

The Third Consultations on Overseas
Employment and Contractual Labor
For Countries of Origin in Asia

Presented by:
Fahmi Idris
Minister of Manpower and Transmigration
Republic of Indonesia

Migration is becoming an issue that attract many countries in dealing with their population. Migration is not merely an activity of mobilization of people from one state to another, but it involves economic and social implications.

The Ninetieth Session position paper of the IOM on policy coherence, clearly indicates that international migratory movements and the interdisciplinary nature of migration, cooperation and policy coherence are needed between states to enhance the prospects for successful and mutually beneficial migration.

The absence of a central international legal instrument or binding structure governing the cross-border movement of people has been cited as a gap in the current institutional structure for the global economy; nonetheless, the existence of such an international framework would not necessarily of itself ensure policy coherence.

While there is no international framework, multilateral, regional as well as bilateral cooperative arrangements in the management of migration do exist. This institutional arrangement has to be enhanced and facilitated so that policy makers are able to assist countries that may face problem on migration.

This position paper deals with the experience of Asian countries in dealing with migration problem, especially discussing through a mutual dialogue which aimed to create problem solving solution.

The Bali Forum is called the third Ministerial Consultation Meeting on Overseas Employment and Contractual Labors for Countries of Origin in Asia, co-hosted in close collaboration with International Organization for Migration (IOM) and the Government of the Republic of Indonesia, Bali, 21 to 22 September 2005.

As one of the sending countries in Asia, Indonesia is honored to host such a privilege event and very pleased to see many distinguished participants who present and contribute to the fruitful discussion during the event.

The Bali Forum was attended by ten sending countries of Asia and eight of them were Labor Ministers from Bangladesh, China, India, Pakistan, Philippines, Sri Lanka, Vietnam and Indonesia. Nepal and Thailand were represented by high-ranking officials and a new member country of IOM, Afghanistan was also present.

The consultations meeting is focused on issues relating to welfare programs of overseas workers, supporting welfare services, facilitating movement of labor and optimizing their benefits, institutional arrangement and capacity building, including increasing the state relationship in the area of migration. In short, the Bali

Forum has geared toward discussing a variety of topics which concerns to migration among the sending and receiving countries.

The policy implication of the Bali Forum is that its provide the opportunity for both sending and receiving countries to discuss frankly, any matter relating to problems and how to find the best solution. There is an indication that such a forum should be continued to address both interests that attract each others.

The Bali Forum was able to attract attention of receiving countries to join, because this was not only the first occasion for them to attend such a deliberation, but also both sending and receiving countries can meet and discuss in a mutual deliberation. The receiving countries which join the Bali Forum among others are Republic of Korea, Malaysia, Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates. Italy was also interested to join, but was unable to come. This is an evidence that both sending and receiving countries have the same concerns regarding protecting employment of migrants workers and the entire problems that may arise. Therefore, Indonesia supported by others is of the opinion that such an endeavor should be continued and enhanced in the future, and particularly interested see that such a deliberation be conducted in one of the receiving countries. By conducting such a dialogue, we could share our experiences, discuss and solve problems in an open and frank manner.

The employment of overseas workers from Asian region has experienced significance increase in view of numbers, type of works, countries of destinations and problems arise. For this reason, we have to be able to create a better-management of overseas workers effectively, cooperation among countries should be closely intensified, and when problem arise, frank mechanism of problem solving should be created in a transparent and democratic way among the sending and receiving countries. Those issues should properly be addressed, so that we are not limiting access of our people to move and to obtain employment according to their ability and profession, but also protecting them, in accordance with the existing laws and customs.

It is believed that every citizen who obtains employment in countries other than their origin should properly obey the laws and regulations of the countries of destination, and governments should have the access to encourage a better relationship between the sending countries and the countries of destination, and it should be in the form of mutual understanding and recognition.

The presence of migrant workers on the one hand, has opened alternative for unemployed labor in sending countries to obtain jobs, while on the other hand, the presence of overseas workers have also provided workforce for the countries who have major problem of labor shortage.

From the receiving countries perspectives, they are more likely to appreciate and acknowledge the contribution of migrant workers to support their economic growth and the process of development of the country. However, they are also concern regarding the problems faced by the employers such as inaccurate information provided by employment agencies in the sending countries. These problems are related to workers' qualifications, health and safety, working condition and the use of fraudulent means by such agencies to bypass and circumvent the laws in the receiving countries by changing workers' names and passport numbers and giving false promises in terms of wages and fringe benefits, illegal or irregular migrant workers, etc.

From the perspective of sending countries, overseas employment provides significant contribution to the welfare of the workers and their family. However, some issues arise from overseas employment such as breach of contracts before the period ended, harassment, non-payment of salaries, keeping workers beyond the contract period, legal issues and imprisonment, deaths or serious illness and illegal cross border migration. Discrimination and violation of basic human rights, including freedom of association and bargain collectively are also major concerns, because these are the fundamental rights at works promoted by the International Labor Organization. Other issue include the process of recruitment, for instance, we have experienced that some years ago, all expenses for

working overseas were borne by employers; today this position has been reversed. Some receiving countries also imposed levies, visa, and residence permit fees to be paid by the workers.

The Gulf Cooperation Council (GCC) countries were concerned with regard to a solid cooperation between labor sending in Asian countries and GCC countries, such as appointment of contact person and follow up officers by both parties to encourage a better relationship, based on the mechanism and procedures on a bilateral level for the purpose of exchange information related to the rights and obligations of workers and employers and protecting expatriate and solving the issues on a gradual basis. While the issue of the establishment of the Overseas Workers Resource Center in Kuwait is still not finalized.

From the lively and cordial discussion with both sending and receiving countries, the recommendation made other than to follow up the recommendation made in Colombo and Manila, were as follow:

- 1) Disseminating information to the prospective overseas workers through information resource centre on right of employment procedures, risk of illegal workers, social aspect and regulation of the receiving/destination countries.
- 2) Developing and introducing module on pre-departure orientation program.

- 3) Establishing minimum wage levels and ensuring safe and decent conditions of employment for contract workers, particularly women, in low skill and low wage sectors.
- 4) Conducting an annual round-table meeting between the administrative bodies responsible for overseas employment in GCC states and countries of origin in Asia.
- 5) Establishing Overseas Workers' Resource Centre in the GCC and other major destinations.
- 6) Promoting regional cooperation efforts among countries of origin and destination in availing of legal labor opportunities and reducing irregular movement.
- 7) Ensuring that potential workers are well-informed on legal overseas employment opportunities and procedures to apply for it, and the risks of resorting to irregular movement.
- 8) Developing capacity of national authorities in origin countries to assess current and projected foreign labor needs in the countries of destination.
- 9) Organizing annual senior official consultations among Asian countries of origin and main destination countries in Europe.
- 10) Organizing a round-table on the management of overseas work, including prevention of irregular flows, in South-east and East Asia.

To follow up the recommendation, we are going to implement the following programs as priorities:

- 1) Round-table meeting on:

- a) Cooperation between the GCC countries and Asian countries of origin.
 - b) Overseas labor in Southeast and East Asia.
- 2) Proceeding with consultation on the establishment of an overseas workers' resource centre.
 - 3) A senior official meeting of Asian countries of origin with senior officials of European states and main destination countries for Asian workers in Europe.

Indeed, the most important thing is the implementation of those recommendations. Therefore, we call on international organization such as IOM, ILO, UNIFEM and others to participate and facilitate our programs, such as in providing training opportunities in order to faster the implementation of these recommendations.

Indonesia as a sending country concludes that cooperation between the sending and receiving countries is very important and expecting that such a dialogue or ministerial consultation meeting should be conducted regularly at the technical level both among the sending countries and the countries of destination.

The discussion on issues of protection and social welfare, particularly for women workers in the household sector; competition

must be replaced by enhanced collaboration and coordination; develop mechanism to exchange of information on irresponsible agencies or employers; and standard of working contract should immediately be designed for respective destination countries, including standard of salary should be highly priorities.

Indonesia is fully aware about the complexity of problems of migrant workers. However, we have to be confident that through this dialogue, with a strong cooperation and commitment that we may obtain from all parties concerned, we will be able to build a brighter future for migrant workers throughout the world.

Finally, it is expected that the next forum will be conducted in one of the receiving countries of Asia, and before that take place, workshop in GCC countries should also be conducted.
