



SARTUC's strategy for collaboration with SAFE for the protection and welfare of South Asian migrant workers

Overview

Labour migration has become a fundamental element in the development and economic growth of South Asian nations. Every year, millions of citizens from South Asian countries migrate to foreign countries in search of decent employment opportunities. Countries in the Middle East and the GCC countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE in particular are the primary recipients of migrant workers from South Asia hosting a large number of low- or semi-skilled migrants. According to available data, there were 617,209 and 693,677 labour migrants from Bangladesh and Pakistan respectively in 2021.ⁱ

Among them, 90 per cent Bangladeshis and 96 per cent Pakistanis were in the GCC countries alone. Similarly, in the fiscal year 2021/22, 630,089 Nepalis migrated to more than 150 countries for work with the majority—more than 80 percent—going to the GCC countries.ⁱⁱ Likewise, 122,264 Sri Lankans went abroad for work in 2021, out of which 46,032 went to the GCC countries.ⁱⁱⁱ Additionally, between June 2020 and December 2021, 141,172 received emigration clearance from the Government of India for the GCC countries.^{iv}

It is recognized that migrant workers contribute to the growth and development of the countries of destination and origin. They help fill labour gaps in the countries they move to, and the remittances they send back, along with the skills they acquire through their migration, hold significant importance for the economies of their home countries, as well as for the workers themselves and their families. Remittance has been supporting migrant workers and their families in their daily consumption, access to health services and education while also providing capital and income in times of shock and crisis. South Asia alone receives billions of dollars in remittance from abroad. However, the protection of South Asian migrant workers and ensuring decent work is a long-standing challenge. Numerous obstacles confront migrant workers and their families when it comes to reaping the benefits of overseas migration. Unfair and unethical recruitment processes, wage theft, violation of human and labour rights, exploitation, human trafficking and smuggling, along with high costs associated with remittance transfers, loss of life and injuries, and limited access to justice, are among the many hurdles migrant workers face during the migration journey. Despite efforts by the governments of both origin and destination countries, South Asian migrant workers still bear substantial costs to pursue opportunities abroad and often grapple with debt burden and forced labour conditions.

Migration governance is a complex issue that necessitates collaboration and partnerships among diverse stakeholders at the national, regional and global levels. Achieving a scenario where migration benefits everyone involves adhering to international and national standards and frameworks. These encompass guidelines for the fair and responsible recruitment of migrant workers, decent work, and reducing and stopping vulnerabilities and risks of



trafficking and discrimination, among others. These frameworks seek to make all the actors in the labour supply chain such as employers, recruiters, workers and government accountable.

With the recognition that trade unions defend the interests of all workers including the migrant workers irrespective of race, nationality, demography, creed and gender, the South Asian Regional Trade Union Council (SARTUC) has been working to combat the challenges faced by migrant workers from South Asia and to ensure that the migrants from the region enjoy full labour rights included in internationally recognised standards, the countries' labour laws and collective agreements in the countries of destinations.^v SARTUC has also adopted a Resolution on Migrant Labour. The resolution recognises the fundamental rights of migrant workers and highlights the need to protect and promote their interests. It further agrees to create better and improved spaces, opportunities and environment for the better defence, protection and promotion of migrants, their families and their rights through joint and coordinated efforts on organising, advocacy engagements, training and education, communication, reporting and documentation and support services provision.

One of the several approaches and activities of SARTUC for ensuring migrant workers' rights has been engagement and collaboration with the South Asian Federation of Employers (SAFE). SARTUC and SAFE have been working towards creating a bipartite platform to address the issues of labour migration in South Asia within the broader framework of the Sustainable Development Goals (SDGs) and the Global Compact for Migration (GCM). Both the parties have agreed to work on six **Thematic Areas of Cooperation**: i. Promote fair and ethical recruitment of migrant workers and safeguard conditions that ensure decent work; ii. Promote social protection of migrant workers in destination and at home; iii. Facilitate the economic and psychosocial reintegration of returnee migrant workers; iv. Work for the improvement of occupational safety and health and situation of accommodation of migrant workers, particularly those in precarious conditions such as domestic workers; v. Capacity building of trade unions, employer organisation and other stakeholders; and vi. Conduct research to support evidence-based collaboration, advocacy and policymaking. It has been agreed to carry out joint advocacy, conduct quarterly meetings to discuss the collaboration and progress in the agreed activities and the future direction, and develop guidelines on the reintegration of returnee migrant workers with the support of International Labour Organisation (ILO) experts and other partner organisations. Likewise, SAFE has agreed to incorporate recruitment agency associations as members of the employer's federation in their respective countries. As agreed, SARTUC has been working on the conceptualisation of and training on fair and ethical recruitment, development of standard employment contracts, and social protection. SARTUC and SAFE also held virtual meetings on 24 January 2022 and 4 July 2022, during which SAFE representatives and SARTUC affiliates shared what they and their governments in the respective countries had been doing on the issues of ethical and fair recruitment and decent work for migrant workers, skill development and recognition, access to justice, reintegration of migrants etc.

This strategy paper seeks to guide SARTUC members' future activities to implement the collaborative works and activities agreed upon by SARTUC and SAFE for protecting and

promoting the interests of South Asian migrant workers and addressing the challenges faced by them. The strategy paper was revised based on inputs and feedback received from various stakeholders during the regional consultation on “SARTUC-SAFE further collaboration in the protection and welfare of South Asian migrant workers” organised by SARTUC in collaboration with the Governance of Labour Migration in South and Southeast Asia (GOALS) programme of the International Labour Organization (ILO)), in Kathmandu, Nepal on 13 August 2023. SARTUC and SAFE affiliates comprising of trade unions, employer organisations and civil society organisations from six South Asian countries – Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka – had participated in the programme.

S.N.	Thematic Areas	Strategies
1	<i>Promote fair and ethical recruitment of migrant workers and safeguard conditions that ensure decent work.</i>	i. Lobby governments of South Asia for the alignment of recruitment policies with principles and provisions of fair and ethical recruitment, decent work, access to justice and equality as per the SDGs, the GCM, and the UN Guiding Principles on Business and Human Rights. ii. Advocate for signing Bilateral Labour Migration Agreements (BLMAs) with more destination countries. Mainstream gender-sensitive provisions and rights of migrant workers in the BLMAs. iii. Advocate at the international level for the scrapping of policies such as the Kafala system and the requirement of obtaining exit passes (exit visas) to leave the country. Such provisions have granted employers full control over the mobility of migrant workers and made them vulnerable to forced labour as well as violated their right to dignified return. iv. Develop standard employment contracts for migrant workers following international labour standards and the law of the land. v. Make the governments accountable for strengthening monitoring and regulatory mechanisms to curb abusive and fraudulent recruitment practices. vi. Lobby governments and employers for wage protection and access to justice of migrant workers against wage theft, exploitation, and discrimination. vii. Promote social dialogue and tripartite discussion for improved migration governance, labour rights, access to justice for migrant workers. Engage private recruitment agencies and employers in such dialogues. viii. Sensitise public, PRAs, and government agencies through information dissemination, workshops/seminars, public outreach campaigns, including through media, on fair and ethical recruitment, and informed migration etc. ix. Advocate for workers’ orientation and empowerment programmes in the full cycle of labour migration including effective implementation of existing Pre-Departure Orientation Seminar/Training given to workers who successfully completed the recruitment process.

		x. Work closely with the trade unions and relevant organisations in the destination countries to ensure fair recruitment and decent work for migrants. xi. Advocate for digitalisation of services provided to migrant workers during the entire migration process to ensure accountability and transparency.
2	<i>Promote social protection of migrant workers in destination countries and at home.</i>	i. Encourage and motivate the governments of South Asian countries and the countries of destination including the employers to ensure access to (basic) healthcare including for those in domestic and care work and in irregular situations. ii. Make the employers responsible and encourage them to ensure safe and healthy working and living conditions that are compliant with labour law and safety and health standards. iii. Advocate and lobby (nationally, regionally and internationally) through joint collaboration and networking with trade unions along the migration corridor and in the regions for social protection for migrant workers without any discrimination. iv. Lobby and pressurize for implementation of portability of social security benefits through BLMAs and social security agreements. v. Promote and advocate for contributory social security measures and social assistance in the country of origin for migrant workers and their families. vi. Sensitise PRAs, government agencies and employers through information dissemination, workshops/seminars, public outreach campaigns, including through media, on social protection. vii. Advocate for mechanisms to regularise migrant workers in irregular situations so that they can avail of provisions and benefits provided by the countries of origin and destination.
3	<i>Facilitate the economic and psychosocial reintegration of returnee migrant workers.</i>	i. Lobby and influence with evidence the policy making process to mainstream social, psychosocial and economic reintegration of migrant workers and their dependent families in national development policies and budgets. Provide policy and programme inputs based on promising/best practices of reintegration. ii. Engage returnee migrant workers in policy and programme discussions. iii. Lobby and advocate for evidence- and need-based prioritisation of beneficiaries including dependent members of the returnees as well as deceased and severely injured migrant workers. iv. Make the governments of South Asia responsible for developing skill recognition and certification systems for migrant workers including returnees. v. Disseminate relevant information to returnee migrant workers about the existing programmes and benefits through the affiliates' members, media as well as outreach programmes. vi. In the countries where there are reintegration plans and programmes are already implemented, SARTUC affiliates will make the

		authorities accountable and responsible for accountable governance of the programmes. vii. Develop regional guidelines for economic and psychosocial reintegration of returnee migrant workers and their dependent family members. iii. Make the government of South Asia develop digital platforms to create databases of returnee migrant workers including of their skills and needs.
4	<i>Work for the improvement of occupational safety and health and situation of accommodation of migrant workers, particularly those in precarious conditions such as domestic workers.</i>	i. Lobby and advocate for evidence-based policy and legal frameworks to improve occupational safety and health of migrant workers in destination countries. i. Advocate for and ensure OSH standards in the BLMAs and their compliance in employment. ii. Lobby and advocate for the ratification of international conventions including those of ILO, in particular the Occupational Safety and Health Convention, 1981 (No. 155), the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) and the Domestic Workers Convention, 2011 (No. 189) by the governments of South Asia and destinations countries. iii. Sensitise migrant workers on OSH related issues before and after their migration. iv. Make the employers accountable and responsible for OSH of migrant works. v. Advocate for identification of real reasons of deaths of migrant workers in the destination countries and pressurise the governments and employers to mitigate the associate risks. vi. Lobby and advocate for the inclusion of 24-hour insurances and social security of migrant workers in BLMAs.
5	<i>Capacity building of trade unions, employer organisations and other stakeholders.</i>	i. Enhance the capacity of affiliates and other stakeholders involved in supporting and protecting migrant workers. Provide capacity building training to trade union members particularly at the grassroot level on the issues of labour migration through the SARTUC affiliates. ii. Continue providing training and education of national and regional staff members and affiliates, among others. Share promising/best practices in South Asia and other countries of origin with regard to the protection of and support to migrant workers in the full migration cycle. iii. Strengthen ongoing collaborations of regional networks of trade unions and do joint advocacy for migrant workers and their rights. iv. Explore and support trade union affiliate members for exposure visits and participation in discussions and conferences. v. Mobilise technical support and resources from the partners and relevant UN agencies to prepare standards and materials for capacity building trainings.

		vi. Continue working with ILO and FNVs for various capacity development activities including for the employers in destination countries.
6	Conduct research to support evidence-based collaboration, advocacy and policymaking	i. Carry out joint gender-responsive research on South Asian migrant workers encompassing present status, best practices and preparation for the future of work. ii. Continue conducting research on the situation of and challenges associated with the reintegration of returnee migrant workers and inform revisions and improvement of the reintegration programmes. Provide policy and programme inputs based on need assessment of returnee migrant workers and study of labour market. iii. Carry out, through joint collaboration, job fairs and counselling sessions including psychosocial counselling for returnee migrant workers. iv. Conduct joint research on the situation of and challenges associated with OSH of migrant workers including of those engaged in domestic work. v. Work with international organisations to study the situation of fair and ethical recruitment.

ⁱ Bureau of Manpower Employment and Training (BMET). n.d. “Statistical Reports.” Accessed December 6, 2022. <http://www.old.bmet.gov.bd/BMET/statisticalDataAction>; Bureau of Emigration and Overseas Employment. n.d. “Emigration Statistics of Pakistan.” Accessed December 6, 2022. <https://beoe.gov.pk/reports-and-statistics>.

ⁱⁱ Ministry of Labour, Employment and Social Security. 2022. *Nepal Labour Migration Report 2022*. Kathmandu: MoLESS. The data for Nepal is for the Fiscal Year 2021/22.

ⁱⁱⁱ Sri Lankan Bureau of Foreign Employment. n.d. “Annual Statistical Report of Foreign Employment – 2021.” Accessed December 6, 2022. <http://www.slbfe.lk/page.php?LID=1&MID=257>.

^{iv} Data based on emigration clearance granted by the Government of India for the period June 2020 to December 2021. <https://www.hindustantimes.com/india-news/423559-indian-workers-returned-home-between-june-2020-and-dec-2021-centre-to-ls-101658501840973.html>

^v South Asian Regional Trade Union Council, Resolution on Migrant Labour.