women-owned MSMEs, particularly in Cambodia, Myanmar, Lao PDR and Viet Nam (CMLV). |
| Consumer Protection | |
| Strengthening Intellectual Property Rights Cooperation | |
| Productivity driven growth, Innovation, Research & Development and Technology Commercialisation | Enhance the support system and enabling technology environment for the highly mobile, low-skilled migrant worker populations- including women migrant workers. Develop specific targets for entrepreneurship development of women-owned MSMEs. |
| Taxation Cooperation | |
| Good Governance | Develop targets and regional level monitoring frameworks on gender-responsiveness of various ASEAN and country-level initiatives under the AEC. |
| Effective, efficient, coherent and responsive Regulations and Good Regulatory Practices | Ensure that regulatory practices established, are gender-responsive. Institutionalise GRP consultations and regulatory conversations that include and promote the interest of workers at the lowest levels of the occupational ladder across sectors. |
| Sustainable Economic Development | Ensure that safeguards are put in place for communities that are dependent on natural resources, and that rapid industrialisation does not lead to diminishing access to natural resources for these communities. |
| Global Megatrends and Emerging Trade Related Issues | |
| III. Enhanced Connectivity and Sectoral Cooperation | |
| Transport | Mainstream gender in and promote gender-responsiveness of the transport sector. |
| Information and Communication Technology | Mainstream gender in and promote gender-responsiveness of ICT. |
| Ecommerce | Mainstream gender in and promote gender-responsiveness of Ecommerce and reach to women owned MSMEs. |

| Key characteristics | Gaps in gender-mainstreaming and responsiveness to women migrant workers |
|---|---|
| Energy | Mainstream gender in and promote gender-responsiveness of the energy sector. |
| Food, agriculture and Forestry | Mainstream gender in and promote gender-responsiveness of the FAF sector and promote engagement with women migrant workers involved in the sector. Develop mechanisms to strengthen quality of production and access to markets and information at the lowest levels of the FAF value chains. |
| Tourism | Mainstream gender in and promote gender-responsiveness of the tourism sector. Raise capacity and capability of human capital across tourism industries and all levels of the occupational ladder. Recognise the large share of women migrant workers in this sector. |
| Healthcare | Mainstream gender in and promote gender-responsiveness of the healthcare sector. Recognise and promote human resource development of those in the informal care economy and safeguard mobility and social protection of informal care economy workers. |
| Minerals | Mainstream gender in and promote gender-responsiveness of the transport sector. |
| Science & Technology | Mainstream gender in and promote gender-responsiveness of the transport sector. |
| IV. A Resilient, Inclusive, People-Oriented, and People-Centered ASEAN | |
| Strengthening the role of Micro, Small and Medium Enterprises | Promote and expand women-owned MSMEs - improved technological support, access to markets, access to credit, financial inclusion and skill development. |
| Strengthening the role of the Private Sector | Promote platforms for inclusive and consultative processes involving the private sector, civil society and migrant worker groups. |
| Public Private Partnership | Promote platforms for inclusive and consultative processes on economic integration, labour mobility, migration, worker's rights, decent work and labour standards - at multi-stakeholder levels - including civil society and migrant workers participation. |
| Narrowing the Development Gap | Institutionalise worker protection measures - for all ASEAN workers - that are not superseded/influenced by the development gaps among the member states. |
| Contribution of Stakeholders in Regional Integration Efforts | Enhance engagement with stakeholders from migrant workers groups, community based organisations and women's groups. |
| V. A Global ASEAN | |
| A Global ASEAN | Promote partnerships with external economies attracting ASEAN workers for rights protection, decent work and living conditions for migrant workers from ASEAN. |

AEC is trade and investment focused, relatively less focused on labour market conditions

Experts and stakeholders in the region have been critical of the AEC and its mechanisms on account that the vision of economic integration prioritises trade and investment-related growth factors and liberalisation, over mobility of all kinds of labour and services. It has been noted during consultations that such an approach may sideline adequate promoting of and protective mechanisms for the human factor of production, particularly the most marginalised women migrant workers.

Experts shared that given a socio-economic context of historical gender inequalities among AMS, women are not only lesser skilled than men, but also considered 'more disposable'. This is reflected in the trend that men tend to take up more stable employment in or near their homes, and women tend to migrate further for low-wage, low-skill jobs and/or informal economy employment. It was reported that rapid economic growth, liberalisation and market orientation has made women workers susceptible to the increasingly flexible and contractual nature of their work in the region. This is seen in the disproportionate representation of women in the informal economy and in vulnerable employment. Women workers suffer informal labour, high gender pay gaps (as previously highlighted in this report), lack of social security, and seasonal/temporary contracts.

It is to be acknowledged that under its social and cultural pillar, the ASEAN integration mechanism does delineate social welfare and protection as one of its key characteristics. It affirms that "ASEAN is committed to enhancing the well-being and the livelihood of the people of ASEAN through alleviating poverty, ensuring social welfare and protection[...] and addressing

health development concerns."¹⁰⁴ It commits to "mapping of social protection regimes in ASEAN; exchange of best practices in social security systems; prioritisation of social protection in ASEAN's cooperation in progressive labour practices; establishment of a social insurance system to cover the informal sector; and creation of networks of social protection agencies¹⁰⁵." Additionally, the Declaration on the rights of migrant workers also refers to the provision of welfare to migrant workers. However, in over five years of setting of this vision, the ASEAN regional mechanism is lacking in any tangible provisions, social security or labour agreements mandating and binding member states in the provision of decent work and adequate social protections for migrant workers and returnees. While many receiving countries such as Malaysia and Thailand do not necessarily discriminate against social security and health care provision for migrant workers, this remains limited to regular and legal migrant workers. Given the large share of irregular and undocumented migrant workers in the region, a large populace of this workforce are bereft of social protections.

Thus, while trade liberalisation may increase the migration of women because of the economic opportunity it presents, without adequate protections they are unlikely to truly benefit from these opportunities and will remain vulnerable to informal employment and exploitation. In this context, while an international normative framework on decent work and labour standards exist, the AEC policy frameworks lack substantially in protective and enforceable mechanisms mandating decent work for workers at all levels of the occupational skill ladder.

104 ASEAN Socio-Cultural Community (ASCC) Blueprint (2009).

105 Andy Hall (2011), *Migrant Workers' Rights to Social Protection in ASEAN: Case Studies of Indonesia, Philippines, Singapore and Thailand*.

More focus on skilled labour, less on skills development

It has been heavily critiqued that despite the large proportion of unskilled and low-skill labour migrating for work within the region, the AEC vision and regional policy frameworks focus singularly on the free flow of highly-skilled and/or professional labour.

Regional instruments and mechanisms such as the AFAS, MNP, MRAs, and the AEC Blueprint, focus on the mobility of skilled labour, and professional and intra-corporate transfers, while low-skills professions that dominate irregular migration tend to be overlooked. MRAs have been signed by member states in seven professional categories and one occupational area to date: engineering, architecture, nursing, dental and medical practitioners, and tourism and framework; arrangements in surveying and accountancy are underway.¹⁰⁶ However, experts stressed that as a high proportion of both recorded and unrecorded labour flows within ASEAN is of low- and semi-skilled migrant labour, the silence of institutional mechanisms on this aspect of labour mobility will be counterproductive to the overall vision of the AEC.

On the other hand, there is no regional mechanism mandating skill and human resource development among the member states. While each country has its own TVET and skill training priorities, these are few and far between, when it comes to migrant women workers. Access of the most marginalised groups of women to education and skills training is limited. Furthermore, experts shared that women migrant workers who are largely unskilled, remained at the bottom of the occupational hierarchy due to the poor scope of skills development in their areas of employment. For example, a woman migrant worker in

the construction sector works as ‘general labour’ with little or no opportunities for skills development on the job that might lead to an upward movement in the occupational skill ladder. Similarly, within the garment sector, the skills requirement remains largely the same. Hence, even though groups of women who receive some training (mainly supervisory) might move up the occupational ladder, most women workers remain at the same position. It was also noted that because of poor access to social security, difficult working conditions, irregular/undocumented migration status and wage gaps, and seasonal/temporary contracts; women migrant workers tend to change employment very frequently. Consequently, they minimise any scope for skills development and remain at the lowest levels during every employment period.

Limited responsibilities of origin and destination countries

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, emphasises the fulfillment of the provisions therein by member states in accordance with national laws and regulations on migrant management. National-level frameworks are therefore given precedence over the regional-level mandate, leaving a loophole in the provision of a rights-based protection framework for migrant workers. While the ASEAN Declaration has already been adopted, the AMS have been tasked with the development of an instrument for its implementation. This instrument is still under discussion. Reportedly, this is because of an impasse among member states on issues such as coverage of irregular and undocumented migrant workers, families of migrant workers, and extra-ASEAN migrants.

Analysing the obligations provided under the Declaration for origin and destination countries, it is noted that key aspects relevant to women migrant workers are either inadequate or missing.

¹⁰⁶ Fukunaga, Y (2015), Assessing the Progress of ASEAN MRAs on Professional Services, Economic Research Institute for ASEAN and East Asia.

- **Countries of Origin**

Table 6. Gaps in obligations of countries of origin

| Obligations under the Declaration | Key missing aspects for women migrant workers |
|---|--|
| Enhance measures related to the promotion and protection of the rights of migrant workers. | Promotion of skills development training for potential women migrant workers. |
| Ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of workers. | Access to credit, assets and enhancing entrepreneurship among potential and/or returnee women migrant workers. |
| Set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas and protection of the migrant workers when abroad, as well as repatriation and reintegration to countries of origin. | Set up policies and procedures with receiving countries on upholding decent work, labour and human rights standards for all migrant workers irrespective of migrant status and employment. |
| Establish and promote legal practices to regulate recruitment of migrant workers and adopt mechanisms to eliminate recruitment malpractices through legal and valid contracts, regulation and accreditation of recruitment agencies and employers, and blacklisting of negligent/unlawful agencies. | |

- **Countries of Destination**

Table 7. Gaps in obligations of receiving countries

| Obligations under the Declaration | Key missing aspects for women migrant workers |
|--|---|
| Intensify efforts to protect the fundamental human rights, promote the welfare and uphold human dignity of migrant workers. | Protect the fundamental human rights, promote the welfare and uphold human dignity of all migrant workers, including undocumented migrant workers and those in informal employment. |
| Work towards the achievement of harmony and tolerance between receiving states and migrant workers. | Uphold human, worker and gender rights of all workers and set institutional mechanisms for unconditional provision of these rights. |
| Facilitate access to resources and remedies through information, training and education, access to justice, and social welfare services as appropriate and in accordance with the legislation of the receiving state; provided that they fulfill the requirements under applicable laws, regulations and policies of the said state, bilateral agreements and multilateral treaties. | Unconditional facilitation of access to resources and remedies through information, training and education, access to justice, and social welfare services to migrant workers. |

| Obligations under the Declaration | Key missing aspects for women migrant workers |
|--|--|
| Promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers. | Promote unconditional employment protection, payment of wages and decent working and living conditions for migrant workers through application and enforcement of labour standards across sectors (formal and informal). |
| Provide migrant workers, who may be victims of discrimination, abuse, exploitation, violence, with adequate access to the legal and judicial system of the receiving states. | |
| Facilitate the exercise of consular functions to consular or diplomatic authorities of states of origin when a migrant worker is arrested or committed to prison or custody or detained in any other manner, under the laws and regulations of the receiving state and in accordance with the Vienna Convention on Consular Relations. | |

Limited commitment for all migrant workers' economic integration and welfare

It was observed that labour migration between the net-sending and net-receiving countries within ASEAN is governed firstly by national legislation and frameworks. Bilateral Memorandum of Understanding (MoUs) among countries also play a role in establishing regulated, legal migration channels. Yet, experts shared the view that the MoUs may not necessarily be rights-based nor ensure a strong commitment to worker's welfare, decent work and labour standards for all workers. For example, the Lao PDR bilateral MoU with Thailand reportedly prohibits transfer of domestic workers from Lao PDR to Thailand. Not only has this ban not succeeded in restricting women workers from going to Thailand in search of employment as domestic workers, it also renders them vulnerable to exploitation because of their irregular status, lack of bargaining power and fear of deportation.

Experts have also emphasised in consultations that ASEAN policy mechanisms and regulations on workers' migration have created an artificial sense of invisibility for workers that do not fit in the highly restricted channels for regular migration. For instance, existing regulations around regular migration such as skills requirements, documentation, health checks, and fees of recruiting agencies deter women from seeking safe and regular migration channels and curtail their options for decent work. The impact of vulnerable employment and irregular and unsafe migration on women, is manifold. Firstly, women migrant workers have much less access to employment in the formal sector that is protected by labour laws, thereby making them vulnerable to labour exploitation and rights abuse. Additionally, internal policies among member states intended to protect women migrant workers from exploitation, have had the opposite effect. Because of an irregular migrant status, they cannot access social

security, have fewer rights protections, and live in fear of arrest and deportation. Access to health care is poor because of non-enrolment of women migrant workers in social security and healthcare schemes. Secondly, laws and regulations to protect women from sexual harassment in the workplace do not include workers in informal labour sectors. Thirdly, unsafe migration and trafficking of women for commercial sex work and drug trafficking is a big issue in the ASEAN region.

While receiving countries benefit from the cheap and informal labour of migrant workers, they are reticent to commit to human rights and labour standards for migrant workers. It is a glaring observation in fact, that migrant worker regulation and management is seen more as a 'security' issue in most receiving countries, and not necessarily a human, worker and gender rights issue. Moreover, origin countries such as Lao PDR have been reportedly facing labour shortages and hence are increasingly discouraging outward migration of labour. This however, comes without complementary skills development and provision of alternatives to migration for the most marginalised sections of the workforce.

Given the development gap between the origin and destination countries, women continue to leave their countries of origin (with little or no training) under risky circumstances to informal and/or vulnerable employment. They are in a precarious situation with no protection.

4.2 National-level policy analysis

This section discusses country-level policy mechanisms on labour mobility and migration of women workers from and to the AMS. These mechanisms are examined in relation to the emerging

themes of the findings discussed in Chapter 4, on the determinants of true and equal participation of women migrant workers in ASEAN economic integration. These include: access to social protection, opportunities for skills development and training, informal employment, recruitment processes and costs, access to legal aid, and decent work.

The determinants are analysed in the specific contexts of origin and destination countries in ASEAN. Member states can be categorically identified as net-sending or net-receiving countries per labour migration and mobility profiling. Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, and Viet Nam are net-sending countries, while Brunei Darussalam, Malaysia, Singapore, and Thailand are the net-receiving countries of labour migration within the region.¹⁰⁷ Malaysia, Singapore, and Thailand are the most popular destinations for intra-ASEAN migrants and account for approximately 97 per cent of immigrants within the region.¹⁰⁸

In more general terms, with regard to policies, legislation and mechanisms for the protection and promotion of the rights of migrant workers, it is noted that Brunei Darussalam, Malaysia, and Singapore have policies for legal protection and access to justice, and consular assistance. Furthermore, Malaysia and Singapore also have policies for training and education, and policies for access to information. However, policies for social and cultural information programmes in Malaysia are available only for countries having MoUs with Malaysia.¹⁰⁹ Among countries of origin, the ASEAN Secretariat has observed that "Indonesia, Myanmar, and Viet Nam already have policies for sustainable alternatives to migration of workers, regulated recruitment agency, pre-departure orientation and skills

107 Pasadilla. G (2011).

108 ILO and ADB (2014).

109 ASEAN Secretariat (2016), p.29.

training, a repatriation and reintegration programme, a mechanism to eliminate recruitment malpractices, and extends help to nationals who are in need of consular assistance. Cambodia, on the other hand, is yet to have any of these policies, while Lao PDR only has policies for pre-departure orientation, skills training, and repatriation and reintegration programme”.¹¹⁰

For the purpose of this study, policy analysis of the countries of destination is done on themes of access to decent work, social protection and informal employment. Policy mechanisms of countries of origin are examined in the context of recruitment processes and costs, and opportunities for skills development.

Countries of Destination

i. Decent Work

All AMS have signed the ASEAN Declaration on Protection and Promotion of the Rights of Migrant workers. The Declaration obligates both origin and destination countries to “promote decent, humane, productive, dignified and remunerative employment for migrant workers”.¹¹¹ This is however non-binding on countries and requisite to be implemented in accordance with national laws and priorities. Member states have a two-pronged policy approach towards labour migration: firstly, in which labour importing countries strive to attract and retain highly-skilled migrants; and secondly, which seeks to tightly control or manage low-skilled migrants, to prevent this group of economically-needed but politically ‘undesirable’ labour from settling in host countries.¹¹²

Destination countries are noted in the migration literature to loosely have a two-tier migration system: one tier for highly skilled labour; and another tier for unskilled and semi-skilled contract labour. As Kaur and Metcalfe (2006) argue, the focus of regulating and managing migration in these countries, has been to “maximize the economic contributions of migrants, while minimizing and even actively preventing migrants’ claims for social services, legal protections, family reunification and permanent settlement”.¹¹³ Human rights, labour rights and gender rights violations have been widely reported in the context of migrant workers among whom ASEAN-women migrant workers were the most vulnerable. They tend to have much less access to employment in the formal sector that is protected by labour laws; thereby making them vulnerable to labour exploitation and rights abuses. Though some regulations are in place to protect women from sexual harassment in the workplace across AMS, reporting is minimal and they do not cover the large share of women working in informal sectors.

Thailand is not a signatory¹¹⁴ to the International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families, nor of the ILO Convention No. 189 and Recommendation No. 201 Concerning decent work for domestic workers, 2011.¹¹⁵ It has however, signed the regional-level ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.¹¹⁶ In Thailand, basic labour rights are provided to all workers under the Labour Protection Act 1998, and the

110 Ibid. p.30.

111 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

112 Kaur. A (2007), Migration matters in the Asia-Pacific region: immigration frameworks, knowledge workers and national policies, *International Journal on Multicultural Societies*, 9(2): pp.135-157.

113 Kaur. A and Metcalfe. I. (2006), Thematic Introduction, in Kaur. A and Metcalfe. I (eds.) *Mobility, Labour Migration and Border Controls in Asia*, New York, Palgrave MacMillan.

114 <http://indicators.ohchr.org>

115 http://www.ilo.org/dyn/normlex/en/f?p=1000:1130:0:0::NO:11300:P11300_INSTRUMENT_ID:2551460

116 <http://www.ilo.org/dyn/migpractice/docs/117/Declaration.pdf>

Working of Alien's Act BE 2551 (2008). However, this legislation excludes migrant workers from the right to form unions, thereby disempowering them by denying them freedom of association and collective bargaining. The Government of Thailand's Ministerial Regulation No. 4 (2012) provides for some protection for domestic workers, including public holidays, sick leave, payment of wages and a minimum age for work. Moreover, undocumented migrant workers in Thailand are termed as 'illegal aliens', thereby making their issues more of a 'security' concern.

One of the biggest challenges in decent work for migrant workers is their lack of awareness of their rights and entitlements: even those that have been mandated at the regional and country level. This is compounded for undocumented migrants and those in informal employment, given their invisibility, temporary nature of employment and 'illegal' status. It is noted that employers confiscate passports of employees with impunity, thereby restricting their freedom of movement and access to services. Despite existing mechanisms for complaints filing and grievance redress, informal arbitrations are rampant, and migrant workers fear for their jobs and are unlikely to voice complaints against rights abuse. Women migrant workers work in occupations such as domestic work, in garment factories and construction work, which tend to have isolated job sites which makes it difficult for workers to negotiate their rights with employers. This factor is disproportionately compounded for women in domestic work because of their partial coverage under the Labour Protections Act. The Act makes no mention of minimum wages for domestic workers, hours of work, overtime, maternity provisions or protection from dismissal due to pregnancy.

Malaysia has not yet ratified the International Convention on the Protection

of the Rights of All Migrant Workers and Members of their Families,¹¹⁷ nor is it a signatory to the ILO Convention No. 189 and Recommendation No. 201 Concerning decent work for domestic workers, 2011.¹¹⁸ Malaysia is a party to the regional-level ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.¹¹⁹ It is also a party to the recent Trans-Pacific Partnership, which requires states to adopt and implement laws in accordance with the ILO Declaration on Fundamental Principles and Rights at Work.¹²⁰

The Immigration Act of 1959 provides the policy framework for migrant issues and was amended in 2002 to include irregular migrants in its purview. Provisions under the Act are implemented by the Ministry of Home Affairs and criminalise irregular migration, imposing stringent measures such as arrest for migrant workers, and punishment for employers.¹²¹ The terms of employment and conditions of work for migrant workers are regulated by the Employment Act, and additional labour laws, such as the Occupational Safety and Health Act, Workmen's Compensation Act, Industrial Relations Act and Trade Union Act, which includes migrant workers.¹²² Additionally, the Private Employment

117 <http://indicators.ohchr.org>

118 http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:2551460

119 <http://www.ilo.org/dyn/migpractice/docs/117/Declaration.pdf>

120 Harkins. B (2016), Review of labour migration policy in Malaysia /Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II Project), ILO Regional Office for Asia and the Pacific, Bangkok.

121 IOM (2010), Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East.

122 Harkins. B (2016), Review of labour migration policy in Malaysia/Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II Project), ILO Regional Office for Asia and the Pacific, Bangkok.

Agency Act 1981, and the Anti-Trafficking Act 2007 (which came into effect in 2008) also provide for the regulation and protection of migrant workers.¹²³ The Private Employment Agency Act is expected to be subsumed by the Private Employment Agency Bill, which will include regulation of recruitment of foreign workers (including domestic workers) within its scope. A policy decision has also been made to phase out the system of outsourcing agencies. This is expected to reduce worker-paid recruitment costs, as research on the government to government recruitment process under the MoU with Bangladesh has found out.¹²⁴

While the framework of labour legislation provides equality of treatment for registered migrants, constraints in the systematic enforcement of labour legislation for migrant workers and unsuccessful attempts at ensuring employer accountability, result in consistent reports of human and labour rights violation of migrant workers.¹²⁵ It is critiqued that the migration policies are formulated from the standpoint of controlling immigration and maintaining public safety, rather than labour administration: increasingly there has been a strong rhetoric against migrants, blaming them for a host of social problems ranging from electoral fraud to increases in street crime.¹²⁶

Consultations with CARAM Asia for this report have emphasised the challenges for both men and women migrant workers in relation to workers being tied to their employer, and the latter being the only party who can terminate a contract at any time. Challenges are further related to the absence of a comprehensive legal and

policy framework to regulate recruitment, admission, placement, treatment and repatriation of migrant workers. Oversight of migrant workers is divided among ministries, and even within ministries, between various departments.

The Malaysia migration regime has appeared particularly unfavorable to women migrant workers, especially those working in the domestic sector. In this regard, gaps and loopholes in the MoU on the employment of domestic workers signed by Malaysia and Indonesia in 2006 allowed for widespread abuse by employers, including withholding of passports, unfair wages and inadequate rest periods. As a result, Indonesia suspended the deployment of domestic workers to Malaysia in 2009 pending a revised agreement. In 2011, Malaysia and Indonesia signed a protocol amendment to the MoU which provided for several notable improvements¹²⁷ in labour protection – the exception being a minimum wage rate. However, due to the physical isolation of their workplaces, restrictions on movement, still inadequate mechanisms to ensure accountability of employers, and a widely-spread attitude towards domestic workers considered as “servants”, reports of exploitation and abuse of women migrant

123 Ibid.

124 From consultation with CARAM Asia

125 Ibid.

126 Ibid.

127 The protocol amendment to the MoU establishes the following additional requirements and protections: The total amount charged in recruitment fees was fixed at MYR4,511 (US\$1,030), of which the employer was made responsible for MYR2,711 (US\$620) and the worker MYR1,800 (US\$410); one rest day per week or wages at time-and-a-half for those who choosing to work; guidelines clarifying the roles and responsibilities of recruitment agencies, employers, and domestic workers in the MOU process; formation of a joint taskforce to monitor compliance with the terms of the MOU; direct deposit of wages into workers' bank accounts; workers were permitted to retain their passports; standard employment contracts were introduced (from consultations with CARAM Asia for this report)

domestic workers are still common¹²⁸. In addition, the introduction of fixed recruitment fees had the unintended effect of slowing down deployment through the 15 regular channels while irregular migration flows continued. This has led to ongoing negotiations for a new MoU between the two countries.

A MoU on the employment of domestic workers was signed by Malaysia and Indonesia in 2006. However, gaps and loopholes within its articles allowed for widespread abuse by employers, including withholding of passports, unfair wages and inadequate rest periods, leading Indonesia to suspend deployment of domestic workers to Malaysia in 2009, pending a revised agreement. In 2011, Malaysia and Indonesia signed a protocol amendment to the MoU which provided for several notable improvements¹²⁹ in labour protection for Indonesian domestic workers. However, an important omission, the establishment of a clear minimum wage rate, as well as fixed recruitment fees, have slowed down deployment through regular channels, while irregular migration flows continue, leading to ongoing negotiations for another MoU between the two countries.

128 Consultations with CARAM Asia for this research and Harkins, B., 2016; Review of labour migration policy in Malaysia / Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II Project); ILO Regional Office for Asia and the Pacific; Bangkok

129 The protocol amendment to the MoU establishes the following additional requirements and protections: The total amount charged in recruitment fees was fixed at MYR4,511 (US\$1,030), of which the employer was made responsible for MYR2,711 (US\$620) and the worker MYR1,800 (US\$410); one rest day per week or wages at time-and-a-half for those who choose to work; guidelines clarifying the roles and responsibilities of recruitment agencies, employers, and domestic workers in the MoU process; formation of a joint taskforce to monitor compliance with the terms of the MoU; direct deposit of wages into workers' bank accounts; workers being permitted to retain their passports; and standard employment contracts introduced (from consultations with CARAM Asia for this report).

However, due to the physical isolation of their workplaces, restrictions on movement, inadequate mechanisms to ensure accountability of employers, and a widespread attitude of domestic workers being considered as “servants”, the aim of ensuring that women migrants workers receive fair treatment continues to prove difficult and reports of exploitation and abuse of large numbers of women migrant workers engaged in the domestic work sector in Malaysia are still common.¹³⁰

Singapore is neither a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,¹³¹ nor of the ILO Convention on Convention No. 189 and Recommendation No. 201 Concerning decent work for domestic workers, 2011.¹³²

Singapore's fundamental approach in the area of labour migration is one of emphasising its openness towards “global talent”.¹³³ Migrant workers' living conditions, working hours and rest days are mandated and regulated under the Singaporean labour laws. As one of the main destination countries for labour migration in the region, Singapore has laws and legislation aiming at protecting the rights of migrant workers. Some of these laws are discussed below with the intent of strengthening the analysis and providing a more holistic understanding of the issues and processes faced by and impacting on labour migrants and women migrant workers more specifically.

130 Consultations with CARAM Asia for this research and Harkins, B., 2016; Review of labour migration policy in Malaysia / Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II Project), ILO Regional Office for Asia and the Pacific, Bangkok.

131 <http://indicators.ohchr.org>

132 http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:2551460

133 Comments from Singapore MOM for this research (June 2017)

The Employment Act and Employment of Foreign Manpower Act protect the rights of migrant workers in relation to salary payments. In addition, caps on fees payable to employment agencies are implemented under the Employment Agencies Act. To protect migrant workers from being overcharged by employment agencies, Singapore Employment Agencies are allowed to collect no more than one month of the worker's salary for each year of service, capped at two months' salary. Employers are also required to provide good working and living conditions to migrant workers, and penalties for both employers and employment agencies are mandated on non-compliance.

Limitations in enforcing its laws beyond its jurisdiction have been acknowledged by the Singapore Ministry of Manpower (MoM) which also noted the complexity and layers of recruitment which should be taken into account when considering attempts to curb excessive recruitment fees. A collaborative effort involving relevant stakeholders is considered as the most effective way in addressing and overcoming those limitations and working towards protecting all migrant workers.¹³⁴

The Foreign Worker Levy (FWL), commonly known as the "levy", requires employers in Singapore to pay a foreign worker a levy which is charged monthly for employees on work visas. The levy is dependent on two factors, namely workers' qualifications and dependency ceiling or quota (for manufacturing and services sectors, etc.) with a resulting higher figure for low-skilled employees than for highly-skilled workers.¹³⁵ In the context of an ageing population and

slowing workforce growth, the purpose of the levy is in line with Singapore's intention of encouraging companies to seek productivity-driven growth by innovation.¹³⁶ The levy, therefore "is a pricing mechanism to regulate the number of foreign workers in Singapore".¹³⁷ However, as Castles and Miller (2014: 158) have argued, rather than a reduction in foreign employment, often "this has led to downward pressure on migrants' wages".

Furthermore, "to improve workforce productivity, Singapore has a framework to recognise the higher skill level of non-domestic men and women work permit holders. Within this framework employers are incentivised to upskill their foreign workers to benefit from lower levies and more productive workers".¹³⁸ The Singaporean government runs courses for both employers and employees to encourage good working conditions and skill development of employees. For instance, the Safety Orientation courses for construction sector workers and the one-day Settling-in-Programme (SIP) for all first-time foreign domestic workers (FDWs).¹³⁹ The SIP is conducted in English or in the FDWs' native languages and its main purpose is the orientation and equipment of FDWs with basic knowledge about living and working safely in Singapore, and provision of basic

134 *ibid.*

135 Based on information provided on <http://www.mom.gov.sg> for Malaysians and NAS Higher-Skilled workers, the monthly levy is \$300 while for Malaysians and NAS - Basic-Skilled workers is \$650. Further information can be accessed on the MoM website.

136 From consultations with Singapore MoM for this research (Validation Workshop, Jakarta, 10 April 2017).

137 As stated by the Central Provident Fund Board which is in charge with the collection of the levy on behalf of the Singapore MOM. See [https://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/foreign-worker-levy-\(fwl\)](https://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/foreign-worker-levy-(fwl))

138 From consultation with Singapore MOM for this research (April 2017).

139 For further information on the Programme see <http://www.mom.gov.sg/newsroom/press-releases/2012/settling-in-programme-for-first-time-foreign-domestic-workers-to-be-implemented-from-1-may-2012>

knowledge and skills to respond to the sectoral context of work.

Brunei Darussalam is neither a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,¹⁴⁰ nor the ILO Convention on Convention No. 189 and Recommendation No. 201 Concerning decent work for domestic workers, 2011.¹⁴¹ Literature on migrant workers and decent work in Brunei Darussalam is sparse. However, it has been documented that over the years, Brunei Darussalam has become a popular destination for migrant workers, particularly low and unskilled migrant workers, working as domestic workers or in the infrastructure sector.

The main legislation covering migrant workers is Employment Order 2009, which prescribes minimum terms and conditions of employment, defines offenses by employers and penalties for non-compliance.¹⁴² However, it excludes domestic workers from its purview: a sector that employs a significant share of migrant women workers in Brunei Darussalam. Brunei Darussalam's Employment Order, 2009 covers dispute settlement and complaint procedures for employees, however, domestic workers are explicitly excluded from its coverage too. Recruitment of migrant workers is governed by the Employment Agencies Order.¹⁴³ With respect to migrant workers, the Employment Order works to prevent trafficking in persons and fraudulent transactions through employment agencies.¹⁴⁴

140 <http://indicators.ohchr.org>

141 http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:2551460

142 Southeast Asia Women's Caucus on the ASEAN (2014), Compliance with Women's Rights Standards: The Case of Migration of Domestic Workers from Indonesia and the Philippines in Brunei Darussalam.

143 Ibid.

144 Ibid.

ii. Access to social protection

None of the 10 ASEAN member states have ratified ILO Convention 102, i.e. Social Security (Minimum Standards) Convention, 1952, which "covers the nine principal branches of social security, namely medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits".¹⁴⁵ In 2013, AMS adopted the Declaration on Strengthening Social Protection¹⁴⁶ which includes migrant workers in its purview and commits to providing "equitable access to social protection that is a basic human right and based on a rights-based/needs-based, life-cycle approach and covering essential services as needed." These remain, however, contingent on national laws and social protection priorities of AMS. Furthermore, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, also includes generic references to social protection of migrant workers, to which all the member states are parties to.

Portability of social security is paramount for migrant workers in ASEAN, as their reality is characterised only by temporary admission and employment. With temporary employment contracts, migrant workers in ASEAN do not qualify for long-term benefits such as old-age benefits or retirement in countries of destination (although national social security systems do not exclude them from membership). "Health care is another important component of social protection for migrants, but there have been few bilateral or multilateral agreements on health care portability as the pre-funding, risk-pooling, and redistributive components of health insurance appear more difficult to disentangle".¹⁴⁷

145 ILO International Labour Standards on Social Security available at <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang--en/index.htm>

146 ASEAN Declaration on Strengthening Social Protection available at <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=41679>

147 Pasadilla. G.O and Abella. M (2012), 3.

Thailand is one of the largest recipients of intra-ASEAN migrant stock among receiving countries. Thai laws such as the Labour Protection Act of 1998, the Working of Aliens Act B.E. (2008) and the Social Security Act B.E. 2523 (1980), are largely inclusive in their provisions on social protections and security for migrant workers. Migrant workers – both documented and undocumented – are provided with health care services under Thai law. Documented migrants are covered for health benefits through social security, and ‘Migrant Health Insurance’ is available for undocumented migrants to get subsidised government health services. Social security also provides migrant women workers with maternity leave, benefits and child support.

However, it is noted that despite this policy provision, in practice provision of social protection to migrant workers in Thailand continues to be fraught with legal, administrative and practical barriers to coverage.¹⁴⁸ Social security schemes are available to migrant workers through their employers, but this is only for workers in formal sectors: these exclude agriculture, domestic work and fisheries, which are popular employment sectors for low-skilled migrant workers. Moreover, conflicting provisions under the immigration law deter migrant workers from accessing these benefits.¹⁴⁹ Thai law mandates that migrant workers leave the country within seven days of termination of employment. This is too short a time for payments under social security schemes to be processed, so while migrant workers contribute to social security schemes, in practice they are rarely able to use them. The pension scheme mandates a minimum of 180 days’ contribution, but legal migrants (i.e. those who have come under the MoUs or been regularised under the National Verification Scheme), can stay in Thailand for up to 48

148 Friedrich-Ebert-Stiftung (FES), (2011).

149 Mekong Migration Network (2017).

Box 6. Social protection in Thailand

Social protection measures offered to migrant workers in Thailand

- Rights to protection according to Thai law, with regard to the equality and non-discrimination, and the rights to medical treatment
- Permitted to change employer, type or category of work, or area of work or workplace under the following criteria: the employer terminates the employment or the employer passes away, the employer goes bankrupt, the employer assaults or physically hurts the employee, the employer does not comply with the employment contract and the employee work under the working conditions or environment that is dangerous to life, physical, mental and health of the employee.
- Human trafficking victims are permitted to work and stay in Thailand and are exempted from work permit fees.
- Vulnerable groups such as sea fishery workers are provided with a clear registration process and employment contract, as well as prohibiting the employment of migrant workers under 18 years old.
- Establishes Post-Arrival and Reintegration Centres for pre-employment training, providing recommendations, and pursues the due benefits according to the law.
- Establishing Migrant Workers Assistance Centres

months, thus excluding them by default. Similarly, to receive social protections such as compensation from the Workmen's Compensation Act (1994), an injured migrant worker must: (1) possess a work permit; (2) possess a passport or alien identity document; (3) their employer must have paid contributions to the WCF; and (4) the worker must pay income tax; thereby indelibly creating invisible barriers towards full protection of migrant workers.¹⁵⁰

As observed by the Mekong Migration Network (2017), over the last few years, the minimum wage in Thailand has been under negotiation rather than being a 'non-negotiable' minimum for migrant workers. While a minimum wage is guaranteed by law, in practice it is fraught with complications. Not only are migrant workers grossly underpaid, women migrant workers tend to bear a double burden due to the gender wage gap. It has been noted that employers actively discourage pregnancy and women migrant workers are deprived of reproductive rights and are vulnerable to discrimination if they get pregnant.¹⁵¹ Overall, migrant workers in Thailand find it increasingly difficult to get the minimum wage, they cannot unionise and are bound to employers because of registration restrictions for regularisation. Moreover, as registration is time bound to a maximum of a year, all provisions are temporary.¹⁵² Those workers who are not in formal employment (which includes a significant proportion of low-skilled migrant women workers) are deprived of basic social security relating to health and education.¹⁵³

Malaysia receives almost 50 per cent of its intra-ASEAN migrant stock from

neighbouring Indonesia.¹⁵⁴ The Workman Compensation Act of 1952, provides migrant workers in the formal sectors with employment-related injury, medical benefits, old age and maternity benefits among others except for sickness benefits. It excludes migrant workers working as domestic workers. Migrant workers can contribute to the Employee Provident Fund under the Employees Provident Fund Act 1991 (Act 452), but this is voluntary in nature and available only to legally employed foreign workers.¹⁵⁵ Further, there is no portability of social security for migrants to Malaysia with other countries of origin, thereby making this benefit inaccessible to migrant workers in practice.¹⁵⁶

With regard to health care, the Malaysian MoU with Indonesia places a limited mandate on employers to cover medical expenses for workplace accidents and for a medical examination upon arrival. It refers to provisions for sufficient food, reasonable accommodation, adequate rest and non-deduction of monthly wages; but does not quantify these. It prohibits marriage and bringing of spouses into the country. It allows Malaysian employers to withhold the passports of migrant employees. However, this is not the case with the Cambodian MoU with Malaysia.

Singapore is noted to have an effective system and administration in place for migrant worker management and social protection.¹⁵⁷ Protection under Singaporean laws obligates employers to provide medical treatment, personal safety, proper housing, prompt payment of salary and adequate food and rest. The Employment Act regulates employment rights and conditions for all workers irrespective of their nationality. Although the Act excludes

150 Friedrich-Ebert-Stiftung (FES), (2011).

151 Pollock, J, Pearson, R and Kusakabe, K (2009).

152 Huguet, J, Chamrathirong, A and Natali, C (2012).

153 Friedrich-Ebert-Stiftung (FES), (2011).

154 Ibid.

155 Saiman, M.S and Jemon, S (2014).

156 Pasadilla, G.O (2011).

157 Friedrich-Ebert-Stiftung (FES), (2011).

foreign domestic workers (FDWs), the Employment of Foreign Manpower Act includes them. These Acts, along with the Employment Agencies Act, are the key legal instruments providing for the social protection of migrant workers in Singapore by specifying strict obligations and penalties for both employers and employment agencies, for non-compliance. The Work Injury Compensation Act, covers all kinds of employees, but excludes those working in the domestic sector or those who are self-employed.

In Singapore, employers are mandated by the MoM to provide medical insurance to migrant workers, including FDWs. Medical insurance coverage for migrant workers must be of a minimum of SGD 15,000 annually and cover hospitalisation and surgery. In cases of workplace injuries, migrant workers are provided with a generous package of medical leave, hospitalisation leave, medical expenses, and compensation for permanent incapacitation or death.

The government of Singapore also conducts mandatory safety courses for migrant workers; holds periodic inspections to ensure compliance with MoM's standards; and mandates compulsory orientation programmes for first-time FDWs and employers of FDWs.¹⁵⁸

Despite these obligations, a difference between the treatment of migrant workers and local workers in Singapore is noticeable. The key social security scheme in Singapore is the Central Provident Fund that covers social security benefits on a range of essential services, including retirement benefits, health care, home ownership, family protection and asset purchase. However, "This scheme is intended for citizens and permanent residents only as it would not be relevant for migrant workers working in Singapore for limited periods".¹⁵⁹

¹⁵⁸ Ibid.

¹⁵⁹ MoM Singapore, comments received, June 2017.

For **Brunei Darussalam**, little information is available on social security provisions for migrant workers. It is noted that the main vehicle for social security provision in the country is through a provident fund. This covers old-age, invalidity and survivor benefits. However, coverage is limited to citizens and permanent residents of Brunei Darussalam.¹⁶⁰ Medical care is provided to all residents, and employment injury social security programmes are provided.¹⁶¹ But the coverage of these benefits for migrant workers is unclear. There is no minimum wage policy in Brunei Darussalam.¹⁶²

iii. Informal Employment

Irregular migration and employment in the informal economy is a reality for migrant workers in ASEAN. It is estimated that over one-third of labour migrants within the region, work in informal sectors.¹⁶³ As formal sector employment is contingent on regular migration channels as guided by bilateral MoU's between nations, this group of workers risk unsafe and illegal channels for migration and forfeit any social protection and labour standards that formal channels of migration entail.

Destination countries have little or no mechanisms to recognise and protect undocumented migrants in their countries. Exceptions are **Malaysia** and **Thailand**.

While Malaysia does not provide assistance to undocumented migrant workers, protection and assistance to victims of trafficking in persons is provided by the government. The Ministry of Home Affairs has also implemented amnesty and re-hiring programmes and green card programmes to support regularisation of undocumented migrant workers. The

¹⁶⁰ Pasadilla. G.O and Abella. M (2012).

¹⁶¹ <http://www.amrc.org.hk/content/social-security-migrant-workers-asean>

¹⁶² Ibid.

¹⁶³ Orbeta Jr, A (2013).

number of migrant workers joining these programmes has remained low and the Ministry of Manpower considers that further support from NGOs and CSOs to promote the programmes is needed.¹⁶⁴

Thailand has occasionally taken initiatives aimed at irregular migrants such as the National Verification Scheme and issuing of 'Pink Slips' or temporary passports. However, these are temporary measures allowing undocumented migrants to stay and work in Thailand during the process of changing their status by the nationality verification. This process will change their status to be documented migrants as well as receive the rights and protection according to the laws. Being largely low or unskilled, women from the poorest sections of the ASEAN populace end up as undocumented migrants in the informal economy, as they do not fit into the highly regulated skill-based formal migration channels.

Increasing evidence of 'feminisation' of migration¹⁶⁵ shows how jobs such as domestic work and the care economy, are popular with women migrant workers.¹⁶⁶ The occupational categories open to women are often limited to service occupations such as domestic workers, nurses or caregivers, or work in the service sectors (e.g. waitressing)¹⁶⁷. When it comes to domestic work, working conditions are negotiated at the household level leaving women with weak bargaining power, lack of representation and low wages.¹⁶⁸ Moreover, domestic work despite being one of the largest sectors employing migrant women, remains invisible for legislation norms and labour law protections.¹⁶⁹

164 From consultation with Malaysia Ministry of Human Resources, Validation Workshop, Jakarta 10 April 2017.

165 Meyer. L.B (2006).

166 Caritas Internationalis, n.d.

167 *ibid.*

168 Cortes. R (2013).

169 *ibid.*

Bilateral agreements on labour migration in domestic work exist between Cambodia and Malaysia, Indonesia and Brunei Darussalam, and Indonesia and Malaysia; mandating minimum wages, safe living spaces, rights to retain passports and provision of adequate rest.¹⁷⁰ However, implementation mechanisms are weak. Obstructive policies restricting mobility to certain skill and commercial levels, fail to curtail migration of low-skilled women migrant workers. They end up boosting irregular migration and by criminalising this form of migration, put women at the risk of exploitation. The overwhelming susceptibility of women migrant workers to illegal immigration, and informal and vulnerable employment, heavily subsidises the potential gains from trade liberalisation and regional integration. A lack of an enabling and protective policy environment perpetuates this gap, and renders them bereft of social protections.

Countries of Origin

iv. Recruitment processes and costs

Bilateral MoUs largely regulate the movement of labour between AMS. The approach of countries of origin is noted to vary greatly in managing and regulating the emigration of their citizens, multilateral and bilateral policy commitments and support services for returnee migrants.¹⁷¹ High levels of poverty, weak policies and institutional frameworks, and high recruitment costs, lead migrant workers to take illegal migration routes, thereby making them undocumented and highly vulnerable to abuse and exploitation.

Cambodian workers migrate to Thailand under processes specified by the MoU, and to other host countries including Malaysia and Singapore, through government-authorised private recruitment agencies. The Cambodian

170 ILO and ADB (2014).

171 Hikey, M, Narendra. P and Rainwater. K (2013).

Sub-decree 190 on the Management of Sending Cambodian Workers Abroad through Private Recruitment Agencies “strengthens the regulatory framework for managing labour migration and protecting migrant workers”.¹⁷² It regulates the migration process by mandating licensing requirements for private recruitment agencies. These include verification of job conditions, regulations on job advertisements, monitoring of pre-departure training, programmes and centres. Penalties for non-compliance by recruitment agencies are also clearly stipulated under the Sub-decree. With the support of ILO, the regulatory framework has been developed through a consultative process involving government officials, recruitment agencies representatives, trade unions and CSOs.

However, obvious gaps exist between the policy provisions and practices.¹⁷³ Violations by recruitment agencies are noted with respect to regulations on advertisements, fees, sub-licensing and training. Migrant workers are caught in a cycle of debt due to overcharging by recruitment agencies, and are often placed in dangerous and/or exploitative workplaces. This is particularly unfavourable for women migrant workers who bear the double burden of gender and migrant status-related challenges. Gender considerations, including gender-based discrimination are absent in Sub-decree 190.¹⁷⁴

Reports suggest¹⁷⁵ that the recruitment processes in **Lao PDR** are still evolving and yet to form a comprehensive framework, with limited laws concerning deployment of workers abroad.¹⁷⁶ Under the given regulations, recruitment agencies are mandated to provide protection, ensure the safety of workers and safeguard workers

from trafficking. They are required to disseminate information, counsel workers, monitor and ensure safety at work, and be responsible for repatriation of workers once their contracts are terminated. Fees to be charged are also stipulated in the regulations. Furthermore, the ILO has developed an Operations Manual compiling Lao laws and international standards on facilitating labour migration; to be used by the three key ministries handling this process: the Ministry of Social Welfare and Labour, the Ministry of Foreign Affairs and the Ministry of Public Security.

There were 12 recognised recruitment agencies in Lao PDR in 2013, for facilitation of labour migration out of the country. Consultations during this study, however, revealed that given the proximity and shared history of migration especially with Thailand, most migrants use informal means to migrate or may use the assistance of unlicensed brokers on both sides of the borders to navigate the border control mechanisms.

Popular intra-ASEAN destinations for migration from **Myanmar** are Thailand, Malaysia, and Singapore. The recruitment processes of migrant workers from Myanmar is jointly regulated by the Ministry of Labour, Immigration and Population (MoLIP) and the Myanmar Overseas Employment Agencies Federation (MOEAF). Policies implemented are intended for both men and women, with no specific key policies for women migrant workers. Within the overall aim of making mobility an integral part of national development strategies, the MoLIP is working towards simplifying regular channels for migration that allow Myanmar nationals to seek employment abroad and reducing transaction costs associated with migration.¹⁷⁷ Regulations mandate licensing requirements, fee limits and sanctions to

172 Tunon and Rim (2013), 10.

173 Mekong Migration Network Policy Brief (2016).

174 Drelot (2013).

175 *ibid.*

176 *ibid.*

177 From consultations for this report with the Ministry of Labour, Immigration and Population of Myanmar

penalise non-compliance. Sanctions include fines and even cancellation of licenses. The MOEAF has stipulated a Voluntary Code of Conduct in 2016, to regulate the actions of recruitment agencies.

Despite this, violations are rampant among recruitment agencies. In practice, recruitment agencies tend to overcharge and cause debt bondage, underpayment and exploitative working conditions for workers. Moreover, because of a lack of a monitoring system, even if licenses are revoked, recruitment agencies have been known to restart operations under a different name. Recruitment agencies fail to assist in getting the right passports, provide information on relevant policies and rules for migrant workers, thereby putting them in a precarious position in a foreign country. Recruitment agencies are limited in their geographical scope and have operations in and around their office base.

Given this background, most migrant workers from remote and rural areas tend to either migrate independently through irregular channels, or use local brokers, thereby incurring higher expenses, waiting longer, using risky routes, and being employed in undesirable jobs.¹⁷⁸

In **Viet Nam** too, regulations have been laid down for the functioning and management of recruitment agencies in facilitating the migration of Vietnamese workers.¹⁷⁹ These regulations relate to fees, certifications, obligations of recruitment agencies, obligations of Vietnamese embassies, contracts, medical check-ups, and the use of the Overseas Employment Fund.¹⁸⁰ More specifically, in addition to the new Labour Code of 2012, the Law on Sending Vietnamese Workers Overseas under Contracts of 2006, and Circular No 22/2013/TT-BLDTBXH dated 15 October

2013, guide and regulate labour supply and contracts for sending workers overseas, including Vietnamese domestic workers. The law is currently being reviewed in light of the existing policy on gender equality. Pre-departure orientation for women migrant workers for example, is discussed to include details on procedures for reporting cases of violence.

With the aim of supporting poor districts to boost labour export and contribute to sustainable poverty reduction in 2009-2020, the Decree 61/2015/ND-CP has been in place since 9 July 2015. The Decree details the: policy on supporting labourers working abroad, supporting vocational training, loaning and settlement of risks.

Vietnamese recruitment agencies are monitored and ranked by the Vietnamese Association of Manpower Supply as per the Code of Conduct for Vietnamese recruitment agencies. Penalties for non-compliance include fines, blacklisting and cancellation of licenses.

However, in practice, migrant workers are noted to be overcharged by recruitment agencies and placed in underpaid, exploitative and/or unsafe working environments. Recruitment agencies are also noted to be not acting as a complaints mechanism in practice, as is mandated, leaving migrant workers with no platform for sharing complaints. A lack of a robust and streamlined recruitment process, leads to the use of informal brokers for migration by workers. In both scenarios, it is the worker that ends up overpaying and lands a debt and yet continues to be vulnerable to poor working conditions and compromised employment.¹⁸¹

The **Philippines** has a relatively efficient and organised mechanism for recruitment of migrant workers from the Philippines. Migrants may be hired either through the Philippines Overseas Employment

178 Hall. A (2012).

179 Mekong Migration Network Policy Brief (2016).

180 Ibid.

181 Ibid.

Administration's (POEA) government placement board; or through private recruitment agencies.

Private recruitment agencies in the Philippines are closely monitored by the POEA. Furthermore, the Government of the Philippines has mandated the establishment of a dedicated Office of the Undersecretary for Migrant Workers at the Department of Foreign Affairs, to prioritise issues of migrant workers. It also requires the setting up of a Filipino Workers Resource Center in countries which have high numbers of Filipino workers. The Philippines also has 38 Labour Overseas Offices to assist migrant workers living and working abroad. The Philippines offers portability of social security benefits to its citizens, and has established 15 Social Security System offices to act as receiving, registration and information centres for Filipino workers.

The Philippines may be regarded as a front-runner among AMS in terms of the mechanisms established to regulate and manage recruitment of Filipino workers out of the country. However, there continue to be violations relating to overcharging of placement fees and medical examination costs, problems with contracts and passports applications, separation from families, inadequate knowledge of destination countries and problems with the socio-cultural adjustment.

In **Indonesia**, the legislation overseeing migrant workers – Law 39 on the Placement and Protection of Indonesian Workers Overseas – was implemented in 2004. It mandates provisions on placement procedures such as pre-placement training, pre-departure health examinations, financing, worker protection, dispute settlement, supervision of placement, and overall protection of the Indonesian

overseas workers.¹⁸² It is observed that through this legislation that the Government of Indonesia has adopted an 'interventionist' approach towards regulating migration, in that it determines the process through which potential workers can be recruited, trained and managed.¹⁸³ Supplementary legislation and policy measures¹⁸⁴ have been introduced in this regard¹⁸⁵ and a closer focus placed on seven low-skilled occupations where migrant workers are more likely to find themselves in vulnerable situations. To further strengthen its commitment to promoting safe migration, Indonesia has also established a coordinating Ministerial Body comprised of 11 ministries and agencies and has started programmes aimed at streamlining the recruitment process. To tackle issues of middlemen and the high cost of migration, Indonesia

182 Friedrich-Ebert-Stiftung (FES), 2011.

183 Ford, M, n.d.

184 *ibid.*

185 Like Government Regulation No. 92/2000 on Types of Valid Non-tax State Revenues in the Ministry of Manpower and Transmigration; Presidential Instruction No. 6/2006 on Reforming the System of Placement and Protection of Indonesian Migrant Workers; Presidential Regulation No. 81/2006 on the National Authority for the Placement and Protection of Indonesian Overseas Workers; Ministry of Manpower and Transmigration Decree No. KEP-14/MEN/I/2005 on the Prevention of Non-procedural Departures of Indonesian Labour Migrants and Repatriation Services for Indonesian Labour Migrants; Ministry of Manpower and Transmigration Regulations, including No. PER-04/MEN/III/2005 on Implementation of the Pre-departure Briefing of Indonesian Migrant Workers Abroad; Ministry of Manpower and Transmigration Decree No. PER-05/MEN/III/2005 on Regulations on Administrative Sanctions and Means of Determining Sanctions in the Placement and Protection of Indonesian Overseas Workers; Ministry of Manpower and Transmigration Decree No. PER-07/MEN/IV/2005 on Accommodation Standards for Prospective Migrant Workers; Ministry of Manpower and Transmigration Decree No. PER-19/MEN/V/2006 on Managing the Placement and Protection of Indonesian Overseas Workers; Ministry of Manpower and Transmigration Decree No. PER-23/MEN/V/2006 on Insurance for Indonesian Migrant Workers.

had established and promoted the 'One-Door Integrated Service' which has opened offices facilitating recruitment for Indonesian migrant workers. The offices are expected to ease access for would-be migrant workers to obtain the required documentation for recruitment and migration purposes, and are part of a plan to develop 52 integrated migrant workers' service areas scheduled to be finalised by 2018. Indonesia has also started the 'Productive Migrant Village' project which established migration service centres providing information (i.e. labour market-related, vocational guidance, and document processing) for prospective migrants. The project also supports productive enterprises to develop migrant workers' skills, and assistance to migrants and their left-behind children to encourage productive activities such as entrepreneurship in the villages. The project has been being piloted in two villages with a target of extension to 120 villages.

However, a significant criticism of this policy framework has been its overall approach, focusing on 'protection' of migrant workers as opposed to upholding the 'rights' of migrant workers.¹⁸⁶ Additionally, implementation mechanisms have been weak and uncoordinated. The legislation covers Indonesian citizens who meet the requirement to work overseas for remuneration for a certain period of time, thereby excluding irregular migrants from its purview of protection. Furthermore, bilateral agreements with major destination countries have been established, for example with Malaysia. However, the effectiveness of these agreements is limited as provisions cannot override domestic legislation in destination countries which can be discriminatory and restrictive towards the rights of migrant workers.¹⁸⁷

¹⁸⁶ *ibid.*

¹⁸⁷ Koesrianti (2013).

v. Opportunities for skills development and training

Skills development and training is a critical factor for labour mobility under the AEC, given that the movement of labour has been mandated for highly-skilled workers in the region. The MRAs provide a reference framework for harmonisation of skills in highly-skilled professions across AMS. However, the provision of skills training and development is dependent on country-level skills and TVET policies.

Experts shared that inadequate skills are a major constraining factor for migrants from Cambodia, Myanmar, Lao PDR and Viet Nam to benefit from the economic growth and opportunities offered by economic integration. Countries of origin fear that their own workers will not be able to meet the challenges brought by competition, given their low skillset. While, even in home countries, foreign direct investment (FDI) and economic integration may entail the establishment of foreign businesses with a demand for better skills at all levels that cannot be fulfilled by local workers. Better trained foreign workers may be better positioned to take up those jobs. With a low skillset and no opportunities for skill upgrading, potential and migrant workers may continue to work at the bottom of the occupational ladder at home and in destination countries.

Women migrant workers again are doubly disadvantaged. Gender differences in education and skills attainment reduce their status in labour markets, compounded by their challenges as migrant workers. This curtails their ability to benefit from economic integration and growth in the region, and gives migrant women workers little chance of escaping precarious employment and poverty.

In **Cambodia**, poor educational outcomes in general, and for women in particular are a major setback for their skills development. Dropout rates are high and access to secondary education and TVET is limited. Furthermore, as far as training provision is concerned, the Sub-decree 190 states that recruitment agencies have to have an “appropriate training center and language teachers for pre-departure training in accordance with the guideline”. However, while some progress towards a standardised guideline for training is provided in the Sub-decree, analysts have also highlighted the regression from the previous Sub-decree (Sub-decree 57) which provided clearer indications on the content of pre-departure training (including the work system, customs and traditions, and basic laws of the country of destination).¹⁸⁸

Similarly, in **Lao PDR** and **Myanmar**, while education attainment is gradually improving, access to TVET and skills development opportunities remain limited. This is particularly true for women migrant workers from remote and rural areas. During the consultations for this study with women migrant workers from Lao PDR and Indonesia, it was noted that none had any formal skills development opportunity or pre-departure training. The Ministry of Labour, Immigration and Population in Myanmar highlights the relevance of women migrant workers’ access to the skill recognition programmes for the AEC to be beneficial for both destination and origin countries. In Myanmar, some of the skills and capacity development initiatives targeting potential women migrants are currently being implemented in partnership with SwissContact and the IOM. These initiatives include sewing, beautician skills, and training for sale assistants and supervisors.

While educational attainment and pre-departure training are comparatively better in **Viet Nam** and **Indonesia**, the development of skills remains a challenge. With the intention of sending only skilled domestic workers to foreign countries by 2017, the Ministry of Manpower in Indonesia started ‘The Zero Domestic Worker 2017 Roadmap’ programme in 2015. During the roadmap programme, the Ministry of Manpower conducts training programmes to improve the skills of domestic workers.

In **Viet Nam**, vocational training for migrant workers has been promoted in recent years. Specifically, the Decree 61/2015/ND-CP on employment support policy and the National Employment Fund has a policy to support the sending of labourers to work abroad under contracts for vulnerable groups (including those subject to land reclamation, ethnic minorities, the poor and near-poor, and those with meritorious services to the revolution). The support includes the cost of vocational training, learning a foreign language, knowledge training, and skills upgrading.¹⁸⁹

The **Philippines** is again a leader in this context, with a sustained focus on labour export and provision of skills development opportunities. It is noted that higher education institutions and technical and vocational schools in the Philippines, produce millions of graduates every year. Schools in the Philippines also offer technical and vocational courses. In 2012 alone, almost two million students were enrolled in technical and vocational courses, while 1.6 million graduated the same year.¹⁹⁰ The government also has put in place mechanisms to standardise the assessment and certification of workers’ skills. The knowledge of English language

189 From Consultations for this report with the Institute of Labour Science and Social Affairs – Vietnam Ministry of Labour, Invalids and Social Affairs

190 Mendoza. D.R (2015).

188 Drelot (2013), 14.

gives Filipino workers an edge over their ASEAN counterparts. Pre-departure training programmes in the Philippines are extensive and comprehensive, thus making Filipino migrant workers some of the most skilled in the ASEAN region.

For women migrant workers however, the lack of skills and limited opportunities for skills attainment and upgradation, particularly in high-growth sectors, continues to limit their economic opportunities even after migration.



CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

Photo: UN Women/Pornvit Visitoran

Migration has taken centre stage in global debates with most countries trying to regulate and control inflows and outflows of people. However, the intent to regulate migration assumes that states can also control the reasons why migration takes place to begin with. While similar motivations may influence men's and women's decisions to migrate (i.e. access to better education, better paid jobs, marriage, or fleeing violence or environmental disasters), robust evidence-based research emphasises the gendered nature of migratory processes. Gender norms and expectations, power relations, and unequal rights shape migration choices and experiences of women and girls and therefore affect their ability to actively decide if, when and where to migrate. Women and even more so adolescent girls, may have less control over the decision to move than men have with wider families being heavily involved in the decision-

making process.¹⁹¹ This can make the distinction between forced and voluntary migration difficult to identify when examining the social and economic drivers for migration.

The ASEAN region has witnessed rapid economic growth and declining fertility, as well as increasing economic inequality, with some countries (i.e. Brunei Darussalam, Malaysia, Singapore and Thailand) developing at a much faster pace than others in the last 25 years. This has led to significant demand for labour in the new industrial economies, often suffering from a shortage of domestic workers, and to increased labour migration from countries such as Cambodia, Lao PDR, Myanmar, and Viet Nam. Migrants from those countries are often involved in what has been defined as '3D jobs' (i.e. dirty, dangerous and

191 Yeoh *et al* (2002).

difficult – or low-skilled and poorly paid), that nationals can increasingly afford to reject”.¹⁹² While there was little women’s labour migration in Asia before the late-1970s, a key recent development involving the ASEAN region in particular is the feminisation of migration. Already by 2004, for instance, 81 per cent of regular migrant workers leaving Indonesia were women (*ibid*); in 2010, women comprised 85 per cent of documented Cambodian migrants in Malaysia (primarily in domestic work); and 44 per cent of documented Cambodian migrants in Thailand.¹⁹³ Women are also concentrated in what are considered as ‘typically female’ jobs, such as domestic work, tourism services, assembly-line work, manufacturing, and other low-skilled, low paid, precarious and often irregular jobs across other sectors of the rapidly-growing ASEAN economies. Public misconceptions and gender biases contribute to women’s labour market segregation as well as to their exclusion from participation in vocational trainings, education and literacy, and skills development programmes.

Yet the significant role of women as economic players in the ASEAN region often remains an unaccounted and unrecognised component of regional and national progress, and women migrant workers continue to experience serious challenges in fulfilling their economic potential and enjoy decent and equitable work conditions. As such, the challenges faced by vulnerable migrant workers – particularly women migrant workers – have been highlighted in this report, which advocates for the recognition of women migrant workers’ contribution as economic actors, in both origin and destination countries.

Gender-specific actions and solutions are therefore needed to reduce the challenges and insecurities that women and girls face

when migrating for work in the ASEAN region; and to promote their ability to benefit from the economic and sustainable growth, while securing and maintaining access to health, education, and justice. It is only by enhancing measures that concretely address unfavourable gender-related practices, that target and work towards eradicating gender discrimination, and increasing women and girls’ choices and decisional power throughout the migratory process, that gender inequality can be eradicated and the full benefits of migration realised for all. With migration being an essential element in national as well as regional social and economic growth, women and girls have the potential to be central players in propelling that growth through labour mobility.¹⁹⁴

For ASEAN regional integration to deliver on its commitment towards equitable growth and a people-centered community, it is imperative that women migrant workers are not left behind and their contribution is acknowledged in the development of regional integration frameworks. To assist in achieving this goal, and in line with the objectives (i.e. identify challenges and barriers faced by women migrant workers in high-growth priority sectors and targeted actions to promote employment opportunities, decent working conditions and skills development interventions) and main findings of this study, a set of recommendations to be actioned at both regional and national level in the countries of origin and destination is provided below. These recommendations urge ASEAN member states to recognise and address the policy dissonance between the regional integration frameworks and the reality of women’s migration patterns in the region and therefore ensure recognition of low-skilled and informal work, as well as gender-responsiveness, of policies. Furthermore, as also emphasised during consultations

192 Castles and Miller (2009), p133.

193 UNDP (2014), p11.

194 Temin *et al.* 2013

for this report, coordination and close collaboration between countries is required to reduce the remaining hindrances for protecting women migrant workers. More specifically ASEAN member states should harmonise protection measures for migrant workers at both national and regional level. The report recommends that women's migration movement should be made easier, their work should be better measured and recognised, and that all migrant workers be provided with better access to information, decent working conditions and social protection, regardless of gender, age, ethnicity or nationality. To conclude, an overarching recommendation of this research is the promotion of gender mainstreaming and gender-responsiveness in migration processes and governance at both regional and national levels.

Key recommendations

Regional level

Encourage ASEAN Member States to:

1. Ensure the gender-responsive implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.
2. Establish regional standards and mechanisms for monitoring and evaluation of progress of gender-responsive labour mobility instruments.
3. Work towards harmonising ASEAN governments' mechanisms for portable social security.
4. Address the issue of undocumented migrants in ASEAN PIS and informal sectors in the regional-level labour mobility mechanism, by promoting decent work and the right of equality of treatment for all migrant workers;

the decriminalisation of informal work; the implementation of social protection floors within social security systems; and avenues for the transition of workers from informal to formal economies.

5. Expand the scope of skills harmonisation and certification beyond MRAs.
6. Implement regionally enforceable skills development mechanisms in sectors that are significant employers of women migrant workers.
7. ASEAN and its Sectoral Bodies and Organs, including ACMW, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), and ASEAN Intergovernmental Commission on Human Rights (AICHR), to strengthen institutions and activities to ensure the rights and interests of women migrant workers throughout the migration cycle.
8. Ensure that options for migration other than only being temporary should be made available for women migrant workers.
9. Ensure the right of collective bargaining for all workers, including women migrant workers.
10. Expand sex-disaggregated data collection on labour migration in ASEAN PIS and National Priority Sectors.

Countries of destination

Encourage countries of destination to:

1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention Concerning Private Recruitment Agencies (No. 181).

2. Ensure gender-responsive social protection and social security mechanisms and synchronise them with national migration policies to eliminate any scope of conflict (or double payment) in the provision of social protections to migrant workers.
3. Strengthen decent work enforcement mechanisms through robust non-discriminatory labour laws and gender-responsive implementation mechanisms.
4. Recognise the contribution, of undocumented migrants in formal National Priority Sectors and implement rights-based mechanisms to ensure worker's rights for all.
5. Ensure that Amnesty Programmes, where available, are less cumbersome and costly.
6. Increase regulation of employer's responsibilities to provide adequate housing.
7. Increase the number of trained (including gender responsive training) women migrant labour inspectors to monitor the condition of women migrant workers.
8. Improve the collection of data and statistics on employment of women migrant workers in National Priority Sectors.
9. Hold multi-stakeholder consultation on issues of women migrant workers and include civil society, migrant worker groups and employers.
10. Ensure post-arrival orientation programmes and increase the visibility of trade unions and migrant-support NGOs in the migration process, so that the migrants are familiarised with where information and help can be accessed.

Countries of origin

Encourage countries of origin to:

1. Pursue the development and implementation of comprehensive gender-responsive bilateral MoUs with major countries of destination for legal and safe labour migration, which include mandatory training for women migrant workers.
2. Support the development and implementation of gender-responsive bilateral social security agreements which ensure portability.
3. Strengthen and expand skills development and training that leads to job mobility and wage increases, especially in sectors where the scope for employment of women workers is high (i.e. electronics, manufacturing). Ensure that women are informed about availability of training.
4. Strengthen and expand pre-departure programmes in partnership with countries of destination to help women migrant workers make informed decisions about migration.
5. Strengthen laws on recruitment processes to meet international standards (including the ratification of the ILO Convention No. 181), reduce transaction costs of migration and ensure monitoring of recruitment agencies.
6. Hold multi-stakeholder consultations on issues of women migrant workers and include civil society, migrant workers' groups, and employers.
7. Monitor conditions experienced by women migrant workers in destination countries through consular engagement.
8. Develop policies and programmes to support employment and entrepreneurship of women migrant workers upon return.



Photo: UN Women/Pornvit Visitoran

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ANNEX 1: TERMS OF REFERENCE



I. Background:

UN Women, grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.

UN Women has responded to the continuing need to promote and protect the rights of women migrant workers through its Regional Project, 'Preventing the Exploitation of Women Migrant Workers in the ASEAN region' supported by the Australian Government Department of Foreign Affairs and Trade. Through this project, UN Women builds on its existing work within ASEAN which covers safe migration, ending all forms of violence against women, social protection and increasing women's voice and participation in decision-making by working in partnership, at both the regional and national levels, towards strengthening protections to counter and prevent the abuse, violence, trafficking and exploitation of women migrant workers in ASEAN.

The ASEAN region is one of the fastest growing economic regions in the world. With a market of over 600 million

consumers and combined GDP of nearly USD 3 trillion, the ASEAN Member States have expanded at a rapid pace over the last two decades¹. The ASEAN Economic Community (AEC), which came into effect in December 2015, forms the institutional mechanism for regional economic integration among ten ASEAN member states. The AEC has an ambitious agenda of forming a globally integrated, single market and production base among ASEAN member states, built on the principles of equitable economic development and shared prosperity. However, persistent inequalities within and between ASEAN countries raise concerns about the extent to which the AEC will contribute towards inclusive growth in the region². Income disparities and high incidence of poverty are widespread, both within countries and among regions. Gender disparities, gaps between men and women, in access to employment, income and social protection are widespread, contributing towards an unequal starting point for large sections of the population. In fact, a recent study on the 'Projected Gender Impact of the ASEAN Economic Community' (2016)³ concludes

1 IMF, 2014

2 See for Instance UN Women (2016); ILO (2015).

3 UN Women, Friedrich-Ebert-Stiftung & ASEAN study (2016), "Projected Gender Impact of the ASEAN Economic Community" was supported by the Australian Government Department of Foreign Affairs and Trade through its UN Women funded project, "Preventing the Exploitation of Women Migrant Women Workers in ASEAN".

that the AEC will have minimal impact on the economic well-being of women in the ASEAN region unless the existing inequalities in women's access to labour markets and other institutional barriers are addressed.

The impact of the ASEAN economic integration on women migrant workers needs to be examined because (a) women migrant workers comprise a significant share of workers in the priority integration sectors (PIS)⁴ (b) skilled labour migration in specific professional sectors has been streamlined under the AEC and it is important that women workers benefit equitably from these opportunities; and (c) women migrant workers are often identified to be 'worse off' in terms of their access to jobs, especially formal skilled employment, decent work conditions and are regarded as more vulnerable.

Migrant women workers form a large share (48%) of the total migrant workers of 14 million⁵ in the region and contribute towards the region's economies in substantive numbers (via their contribution towards production and remittances). However, it is unclear whether the freer movement of labour under the AEC and the boost in economic production and exports will improve migrant women workers economic and social well-being. On the one hand, formalization of migration in skilled categories and boost to the priority sectors is expected to raise the labour market demand for more migrant workers. On the other hand, unequal access to social protection, health and skill enhancement

4 In 2014, 35.6% of Cambodian nationals registered to work abroad were women. The main sectors of employment were manufacturing and agriculture. In Laos, 49.4% of the total Lao migrants were women. The main sectors of employment for Lao women migrants are agriculture, services, and industry (ILMS Database, 2015)

5 Policy brief on Facts and figures: Women migrant workers in ASEAN, 2015

opportunities to migrant workers prevents them from accessing decent work conditions and improving their and that of their families overall well-being.

UN Women et al. (2016) study emphasized the need to examine the impact of the ASEAN economic community on women migrant workers. At present, intra-ASEAN migrant stock is nearly 69 per cent of total migrants while women migrant constitute almost half (47 per cent) of the total immigrants in the ASEAN⁶. The share of inward female migrants (out of total migrants) is more than 50 per cent in Singapore, whereas the share of outward female migrants from Cambodia, Philippines and Indonesia is more than 50%⁷. By various accounts, the share of migrant workers, and in particular women migrant workers, is expected to rise with integration of labour markets in the region⁸.

In partnership with Friedrich-Ebert-Stiftung (FES) and ASEAN secretariat, UN Women ROAP with the support of the Australian Government Department of Foreign Affairs and Trade, is commissioning a research study to measure and analyze the impact of ASEAN economic integration on women migrant workers in the region. The key objectives of the study are to:

- Demonstrate the economic contribution of women migrant workers in select high growth priority sectors in ASEAN
- Identify the challenges and barriers faced by women migrant workers in select high growth priority sectors (perspectives from receiving and sending states).

6 ILO estimates 2014.

7 ILO ASEAN Migration Statistics (2015)

8 ILO 2015

- Identify targeted actions to promote employment opportunities, decent working conditions and skills development interventions for migrant women workers to contribute to the ASCC and AEC 2025 Blueprints.

This proposed study will complement the evidence generation work of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) and also complete the trilogy of the evidence based reports on the labour market analysis of ASEAN integration.⁹

II. Scope of Work/Duties and Responsibilities:

Under the overall guidance and direct supervision of the UN Women Regional Programme Manager - Migration, the consultant will perform the following tasks:

- **Component One: Undertake the commissioned study**

The proposed study will examine the impact of AEC related labour mobility on the migration of women workers in the region. The two-way relationship between women migrant workers and economic integration will be modeled to measure the contribution of women migrant workers to the ASEAN economies, especially to the high growth priority sectors. The study findings can influence labour market policies of both sending and receiving countries, to support policy advocacy at the regional and national level to protect and advance the rights of women migrant workers.

The study will employ a three tiered approach:

- **Tier 1-** Regional trend analysis of supply and demand of women migrant workers (focused on high growth sectors and based on existing data sources from the World Bank, ILO and ASEAN statistical databases)
- **Tier 2 -** Sectoral analysis involving gender value chain analysis of migrant workers' participation in select high-growth sectors (focused on sectors where women migrant workers are projected to constitute a large share of the work force and ASEAN high growth priority sectors)
- **Tier 3 -** Policy analysis and recommendations to increase women's employment opportunities, decent work conditions and skills upgrading (based on tiers 1 and 2).

The sample for the study will concentrate on low and medium skilled women migrant workers in the formal economy mainly participating in the high growth priority sectors in ASEAN. The selection of sectors for the current study will be based on a twin fold analysis. The first would focus on analyzing high growth projections of the priority sectors for the next 8-10 years and the corresponding labour demands to be fulfilled by migrant workers and potential women migrant workers. The second, would be to identify those high growth sectors which will have the opportunities of offering decent work standards and conditions to women migrant workers. In addition, a qualitative gender analysis of value chains in high growth sectors will be conducted to reveal the challenges faced by undocumented women migrant workers in these sectors.

9 ILO-ADB (2015) and UN Women *et al* (2015)

- **Component Two: Present the study findings at high level dialogues and dissemination sessions**

The consultant will be expected to present the findings and outcomes of the research study at relevant fora to relevant stakeholders. This will include the initial presentation of the Inception report to the reference group, validation sessions for the study findings, sharing of final results and contributing to the discussions of the inter-pillar ASEAN dialogues on utilizing the findings to influence relevant labour market, fiscal and employment policies in ASEAN.

III. Target Audience:

The research is targeted at policy makers across labour and economic ministries in ASEAN member states and at other relevant stakeholders who are able to influence policies to impact socio-

economic participation and inclusion of women migrant workers.

IV. Duration of the assignment:

The total duration of the contract assignment will be within a six-month period, between October 2016 and April 2017.

The assignment envisages two missions to selected ASEAN countries. The indicative schedule of missions is November 2016 and January 2017 (subject to confirmation).

V. Expected Deliverables and Timeline:

The consultant is expected to deliver the following results within the following timeline:

| DELIVERABLES | TARGET DATE |
|---|-----------------|
| 1. Inception Report for the proposed study that will include sections on <ol style="list-style-type: none"> 1) literature review 2) econometric analysis to determine the choice of high growth sectors for the sample of the study 3) details of the proposed research methodology to <ol style="list-style-type: none"> a) estimate the economic contribution of Women migrant workers and processes of undertaking qualitative gender analysis of supply value chains in priority sectors and b) capture both quantitative and qualitative data 4) identify and map out the availability of existing data sets 5) detailed work plan for data collection and development of research tools 6) mapping of stakeholders and policy makers for the purposes of data collection and to advocate findings and policy recommendations 7) development of research tools | 7 November 2016 |

| DELIVERABLES | TARGET DATE |
|---|------------------|
| 2. Inception workshop with Reference group (virtual) | 20 November 2016 |
| 3. Finalisation of the Inception report (feedback will be provided by partners and reference group) | 30 November 2016 |
| 4. Data collection and Desk Review (data collection could include travel to 2-3 ASEAN countries) | 30 December 2016 |
| 5. Draft evidence-based analytical study report including literature review, synthesised results and findings from data collection and desk analysis and policy recommendations with cross references to ASCC and AEC Blueprints prepared | 15 February 2017 |
| 6. Incorporating feedback from validation sessions, reference group, peer reviews, ACMW feedback and presenting a revised final version of the research study | 10 March 2017 |
| 7. Preparation of the Final Report | 25 March 2017 |
| 8. Preparation of a Summary report and requisite sectoral snapshots | 31 March 2017 |
| 9. Preparation, presentation and participation in senior/high level ASEAN meeting | 15 April 2017 |

All the documents, including the data collection tools and reports should be submitted in English language.

Experience and skills:

1. PhD. (preferred), or a Master's Degree, and record of publications in relevant social sciences disciplines such as Economics, Statistics, Migration, Gender Studies or International Development.
2. Minimum 10 years of experience working on issues of statistics, public policy with a good understanding of gender equality.
3. Demonstrated experience in leading highquality research studies on gender, migration, economics and public policy.
4. Experience of undertaking research in ASEAN region will be an advantage.
5. Excellent analytical and writing skills in English.
6. Ability to work independently with minimal supervision.

ANNEX 2: RESEARCH MATRIX

Table 8 Research Matrix

| RESEARCH OBJECTIVE | LEVEL OF ANALYSIS | RESEARCH QUESTIONS | DATA | SOURCE |
|---|-------------------|---|---|--|
| Objective 1: Demonstrate the economic contribution of women migrant workers in select high-growth priority sectors in ASEAN | Tier 1: Regional | What is the trend in women's labour mobility in the ASEAN region? | Migrant flows (sex-disaggregated) | UN DESA; ILMs, World Bank |
| | | What is women migrant workers' contribution to the regional economic progress? | wage, national income, labour force | ASEAN database, ILOSTAT, ILMs Tables, UN DESA |
| | Tier 2: Sectoral | What is the trend in women's labour mobility in the high-growth sectors in the ASEAN region, particularly ASEAN priority integration sectors? | Migrant flows (sex-disaggregated) by sector | ILOSTAT, ILMs Tables; IOM |
| | | What are the key employment sectors for women migrant workers from sending countries? | Migrant flows (sex-disaggregated) by sector | ILOSTAT, ILMs Tables; IOM |
| | | What is the nature of the employment opportunities and skill demands in destination countries? | Decent work statistics; Interviews with migrant workers and returnees; gender value chain | ILOSTAT, ILMs Tables; IOM; Sector level gender value chain |
| | | What is women migrant workers' contribution to the sectoral economic progress? | sector level wage; value added by sector, labour force statistics | ILOSTAT, UN DESA; IOM; National sources |

| RESEARCH OBJECTIVE | LEVEL OF ANALYSIS | RESEARCH QUESTIONS | DATA | SOURCE |
|--|-------------------------|--|---|---|
| Objective 2: Identify the challenges and barriers faced by women migrant workers in select high-growth priority sectors (perspectives from receiving and sending) | Tier 1: Regional | What are the challenges faced by migrant women workers in the region? | Interview with regional bodies (ILO, UN Women, ADB, ASCC); regional networks of migrant workers | Primary data |
| | Tier 2: Sectoral | What are the challenges faced by migrant women workers in the region in the growth sectors? | Interviews with migrant workers and returnees and their networks | Sector level gender value chain; case studies |
| | | How will the formation of the AEC affect migrant women workers (i.e. create opportunities or exacerbate complications) in the high-growth sectors? | Interviews with migrant workers and returnees and their networks; desk review | Sector level gender value chain; secondary research |
| | Tier 3: Policy | Are the existing AEC/ASCC migration governance mechanisms gender-responsive? | Document review/ analysis of existing migration policies at ASEAN level; select countries | Secondary research - ASEAN documents, research |
| | | What are the existing mechanisms and opportunities for skills development in the sending and receiving countries? | Interviews with government and non-government stakeholders in select countries; review of existing skills development (TVET) policies | Primary data; secondary documents review |

| RESEARCH OBJECTIVE | LEVEL OF ANALYSIS | RESEARCH QUESTIONS | DATA | SOURCE |
|---|---------------------------------|--|---|--------|
| Objective 3: Identify targeted actions to promote employment opportunities, decent working conditions and skills development interventions for migrant women workers to contribute to the ASCC and AEC 2025 Blueprints | Tier 3: Regional/ Policy | What are the recommended actions to promote employment opportunities, decent work conditions (including decent wage, safety and social protection) and skill development for migrant women workers for consideration in ASEAN integration context? | Primary data; secondary documents review; Interviews with government and non-government stakeholders in select countries; review of existing skills development (TVET) policies | -- |
| | Tier 3: Sectoral | Targeted actions for promoting women migrant workers decent work and employment opportunities in the high-growth sectors | Primary data; secondary documents review | -- |

ANNEX 3: METHODOLOGY FOR SELECTION OF SECTORS AND COUNTRIES FOR PRIMARY DATA COLLECTION

Country and Sector Selection

The selected sectors will be:

- High-growth ASEAN priority integration sectors (PIS) or a high national economic growth sector in a net-receiving ASEAN country, and/or
- Sector that employs migrant women workers in large numbers
- The selection of the sectors and countries for primary data collection is based on secondary sources of information including the UNDESA International Migrant Stock database; ILO International Labour Migration Statistics (ILMS) Database in ASEAN; ASEAN statistical database; and national data sources from AMS.

Box 7. Steps in country and sectors selection

STEP 1: IDENTIFY THE TOP RECEIVING COUNTRIES

STEP 2: IDENTIFY THE MAIN SOURCE COUNTRY FOR FEMALE MIGRANT WORKERS TO THE DESTINATION COUNTRIES

STEP 3: IDENTIFY THE ECONOMIC PRIORITY SECTORS IN THE SOURCE COUNTRIES

STEP 4: VERIFY THE FEMALE MIGRANT PARTICIPATION IN THE PRIORITY SECTOR

Step 1: Identify the top receiving countries

The analysis in Chapter 1 showed that the ASEAN countries can be broadly classified as destination and source countries. Thailand, Singapore, Malaysia and Brunei Darussalam are the main receiving countries in terms of total migrant inflows as well as the percentage of women migrant workers; while Philippines, Indonesia, Myanmar, Cambodia, Laos PDR and Viet Nam are the countries of origin.

Table 9. Intra-ASEAN migrants (total and female) in net-receiving countries, 2015

| | Total Migrants | Female Migrants | | Main countries of origin of migrant women |
|-----------|----------------|-----------------|--------|--|
| | | N | % | |
| Thailand | 3,762,393 | 1,890,382 | 50.24% | Myanmar (51%), Lao PDR (26%), Cambodia (22%) |
| Malaysia | 1,539,741 | 575,038 | 37.35% | Indonesia (72%) |
| Singapore | 1,321,552 | 769,657 | 58.24% | Malaysia (82%) |
| Brunei | 83,832 | 38,626 | 46.08% | Malaysia (55%), Philippines (20%) |

Source: UN DESA

Step 2: Identify the main source country for female migrant workers to the destination countries

Table 9 above shows that the largest number of intra-ASEAN female migrants in Malaysia are from Indonesia (72 per cent); in Singapore are from Malaysia (82 per cent) and in Thailand are from Myanmar (51 per cent).

Step 3: Identify the economic priority sectors in the destination countries

Next, we map the top national economic sectors (as identified by the national governments in the destination countries) and PIS sectors at the ASEAN level. The priority sectors in the countries of origin are not identified since the focus is on the sectors that offer highest opportunity for migrant women workers in the destination countries and attract them in larger numbers. Table 10 shows the priority economic sectors in the receiving countries and at the ASEAN level. Due to the small overall number of women migrant workers in Brunei Darussalam (approximately 38,000 in 2015) and the need for external validity of the findings across the region, Brunei Darussalam is not considered for the sectoral analysis.

Table 10. Regional and National Priority Economic Sectors

| ASEAN | Malaysia | Singapore | Thailand |
|-----------------------|--|--------------------------|-----------------|
| Agro-products | Greater KL development (infrastructure and construction) | Infrastructure | Infrastructure |
| Air travel | Oil and energy | Electronics | Digital economy |
| Automotives | Palm Oil | Consumer business/retail | Tourism |
| E-ASEAN | Rubber | Energy | |
| Electronics | | | |
| Fisheries | | | |
| Healthcare | | | |
| Rubber-based products | | | |
| Textiles & apparel | | | |
| Tourism | | | |
| Wood-based products | | | |

Source:

Thailand: <http://www.thaigov.go.th/index.php/en/issues/item/97827-97827>

Malaysia: http://etp.pemandu.gov.my/annualreport2011/12_National_Key_Economic_Areas-@-12_National_Key_Economic_Areas.aspx

Singapore: <https://www.edb.gov.sg/content/edb/en/industries.html>

ASEAN: http://asean.org/?static_post=media-release-asean-accelerates-integration-of-priority-sectors

Step 4: Verify the female migrant participation in the priority sectors

Since qualitative mapping is not possible at this point, we examine the share of female migrants in the priority sectors based on the available data from Malaysia's Labour Force Survey and the Thai Ministry of Labour (see Figure 13, Chapter 3). In Malaysia, the largest share of women migrants is currently employed in agriculture, manufacturing and tourism. In Thailand, the largest share of migrant workers is employed in manufacturing, agriculture and infrastructure. Sex-disaggregated sectoral data on migrant workers was not available for the priority sectors from Singapore. The lack of availability of sex-disaggregated migration data in Singapore makes it difficult to consider Singapore for sectoral level primary data collection. Therefore, Singapore was not selected for further analysis.

The sectors that were considered for the qualitative thematic analysis were infrastructure as well as agro-products and tourism.

Infrastructure: The most important national priority sector (based on national data) in Malaysia and Thailand is infrastructure. Infrastructure is not an ASEAN PIS, however, infrastructure growth and development directly affects several PIS directly (such as tourism, air travel, automotive) and indirectly impacts all ASEAN PIS. The emphasis on infrastructure in the national economic policies, high levels of investment in infrastructure and growth of the infrastructure sectors creates tremendous employment opportunities for workers, including women migrant workers.

Agro-products: An ASEAN PIS, overlaps with agriculture and manufacturing sectors. While agriculture per se is not a high-economic growth sectors in either Malaysia or Thailand, Palm Oil and Rubber – both agricultural commodities – are national economic priority sectors in Malaysia. Manufacturing and agro-products constitute the largest economic sector in Thailand. As per the national economic data, Thailand’s agri-food and seafood imports grew at an average rate of 17 per cent between 2011 and 2013.

Tourism: Tourism is an ASEAN PIS and a high growth sector in both Malaysia and Thailand based on national data. Tourism makes a larger contribution to Thailand’s economy (about 8.5 per cent of GDP) than that of any other Asian nation. However, the exact number of migrant workers in the tourism sector is not known.

Other ASEAN PIS such as e-ASEAN (digital economy) and healthcare are also noted as high-growth sectors that provide potential employment opportunities for women migrant workers in the region, especially in the ASEAN mutually recognised professions such as medical professionals, nursing and engineers. At present, specific data on the intra-ASEAN share of women migrants in the healthcare and electronics sectors is not available. However, a key pillar of the AEC is MRA in specific professions that corresponds with the economic integration of specific sectors. Therefore, it is important to examine how migrant women will stand to benefit from the MRAs in specific professions within each PIS. Wherever possible, migrant women’s participation in the MRA professional categories will be examined in all PIS using primary and secondary information.

An exemplifying gender analysis of the hierarchical division of labour was conducted for the infrastructure sector which is a priority economic sector in the main receiving countries. In Thailand, together with agriculture and manufacturing, the infrastructure sector also employs the largest share of migrant workers.

The following emerging issues were examined using the gender analysis of the hierarchical division of labour and the thematic analysis:

- Migration processes: preparedness to migrate; entering the destination country.
- Employment opportunities in key growth sectors; recruitment process and costs; informal employment in formal sectors.
- Opportunities and needs for skilling-available skill development opportunities, challenges in accessing skilling opportunities for women, and opportunity/access gaps; both in the origin and destination countries.

- Challenges and needs for social protection - socio-economic dimensions of women's migration, employment and economic empowerment; available social protection in receiving countries and gaps.
- Access to information and legal aid.

ANNEX 4: LIST OF STAKEHOLDER CONSULTATIONS AND QUESTIONNAIRES

| | Malaysia | Lao PDR | Thailand | Indonesia |
|---------------------------|---|--|---|--|
| Dates | Dec 11-14 & Dec 18-21 | Dec 15-17 | Dec 19-23 | Dec 17-18 & Dec 21-23 |
| Govt representatives | | 1. Dr. Siriroth Rajaphone, Acting DG of Development Research Centre, Ministry of Planning and Investment | 1. Dr. Pataya, Ministry of Labour (ACMW) (15 participants) » Office of permanent secretary (4) » Labour protection and welfare (1) » Employment dept (3) » Social security office (3) » Skill development dept (3) 2. Employment Services Center. | 1. Ibu Setiawati, Ministry of Manpower Representatives of the Ministry of Manpower + 7 Ministry representatives |
| ASEAN bodies | 1. ASEAN Parliamentarians for Human Rights (APHR) | | | 2. Dr. Pons Intal, Senior Economist, ERIA |
| Private Sector/ Employers | 2. Construction company Representative | 2. National Chamber of Commerce | 3. Employers Confederation of Thailand 4. Thai Board of Trade and Investment | 3. APINDO (Indonesian Employer Association) 4. Indonesian Business Women Association (IWAPI) |

| | Malaysia | Lao PDR | Thailand | Indonesia |
|----------------------------------|---|---|--|---|
| NGOs | <ul style="list-style-type: none"> 3. CARAM Asia (written response expected) 4. Tenaganita Women's Force (telephone interview) 5. Migrant Care 6. Bar Council Migrants, Refugees and Immigration Affairs Committee 7. Irene Xavier, Committee of Asian Workers | <ul style="list-style-type: none"> 3. CARE Laos 4. Oxfam 5. Gender Development Association 6. Village Focus International 7. Village Focus International | <ul style="list-style-type: none"> 5. Labour Promotion Network Foundation | <ul style="list-style-type: none"> 5. Migrant CARE |
| Trade Union/ Worker Associations | <ul style="list-style-type: none"> 8. UNI - Malaysia Labour Centre 9. Malaysian Trade Union Congress (MTUC) 10. Malaysian Trade Union Congress (MTUC) 11. Building and Wood Workers International | <ul style="list-style-type: none"> 8. Lao Women's Union 9. Lao Federation of Trade Unions (LFTU) | <ul style="list-style-type: none"> 6. National Congress of Private Industrial Employees 7. Thai Trade Union Congress 8. Labour Congress of Thailand | <ul style="list-style-type: none"> 6. Indonesia Prosperity Trade Union Confederation |
| Experts | | <ul style="list-style-type: none"> 10. Gender Development Association | | |
| International agencies | <ul style="list-style-type: none"> 12. IOM 13. ILO 14. MWEA Project, ILO | <ul style="list-style-type: none"> 11. ILO 12. IOM | <ul style="list-style-type: none"> 9. IOM | |
| Women migrant worker (sector, N) | 5 women workers (construction, domestic work, retail) | 8 women workers (hospitality, factory work, sex work, agro based industry) | ~ 6 women workers (construction, agro based industries and hospitality) | 4 women workers (domestic work, construction, factory work) |
| TOTAL INTERVIEWS | 19 | 20 | 29 | 17 |

Note: Names have not been shared for confidentiality reasons.

Total: 85 interviews approximately

Total: 9 Questionnaires

| | |
|--|----------|
| Government Representatives from Thailand, Singapore, Vietnam and Myanmar | 4 |
| NGOs | 3 |
| Trade Union/Worker Associations | 1 |
| International Agencies | 1 |
| Total | 9 |

ANNEX 5: SECONDARY DATA SOURCES

Table 11: Mapping of available secondary data sources

| List of indicators | Unit | Sources |
|---|---------------|---|
| International Migrant Stock | Country-level | UNDESA (2015) |
| Migrant Wage Rates | Country-level | ILOSTAT, ILMS Tables (v. IV, June 2016) |
| Employment & Status in Employment | Country-level | ILOSTAT, ILMS Tables (v. IV, June 2016) |
| Migrant employment by economic activity | Country-level | ILOSTAT, ILMS Tables (v. IV, June 2016) |
| Education levels of migrants | Country-level | ILOSTAT, ILMS Tables (v. IV, June 2016) |
| Irregular migrants (Thailand) | Country-level | IOM (2011; 2014) |
| Employment by sector (Thailand) | Sector-level | IOM (2011) |

Calculating economic contribution of women migrant workers

Given the significance of immigration for the societies of origin and destination countries, there has been a large volume of research on the impact of immigration (and to a lesser extent emigration), particularly coinciding with global liberalisation during the last two decades. The collection of 102 papers in Zimmermann and Bauer (2002); and major surveys such as Borjas (1999a) demonstrate what research has achieved to date. Policy and stakeholder-oriented reviews include Glover et al. (2001) for the UK, Borjas (1995; 1999b) for the US, OECD (2003b) for Canada, Roodenburg (2003) for The Netherlands, DIMIA (2002) and OECD (2003a) for Australia, OECD (2003c) for New Zealand; Bauer et al. (2004) for the European Union and Coppel et al. (2001) for OECD countries generally.

The research on the economic contribution of migration on ASEAN economies is very limited. Most research on economic contribution focuses on the role of remittances and returnee migrants, not so much on the destination countries. An attempt to calculate the impact of migration on the Thai economy was made by the Thailand Development Research Institute (TDRI) in 2010. TDRI used Computable General Equilibrium (CGE) modelling, which captures how changes in costs of inputs affect outputs (Martin, 2007) to estimate that migrant workers increased Thai GDP by 0.55 per cent, adding US\$839 million to the then US\$168 billion GDP (Sussangkarn, 1996). Using macroeconomic modelling developed by the Thai Ministry of Finance, Pholpirul and Kamlai (2014) found that removing migrants from the workforce would reduce GDP by 0.75 per cent, with the impacts being felt most strongly in the agricultural, industrial and service sectors.

While there exist standard models that have estimated economic contributions of migrant workers in destination countries, a sex-disaggregated analysis of the contribution is missing. One of the main challenges in calculating the economic contribution/impact of women migrant workers in the destination country is the unavailability of reliable sex-disaggregated data on migrant worker employment, wages and skills level.

Most of the literature around on economic impact of immigrant uses that model developed by Borjas (1995) to calculate the immigration surplus or increase in national income accruing to natives. In this paper, we adapt the standard specification developed by Borjas (1995) to calculate the economic contribution of female migrant workers. The standard model is described below.

$$\Delta Y_{i,s}(t,t_1) = \beta \Delta m_{i,s}(t,t_1) + x_{i,s}' \alpha + \mu_{i,s}(t,t_1) \text{ ----- Equation (1)}$$

where, $\Delta Y_{i,s}(t,t_1)$ – the dependent variable. It measures the change between years t and t' in the measure of the labour market outcome experienced by natives who live in region i and belong to skill group s, $\Delta m_{i,s}(t,t_1)$ is the change in the stock of immigrants in that region for that skill group over that period, $x_{i,s}$ is a vector of control variables with coefficient vector α and $\mu_{i,s}$ is the stochastic error. The coefficient of interest is β .

Female migrant contribution to the economy or the sector can structurally be analyzed by Equation (1) by simply replacing the stock of migrants with the female stock of migrants. Similarly, the labour market outcome can be replaced with another labour market outcome indicators such as value added, for which data is more easily available.

Female migrants' economic contribution is hence calculated using the following prediction equation:

$$(National\ Income\ accruing\ to\ Natives_{i,s}) = \beta (female\ migrants_{i,s}) + (skill\ level_{i,s})' \theta + (gross\ capital\ formation_{i,s})' \lambda + \mu_{i,s}(t,t_1) \text{ -----Equation (2)}$$

There are limitations of this method. For instance, Borjas (1999a) notes that the wages observed in local labour markets may change over time due to spatial forces that are not well understood and in any case not modelled in the regression equations. Statistical tests would also need to be performed to check for the presence of heterogeneity in the specification. Finally, endogeneity may be an issue with this model. Migrants are particularly attracted to regions where wage growth is the most. The endogeneity of the immigrant shock suggests that ordinary least squares (OLS) may lead to inconsistent estimates and that an instrumental variable (IV) approach is essential. A common instrument is the migrant stock in the previous period which we will use for our estimation.

Variable specification

Our analysis, focuses on 15 years on annual data (2000-2014). A time series analysis is conducted for all receiving countries except Brunei Darussalam (due to lack of data availability), to calculate an over-time impact of female migration (X/key independent

variable) on labour market outcomes in receiving countries (Y/dependent variable). A fixed or random effects model as well as Ordinary least squares model is used and coefficients are interpreted as change in female migrant share (X/key independent variable) over time resulting in β change in national income accruing to natives (Y/dependent variable).

1. Data on the dependent variable is calculated using national sources (websites & statistical yearbooks) to get the annual average remuneration for employed persons. This number is then divided by total GDP to get a ratio or proportion of our Y/dependent variable – National Income accruing to natives for each receiving country for a given year.
2. Migrant female data is extracted from the UNDESA database on a 5-year frequency, starting from 1990.
3. Missing years' data for female migrants are imputed using linear interpolation & extrapolation (where required) in STATA (STATA Command: `ipolate y1 x, generate(y2) epolate`).
4. Data on total output or GDP for each ASEAN country is extracted from the World Bank, world development indicators database and converted to constant 1983 US Dollars (using USD conversion factors from US Federal Reserve).
5. Data on skill level is extracted from the ILOSTAT. High and medium skills are added and divided as a percentage of the total skilled workers in the receiving country for a given year.
6. Data on capital – a key independent variable from a simple Cobb-Douglas economic specification is extracted from national sources (yearly national statistical handbooks) using gross capital formation over time. This number is divided by annual GDP.
7. Any missing data on all independent control variables is imputed longitudinally on STATA using the same procedure used to impute Female migrant data (described in step 3).

Table 12: Regression Results

| List of indicators | Unit |
|--------------------------------|-----------|
| Female migrants/total migrants | 2.604*** |
| | (0.287) |
| Skilled/total employed | 0.192 |
| | (0.272) |
| Gross capital formation/GDP | 0.215 |
| | (0.957) |
| Constant | -1.245*** |

| List of indicators | Unit |
|--------------------|---------|
| | (0.275) |
| Observations | 48 |
| R-squared | |
| Adj-R-squared | 0.653 |
| 0.6291 | |

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Data sources

| Name | Indicator | Source | No. of observations | Treatment of variables | No. of variables treated |
|--|--|---|---------------------|------------------------------|--------------------------|
| Y: National Income Accruing to Natives | Annual Remuneration of Employees (US constant \$). | Department of Statistics, Singapore | 15 | None | None |
| | | Department of Statistics, Malaysia, Official Portal | 12 | Linear Interpolation (STATA) | 3 |
| | | National Statistical Office, Thailand. | 5 | Linear Interpolation (STATA) | 12 |
| | GDP (US Constant Prices 1983) | World Bank, World Development Indicators. | 45 | None | None |
| X1: Female Migrant Share | No. of female migrants divided by total migrants | UNDESA | | | |
| | | Singapore | 4 | Linear Interpolation (STATA) | |
| | | Malaysia | 3 | | |
| Thailand | 1 | | | | |
| X2: Skill | No. of medium skill individuals + no. of high skill individuals divided by all skill individuals (high + medium + low) | ILOSTAT | | | |
| | | Singapore | 15 | Linear Interpolation (STATA) | None |
| | | Malaysia | 12 | | 3 |
| Thailand | 15 | | None | | |

| Name | Indicator | Source | No. of observations | Treatment of variables | No. of variables treated |
|--------------------|-------------------------------|---|---------------------|------------------------------|--------------------------|
| X3: Capital | Gross capital formation | Department of Statistics, Singapore | 15 | None | None |
| | | Department of Statistics, Malaysia, Official Portal | 12 | Linear Interpolation (STATA) | 3 |
| | | National Statistical Office, Thailand. | 5 | Linear Interpolation (STATA) | 12 |
| | GDP (US Constant Prices 1983) | World Bank, World Development Indicators. | 45 | None | None |

ANNEX 6: PRESENTATION OF STUDY REPORT AT VALIDATION CONSULTATION

10TH APRIL 2017, JAKARTA, INDONESIA

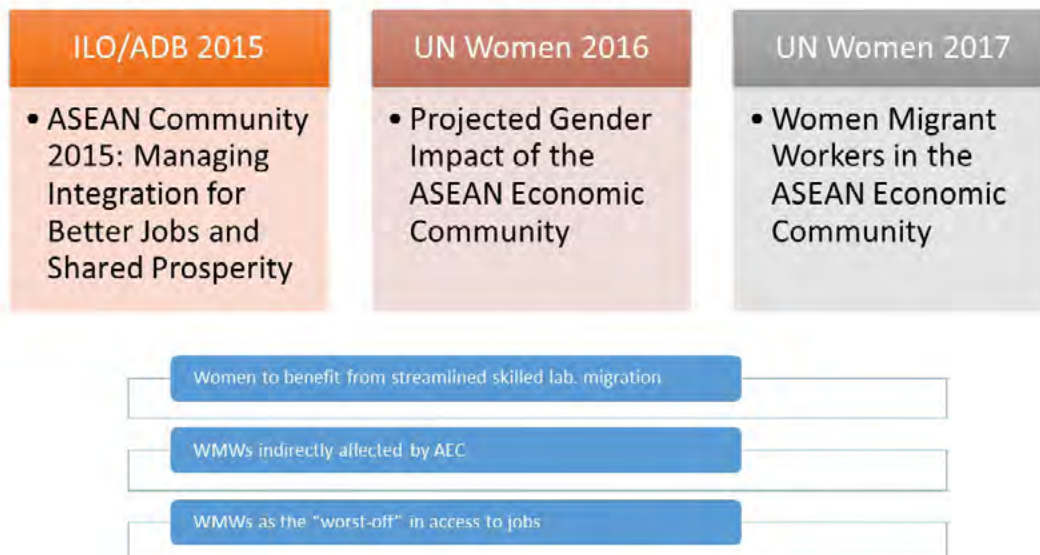


Women Migrant Workers in the ASEAN Economic Community

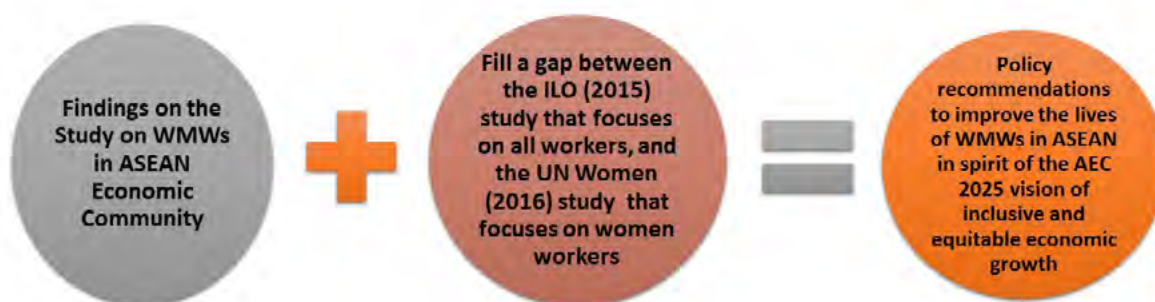
Dr. Andreea R. Torre, Lead Researcher

Ruchika Bahl, Regional Programme Manager, Migration

The need for a focus on WMWs

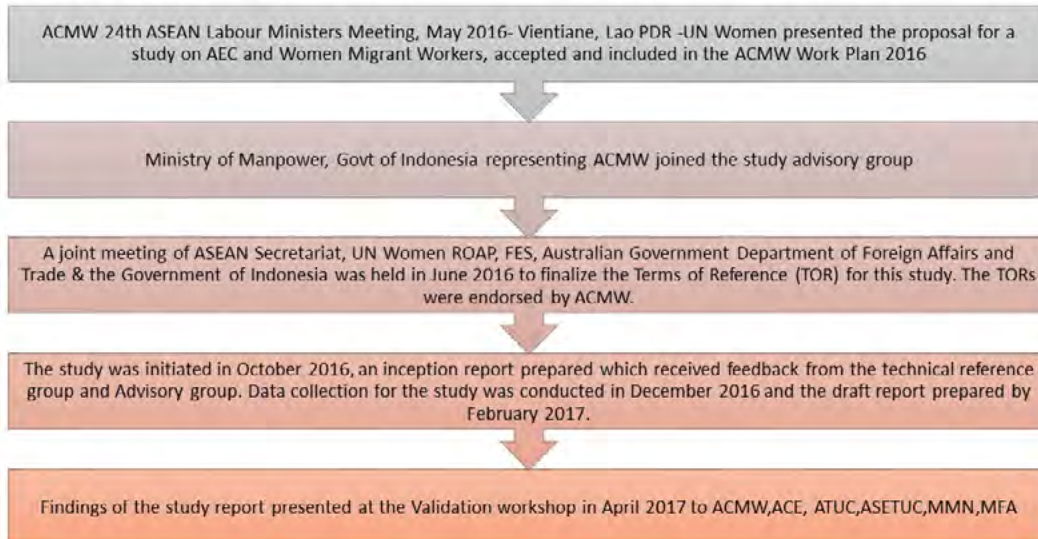


Contribution of the current research



This study will complete a trilogy of evidence based reports on the equity dimensions of ASEAN integration

The Process



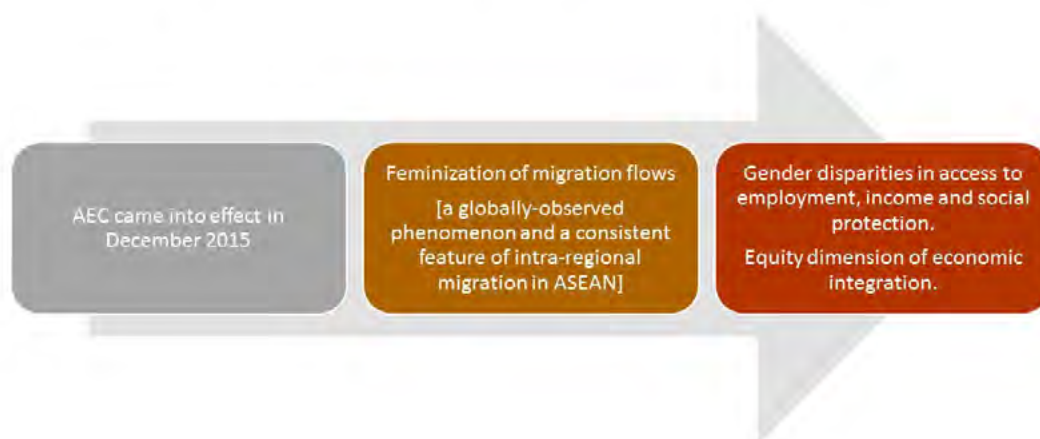
Timeline of data collection



Breakdown list of stakeholders

| Field Visits | | | | | Questionnaires | |
|------------------------|-----------|-----------|-----------|-----------|---------------------------------|----------|
| | Malaysia | Lao PDR | Thailand | Indonesia | | No. |
| Government Rep. | 0 | 1 | 16 | 8 | Government Representatives | 4 |
| Regional bodies | 1 | 0 | 0 | 1 | NGOs | 3 |
| Private Sector | 1 | 1 | 2 | 2 | Trade Union/Worker Associations | 1 |
| NGOs | 5 | 5 | 1 | 1 | International Agencies | 1 |
| TU/Worker Associations | 4 | 2 | 3 | 1 | Total | 9 |
| Expert Group | 0 | 1 | 0 | 0 | | |
| International Agencies | 3 | 2 | 1 | 0 | | |
| WMW | 5 | 8 | 6 | 4 | | |
| Total | 19 | 20 | 29 | 17 | | |

Background and Rationale for the Study



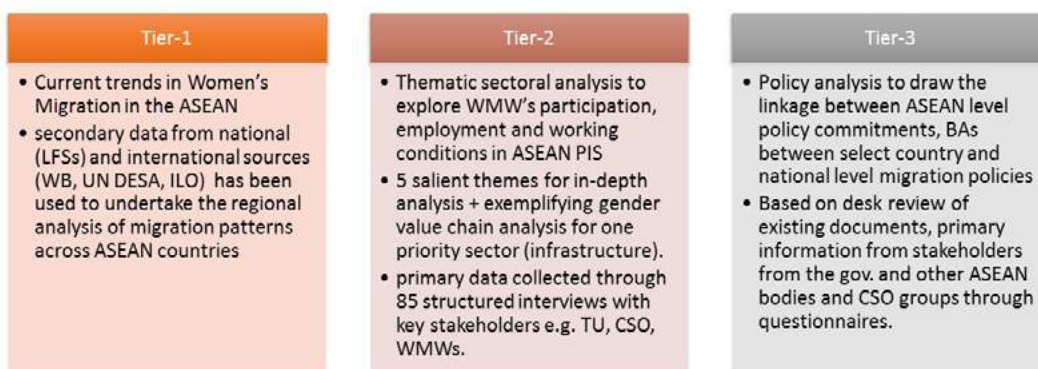
Overall aim of this study

- to shed new light on:



Methodology

Literature Review and mix method to guide a three tiered approach



Definition clarity

- Findings in the report apply to **regulated and unregulated WMWs** in the **formal** ASEAN priority growth sectors.
- Women migrant workers – regulated or unregulated – in the informal sector were not included in the study since the scope of the research covers formal ASEAN priority growth sectors only.

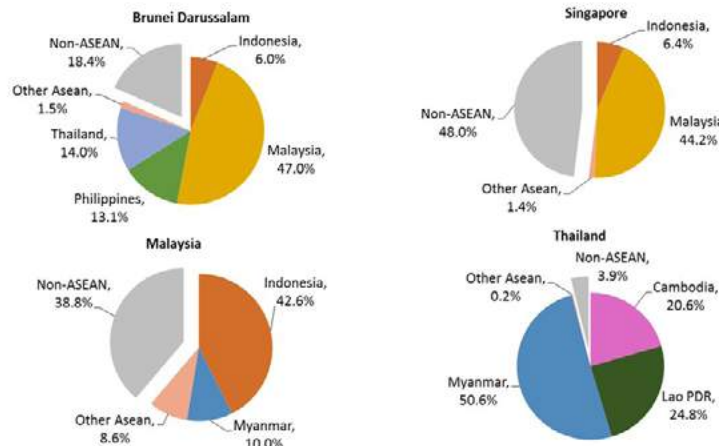
Findings

Based on:

- the regional trends analysis on Women's migration
- Sectoral analysis
- Migration governance framework analysis

1. Intra-ASEAN migrants make up the majority of migrant populations in all receiving countries

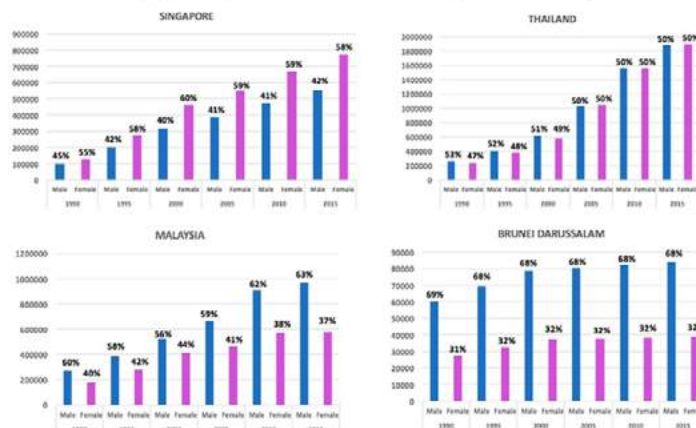
Fig. - Origin of international migrant stock in ASEAN receiving countries, 2015 (%)



Source: UNDESA, International Migrant Stock

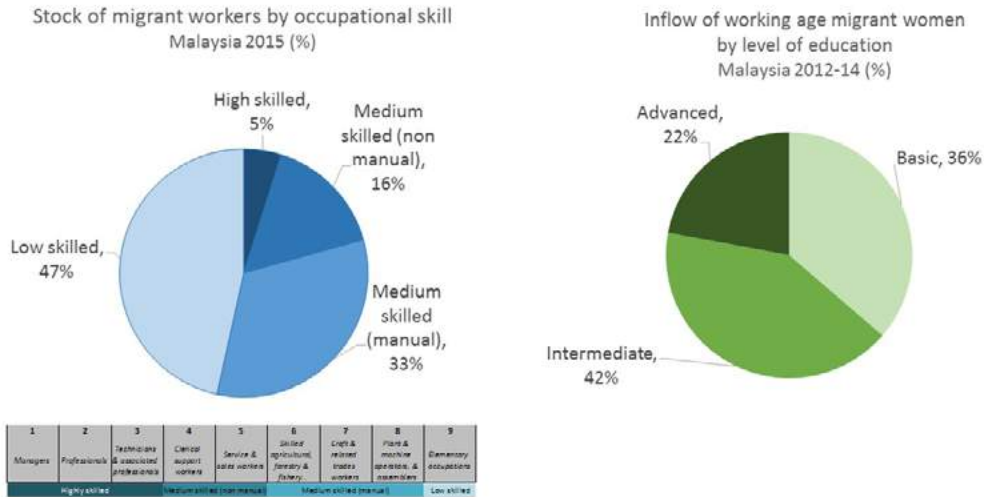
Women migrants form nearly half of the total intra-ASEAN migrant populations

Fig. - Intra-ASEAN working age migrants in net receiving countries (absolute values and % by sex)



Source: UNDESA, International Migrant Stock

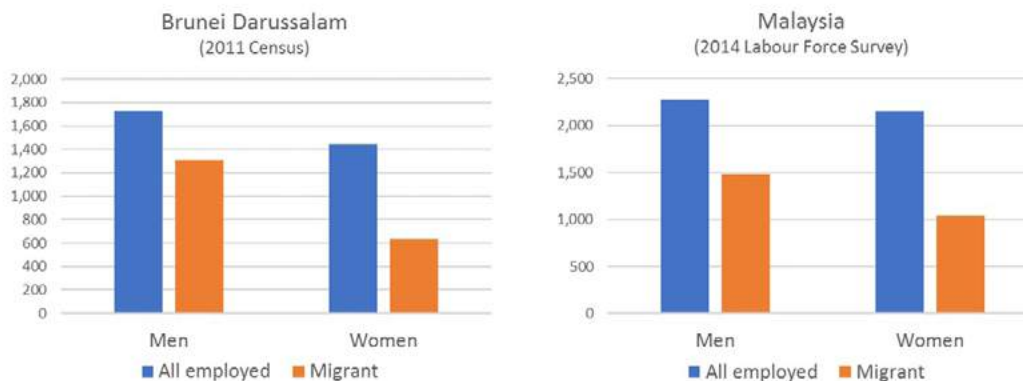
2. WMW are largely employed in lesser skilled professions



Source: ILO International Labour Migration Statistics (ILMS) database (based on Labour Force Survey)

3. WMWs earn less than men and the local female workforce

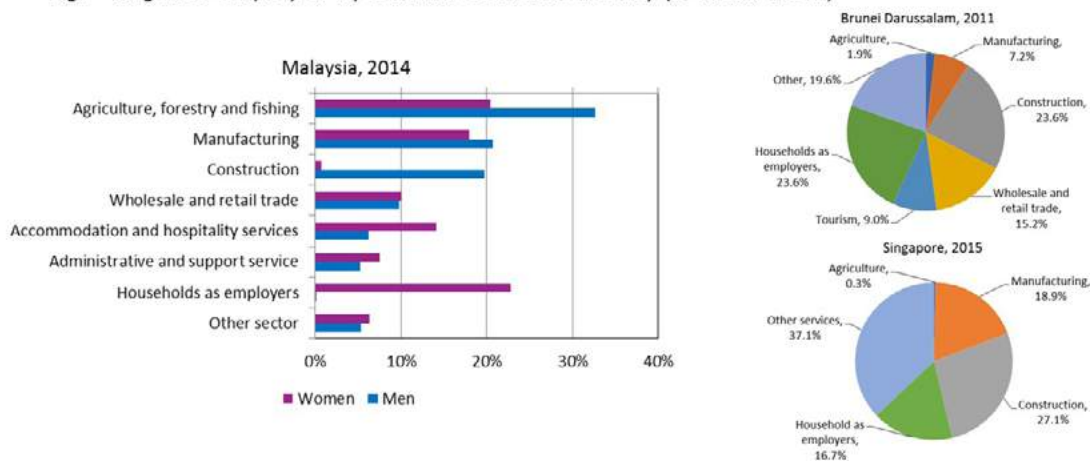
Fig. - Average monthly employment-related income of employed persons (in local currency) by sex



Source: ILO International Labour Migration Statistics (ILMS), Version IV (June 2016)

4. Sectoral distribution of migrant workers is uneven across ASEAN receiving countries

Fig. – Migrants employed by sex and economic activity (% distribution)



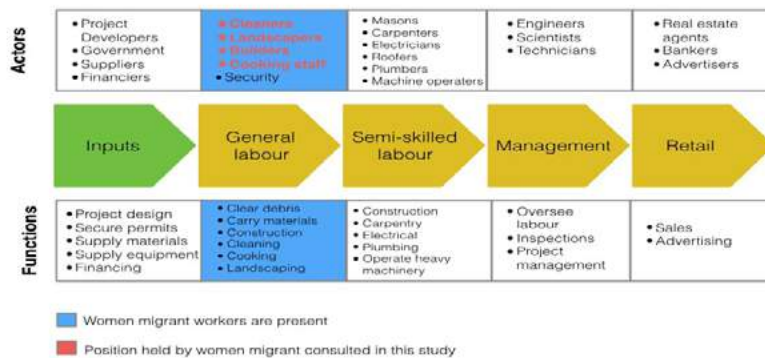
Source: Malaysia Labour Force Survey and ILO ILMS database

5. Women migrant workers contribute significantly towards the destination countries' economies

- Research exists on the economic contribution of migration in ASEAN, but a sex-disaggregated analysis of the contribution is missing
- This study adapts Borjas (1995) standard model to estimate the 'immigration surplus' ascribable to WMWs
- Outcome variable: increase in domestic wages as % of GDP
- Results show an average positive impact by 14%
- Largest positive impact in Singapore where share of migrant women is highest

6. Women migrant workers in ASEAN high growth sectors dominate the bottom of the value chain.

Construction value chain



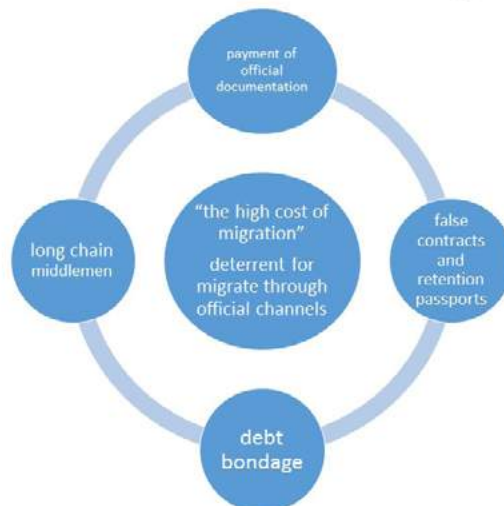
7. AEC focus on high skilled workers does not reflect the reality of women migrant employment in the region

- Most of the priority sectors and professions identified by the AEC are not the ones that employ large numbers of women migrant workers (exception for health care and tourism)
- A large share of women migrant workers in the ASEAN PIS is confined to lower end of the value chain.
- In contrast, the AEC blueprints (2015 and 2025):
 - focus exclusively on the mobility of high-skilled labour
 - do not make any specific provision for:
 - ❖ valuing the vast contribution of women migrant workers within the region
 - ❖ addressing gender gaps in employment.

8. National mechanisms for skill development are not in sync with the high growth ASEAN sectors.



9. High administrative and intermediation costs discourage the use of official migration channels



10. Gaps in the enforcement of national labour legislations may undermine protection of migrant employment rights



11. Limited access to information still undermines WMWs' ability to enjoy their rights and entitlements

- Significant progress: several conventional and innovative initiatives to provide information to migrants prior to departure and on site (AFML)
- CSO's are largely responsible for providing those services

YET

- WMW's still "don't know how to help themselves" and face significant barriers in accessing legal aid because:
 - Still low visibility of CSOs and migrant support NGOs.
 - *Infrastructural barriers*
 - limited in their capacity to expanding their collective access to rights

12. Women migrant workers' access to social security is uneven across the ASEAN region

- Examples of gender-sensitive social protection initiatives exist in ASEAN countries
- Yet, women migrant workers' access to social security remains uneven across the region
- Where national laws do not discriminate against social security and health care provision for migrant workers (Thailand, Malaysia, Singapore), this is largely limited to regular migrants
- subcontracting of labour creates loopholes for employers to evade their fiscal responsibilities
- low level of public spending for – below the ABD recommended threshold in all ASEAN countries – might impact coverage and fairness of social security for WMWs

Concluding remarks

- significant role of women as economic players for ASEAN region
- serious challenges faces by WMWs in fulfilling their economic potential and enjoy decent and equitable work conditions.
- WMWs role often unaccounted and unrecognized component of regional and national progress



Concluding remarks

How ASEAN commitment towards equitable growth and a people-centered community can be achieved?

- ensure that women migrant workers are not treated as “untapped” and invisible resource
- recognize and address the policy dissonance between the regional integration frameworks and the reality of women’s migration patterns

HENCE

- women’s migration movement should be made easier
- WMWs work should be better measured and recognized
- WMWs should be provided with decent working conditions and social protection
- WMWs condition should be specifically acknowledged, mainstreamed and addressed in regional and national policy

Recommendations

Regional Level

- Address issue of undocumented workers in the formal sector
- Implement the ASEAN Declaration on PP RMW & have a gender responsive instrument
- Skills harmonization & development mechanisms for WMWs in high employability sectors of women
- Expand sex-disaggregated data collection on labour migration
- Enhance regional standards & monitoring mechanisms for labour mobility

Recommendations

Receiving Countries

To strengthen and synchronize social protection and social security mechanism intra-ASEAN

To strengthen decent work enforcement mechanisms

To recognize the contribution of undocumented migrants and implement rights-based mechanisms to ensure workers' rights

To increase regulation of employer's responsibilities to provide adequate housing

Increase the number of women and women migrant labour inspectors.

- Sex-disaggregated data on employment of WMWs
- hold multi-stakeholder consultation and include CSOs and migrant workers
- Increase the visibility of migrant-support NGOs

Recommendations

Sending Countries

- strengthen and expand skill development and training

- strengthen laws on recruitment processes; enforcing and monitoring

- portability of social security along with destination countries

- hold multi-stakeholder consultation to include CSOs and migrant worker groups

- Increase the visibility of migrant-support NGOs



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