

ERIA Discussion Paper Series**Improving the Regulatory and Support Environment for Migrant Workers for Greater Productivity, Competitiveness, and Social Welfare in ASEAN**

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November 2015

Abstract: *Migration between the Association of Southeast Asian Nations (ASEAN) member states will increase when the ASEAN Economic Community (AEC) stimulates economic development within the region and demand for labour grows. The majority of migrant workers in ASEAN member states are lower-skilled workers; however, the free flow of lower-skilled workers is not addressed in the AEC. The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007 and its Work Plan in 2008 are to promote regional cooperation to protect the lower-skilled migrant workers. To reduce the waiting time and cost associated with the unclear and inefficient administration, and to add more value to regular migration, it is important to promote the use of official channels. Securing workers' welfare will also lead to increased productivity.*

Keywords: ASEAN, lower-skilled workers, regular migration, remittances

JEL classification: J61

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This research 2008 was conducted as a part of the project 'Framing the ASEAN Socio-Cultural Community Post-2015: Engendering Equity, Resiliency, Sustainability and Unity for One ASEAN Community' of the Economic Research Institute for ASEAN and East Asia (ERIA) and the ASEAN Secretariat. The authors are deeply indebted to the members of this project for their invaluable suggestions. The opinions expressed in this paper are the sole responsibility of the authors and do not reflect the views of ERIA or the ASEAN Secretariat.

1. Introduction

Migration between Association of Southeast Asian Nations (ASEAN) member countries is increasing. It will increase more when the ASEAN Economic Community (AEC) stimulates economic development within the region and demand for labour grows. In particular, migrant workers support labour-intensive industries and their remittances also support their families in their home countries. Even when each worker's income is limited, such remittances sometimes have a significant effect on their family members' livelihoods.

The majority of migrant workers in ASEAN member states are lower-skilled workers; however, the free flow of lower-skilled workers is not addressed in the AEC. The AEC only mentions the free flow of skilled or professional workers and tourists. Although the demand for lower-skilled workers will grow, their mobility is carefully restricted by domestic laws and there is little momentum towards promoting the liberalisation of these laws. It is no surprise, therefore, that these workers are moving across the borders illegally; indeed, they move freely amongst some ASEAN countries. This hampers further efforts to allow the free flow of all kinds of people in ASEAN member states.

In this paper, section 1 reviews the current situation on migration within ASEAN member states. Sections 2 and 3 examine the management of migration in ASEAN member countries and the regional-level cooperation, particularly at the Mekong region in terms of migration from Cambodia to Thailand, to investigate the migration of regularised workers and the possibility of increasing productivity or competitiveness under the present scheme. Section 4 discusses the policy options for a better regulatory and support environment for migrant workers.

2. Migration in ASEAN Member States

2.1. Overview

In the last 20 years, more citizens of ASEAN member countries have migrated within the ASEAN region than ever before (Table 1). Within the ASEAN region,

there are countries that primarily send workers and countries that mainly receive workers. The Philippines, Indonesia, Cambodia, Lao PDR, Myanmar, and Viet Nam are countries that primarily send workers, while Singapore, Malaysia, Brunei Darussalam, and Thailand are countries that mostly receive migrant workers. Thailand receives workers from neighbouring countries, but at the same time, also sends workers to other countries.

The Philippines and Indonesia have a long history of sending workers not only to ASEAN member countries but to other countries as well. Cambodia, Lao PDR, and Myanmar (also called CLM countries), which all border Thailand, are relatively new in sending workers and they mostly send them to ASEAN member countries, such as Thailand and Malaysia.

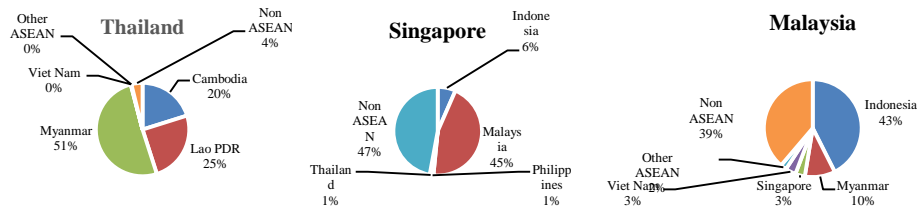
Malaysia, Singapore, and Thailand accept more ASEAN workers; however, the proportion of the workers' countries of origin is quite different (Figure 1). Malaysia and Singapore receive more workers from South Asia; on the other hand, Thailand receive more from ASEAN member countries. Besides ASEAN workers, the number of workers from South Asian countries, such as Bangladesh and India, has recently been increasing. More non-ASEAN workers are working in Singapore and Malaysia.

Table 1: Migration in ASEAN

		Country of origin										
		World	Brunei Darussalam	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
Country of destination	WORLD	2,315,222,215	48,459	1,113,662	2,992,338	1,291,837	1,673,671	2,647,982	5,481,683	303,394	894,259	2,600,693
	South-East	9,509,259	6,178	767,711	1,221,802	930,976	1,049,953	2,150,790	44,914	102,181	105,046	140,972
	Brunei Da	206,173			352		643		3,468	2,285	25,451	
	Cambodia	75,566			108	265	175	53	156	125	31,472	37,225
	Indonesia	295,433					1,979		3,517	19,681	19,681	
	Lao PDR	21,801		1,201					282		1,652	11,447
	Malaysia	2,469,173	5,975	13,876	105,1227			247,768	21,345	78,092	8,137	85,709
	Myanmar	103,117										
	Philippine	213,150	82	40	3,325		798	424		825	342	416
	Singapore	2,323,252			152,681		1,044,994		14,176		17,644	
	Thailand	3,721,735		750,109	645	926,427	1,191	1,892,480	1,196	632		5,966
	Timor-Les	115,669			5,793		173		764	75	155	209
	Viet Nam	68,290	121	2,485	7,671	4,284		9,783	292	466	512	

Source: Trends in International Migrant Stock: Migrants by Destination and Origin, Population Division, United Nations.

Figure 1: Three Receiving Countries, 2013



Source: Trends in International Migrant Stock: Migrants by Destination and Origin, Population Division, United Nations.

2.2. Characteristics of Intra-ASEAN Migration

On the characteristics of intra-ASEAN migration, the majority of workers are employed as lower-skilled or middle-skilled labour in construction, fishing, domestic work, and other sectors, collectively called the 3D sector—dirty, dangerous, and difficult. As the education level of the native population has increased, the 3D sector has become unpopular in the relatively developed countries in the region; therefore, migrant workers from less-developed countries come to work in this sector.

Amongst the lower-skilled workers, many are illegal. This is because many countries share long borders, wage gaps between sending and receiving countries are huge, and as historically, people used to cross borders easily, it is but natural for many people to go to work across borders without official permission. Likewise, due to the long waiting time and the high costs associated with the formal migration route, many workers tend not to use official recruitment agencies (Hing *et al.*, 2011; Paitoonpong and Chalamwong, 2011).

Since more illegal workers are working in the region, maintaining welfare levels amongst them is difficult. This also makes it difficult for local authorities to reach out to them and for such workers to access public services. Brokers try to take advantage of workers' ambiguous legal status, which can lead to human trafficking, and local authorities may come to threaten them with arrest or harassment. Therefore, illegal workers can be vulnerable in receiving countries.

3. Management of Migration in ASEAN Member States

There are three main aspects of regional-level cooperation in the management of migrant workers—the promotion of the free flow of skilled labour, the management of lower-skilled labour, and the prevention of human trafficking. Due to the economic gap between sending and receiving countries within ASEAN, it has taken more time to achieve regional-level cooperation regarding lower-skilled migrant workers; however, the other two aspects have already been addressed.

3.1. Free Flow of Skilled Labour

When ASEAN declared it would build one community, the AEC mentioned the promotion of human connectivity for the sake of establishing a single market and production base;² however, it only stated that skilled workers were welcome to move freely in the region. For professional workers in select fields, such as architecture (signed in 2007), accountancy (signed in 2009), surveying qualifications (signed in 2007), engineering (signed in 2005), medical practitioners (signed in 2009), dental practitioners (signed in 2009), and nursing (signed in 2006), ASEAN built a system called ‘mutual recognition arrangements’ (MRAs) to harmonise and standardise their skills. However, signing the MRAs does not automatically ensure market access. There are still some barriers to be overcome, such as nationality requirements (Chia, 2011; Orbeta, 2013).

3.2. Human Trafficking and Security

There is another issue for migrant workers in ASEAN countries—human trafficking. ASEAN covers this topic under the ASEAN Political Security Community as part of its concerns on human rights issues and cross-border crime. Many victims of human trafficking are lower-skilled workers.

At the Asia-Pacific level, in February 2002, the governments of Australia and Indonesia hosted a regional ministerial conference in Bali. Indonesia addressed the

²The ASEAN Economic Community Blueprint indicated that ‘the Leaders agreed to hasten the establishment of the ASEAN Economic Community by 2015 and to transform ASEAN into a region with free movement of goods, services, investment, skilled labour, and freer flow of capital’ (para. 4).

growing scale and complexity of irregular migration and human trafficking in the Asia-Pacific region. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was also agreed upon.

In 2004, the ASEAN Declaration against Trafficking in Persons Particularly Women and Children was declared in Vientiane, Lao PDR. In tandem with ASEAN regional efforts, the six Mekong countries of Cambodia, Lao PDR, Myanmar, Viet Nam, Thailand, and China signed the memorandum of understanding (MOU) on the Coordinated Mekong Ministerial Initiative against Trafficking, which fuelled the major progress in anti-human trafficking efforts in the Mekong region.³

3.3. Lower-skilled Labour

3.3.1. Overview

Lower-skilled migrant workers, who make up the majority of migrants among ASEAN countries, already move freely as a matter of practice. However, they were left out of the regional-level agreement until the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007. In fact, at a meeting in 1996, ASEAN foreign ministers said that migration should be a cause for concern within the region; however, they did not talk much about this topic for a while until 2007, when the declaration was finally made in Cebu, Philippines. Unlike professional workers or skilled labour, the articles relating to lower-skilled workers focus more on controlling and managing their movement and protecting them, not on promoting free movement. There was no policy framework in the declaration to increase the mobility of lower-skilled workers, and none was planned in ASEAN member states. In practice, countries use bilateral agreements, national laws, and regulations to import and export labour to and from ASEAN member states.

³ <http://www.no-trafficking.org/commit.html>

3.3.2. *International agreements and cooperation with ILO*

International agreements, treaties, and conventions are critical in managing the flow of migrant workers, including those at the regional level. The following are five basic measures for the social protection of migrant workers:

- (i) equality of treatment between the native population and migrant workers,
- (ii) maintenance of acquired rights and provision of benefits abroad (portability),
- (iii) determination of the applicable legislation,
- (iv) maintenance of rights in the course of acquisition (totalisation), and
- (v) reciprocity (Harkins, 2014).

There are several core agreements under the International Labour Organization (ILO) that cover these principles. Only Indonesia, the Philippines, Cambodia, which are all sending countries, have signed all core conventions, such as the Migration for Employment Convention 1949 (No. 97), the Migrant Workers Convention 1975 (No. 143), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, the Equality of Treatment (Accident Compensation) Convention 1925 (No. 19), the Equality of Treatment (Social Security) Convention 1982 (No. 118), and the Maintenance of Social Security Rights Convention 1982 (No. 157) (ILO and ADB, 2014). However, other countries still remain wary.

ASEAN cooperates with the ILO actively, for example, in the ASEAN Forum on Migrant Labour, which is an open platform for the review, discussion, and exchange of the best practices and ideas between governments, workers' and employers' organizations, and civil society stakeholders regarding key issues facing migrant workers in ASEAN member states since 2009.⁴ The ASEAN and ILO also collaborate to reduce the exploitation of labour migrants in the region through increased legal and safe migration and improved labour protection in the Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE) Project.⁵

⁴ http://www.ilo.org/asia/WCMS_214213/lang--en/index.htm

⁵ http://www.ilo.org/asia/whatwedo/projects/WCMS_193023/lang--en/index.htm

3.3.3. Bilateral agreements

While regional-level cooperation was left out to meet the demands of the proper management of lower-skilled worker migration or to improve mobility within ASEAN member states, sending and receiving countries agreed to bilateral agreements, such as MOUs, and developed domestic laws or regulations in each country.

Table 2: Bilateral Agreements within ASEAN

Countries	Signed	Sector
Cambodia–Malaysia	1999	Excludes domestic workers
Cambodia–Malaysia	(2015)	All low-skilled workers
Cambodia–Thailand	2003	All low-skilled workers
Indonesia–Brunei	(Draft)	Domestic workers
Indonesia–Malaysia	2004	Excludes domestic workers
Indonesia–Malaysia	2006/Additional protocol in 2011	Domestic workers
Indonesia–Philippines	2003	
Lao PDR–Thailand	2002	Excludes domestic workers
Myanmar–Thailand	2003	All low-skilled workers

Source: ILO and ADB (2014).

3.3.4. Regional-level cooperation

In the 1990s, migrant workers gradually became an issue in ASEAN member states. In 1996, at the ASEAN foreign ministers' meeting, migration was raised as an important topic, and it was recognised that illegal migration was one of the issues that needed to be addressed by governments in the region.⁶

In the late 1990s, the ASEAN Vision 2020 in 1997 and the Hanoi Plan of Action in 1998 incorporated measures to address international migration issues. In 1999, the High Level Ad-Hoc Experts Group Meeting on Immigration Matters was created and the ASEAN Plan of Action for Cooperation on Immigration Matters was released. The management of the flow of lower-skilled workers or unskilled workers was also discussed (Chheang, 2015).

⁶ Joint Communique of the 29th ASEAN Ministerial Meeting Jakarta, 20–21 July 1996.

However, due to the perception gap between receiving and sending countries, it took some time to gain the momentum for the ASEAN-level cooperation regarding lower-skilled migrant workers. Receiving countries—although their economies are largely supported by migrant workers and some of their enterprises actually depend on illegal workers as cheap labour—often want to maintain their freedom to apply domestic standards or regulations to labour management. This is partly due to the receiving countries' governments' wish to preserve domestic jobs for their own citizens and for national security. On the other hand, sending countries—which send more workers without proper management and leave unqualified brokers—support the prevailing status quo of illegal workers in ASEAN member states. As there is a serious wage gap between ASEAN countries, workers who live in lower-wage countries automatically flow into countries with higher wage levels.

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in Cebu in 2007 was initiated by Indonesia and the Philippines, which are the biggest sending countries in ASEAN. They were not satisfied with the treatment of migrant workers by receiving countries and wanted them to improve their working environments. Other ASEAN countries also recognised the importance of this issue from the viewpoint of further economic integration; therefore, they finally agreed to this declaration.

The Cebu Declaration listed the obligations of both sending and receiving countries (Table 3). It also confirmed the applicability of the receiving countries' laws or regulations in the receiving countries. It also stated that it did not cover the situation of migrant workers who were undocumented.

Table 3: ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007

Obligations of Receiving States

Pursuant to the prevailing laws, regulations, and policies of the respective receiving states, the receiving states will

- Intensify efforts to protect the fundamental human rights, promote the welfare, and uphold the human dignity of migrant workers;
- Work towards the achievement of harmony and tolerance between receiving states and migrant workers;
- 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 fulfil the requirements under applicable laws, regulations, and policies of the said state, bilateral agreements and multilateral treaties;
- Promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers;
- 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; and
- 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.

Obligations of Sending States

Pursuant to the prevailing laws, regulations, and policies of the respective sending states, the sending states will

- Enhance measures related to the promotion and protection of the rights of migrant workers;
- Ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of 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 the countries of origin; and
- 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.

Commitments by ASEAN

For purposes of protecting and promoting the rights of migrant workers, ASEAN Member Countries, in accordance with national laws, regulations and policies, will

- Promote decent, humane, productive, dignified, and remunerative employment for migrant workers;
- Establish and implement human resource development programmes and

- reintegration programmes for migrant workers in their countries of origin;
- Take concrete measures to prevent or curb the smuggling and trafficking of persons by, amongst others, introducing stiffer penalties for those who are involved in these activities;
 - Facilitate data sharing on matters related to migrant workers, for the purpose of enhancing policies and programmes concerning migrant workers in both sending and receiving states;
 - Promote capacity building by sharing of information, best practices, as well as opportunities and challenges encountered by ASEAN Member Countries in relation to the protection and promotion of migrant workers' rights and welfare;
 - Extend assistance to migrant workers of ASEAN Member Countries who are caught in conflict or crisis situations outside ASEAN in the event of need and based on the capacities and resources of the embassies and consular offices of the relevant ASEAN Member Countries, based on bilateral consultations and arrangements;
 - Encourage international organisations, ASEAN dialogue partners, and other countries to respect the principles and extend support and assistance to the implementation of the measures contained in this Declaration; and
 - Task the relevant ASEAN bodies to follow up on the Declaration and to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers, consistent with ASEAN's vision of a caring and sharing Community, and direct the Secretary-General of ASEAN to submit annually a report on the progress of the implementation of the Declaration to the Summit through the ASEAN Ministerial Meeting.

Source: ASEAN Secretariat.

Table 4: Work Plan for ACMW, 2008

Thrust/Area of Cooperation	Activities
Thrust 1: Step up protection and promotion of the rights of migrant workers against exploitation and mistreatment	<ul style="list-style-type: none"> • Policy Repository to promote best practices in migrant worker management policies. • Strengthen information services to educate migrant workers about their rights, access to services and immigration requirements
Thrust 2: Strengthen protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN Countries	<ul style="list-style-type: none"> • Workshops on Best Practices in Protecting Migrant Workers • Improve Overseas Employment Administration • ASEAN Forum on Migrant Labour
Thrust 3: Regional cooperation to fight human trafficking in ASEAN	<ul style="list-style-type: none"> • Updates of the activities of the SOMTC's activities. • Possible joint activities by the Committee and SOMTC.
Thrust 4: Development of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers	<ul style="list-style-type: none"> • Workshop on the scope of coverage for migrant workers and a common understanding on rights of migrant workers • Drafting of the key principles of the ASEAN instrument by representatives from 2 labour receiving states and 2 labour sending states

Notes: ACMW = ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, SOMTC= Senior Officials Meeting in Transnational Crime and Its Related Meetings.

Source: ASEAN Secretariat.

In 2008, the work plan for the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) was developed (Table 4). In this work plan, four areas of cooperation were mentioned. The first aimed at promoting best practices and strengthening information dissemination. The second aimed at promoting migrant workers' rights by improving labour-migration governance. The third was on human trafficking in the context of the migrant worker issue. The fourth aimed at developing common rules amongst ASEAN countries.

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers of 2007 and the Action Plan of 2008 have been the policy foundations dealing with migrant workers in ASEAN member states. Based on these documents, each country is trying to prepare domestic laws and regulations to manage migrant workers (Tables 5 and 6). To follow up on the implementation of the declaration, the ACMW was established in 2008 and the ASEAN Forum on Migrant Labour took the role of a platform for the broad-based discussion.

The ASEAN Socio-Cultural Community Blueprint states that the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is its priority to ensure fair and comprehensive migration

policies and adequate protection for all migrant workers in accordance with the laws, regulations, and policies of the respective ASEAN member states and to implement the Declaration (C.2.). It also states that it will facilitate data sharing for the purpose of enhancing policies and programs on migrant workers (C.2.V). The lack of reliable data on lower-skilled migrant workers is one of the critical issues that could hamper serious discussion on this issue.

Table 5: National Laws and Regulations

Sending Countries		
Indonesia	2004	Law on Placement and Protection of Indonesian Workers Abroad (No. 39)
Philippines	1995	Migrant Workers and Overseas Filipinos Act of 1995
Viet Nam	2006	Law on Vietnamese Guest Workers (No. 72)
Cambodia	2011	Sub Decree on The Management of the Sending of Cambodian Workers Abroad Through Private Recruitment Agencies (No.190)
Myanmar	1998	The Law relating to Overseas Employment (Law No. 3/99)
Receiving Countries		
Singapore	1995	The Employment of Foreign Workers Act
Malaysia	1955	The Employment Act 1955 (amended 1998)
Thailand	2008	The Working of Alien Act

Source: Yamada (2014) and various sources.

Table 6: List of Receiving Countries and Their Labour and Safety Regulations

	Medical Care	Sickness	Unemployment	Old age	Work Injury	Family	Maternity	Invalidity	Survivors	Do these cover migrants?
<i>Sending Countries</i>										
Cambodia	●	●		●	●		●	●	●	Yes
Indonesia	●	●		●	●			●	●	Yes
Lao PDR	●	●		●	●		●	●	●	Yes
Myanmar	●	●		●	●		●	●	●	Yes
Philippines	●	●		●	●		●	●	●	Yes
Viet Nam	●	●		●	●	●	●		●	Yes
<i>Receiving Countries</i>										
Singapore	●	●		●	●		●	●	●	No
Brunei Darussalam	●	●		●	●		●	●	●	No
Malaysia	●			●	●			●	●	Yes
Thailand	●	●	●	●	●	●	●	●	●	Yes

Source: ILO and ADB (2014).

4. The Case of Cambodia and Thailand

4.1. Migration in the Mekong Region

The Mekong region is a subregion within the ASEAN countries where active migration can be observed. Thailand, as a hub in the Mekong region, attracts more migrant workers from neighbouring countries, such as Cambodia, Lao PDR, and Myanmar. There are now almost three million migrant workers supporting the Thai economy, most of which are lower-skilled workers. Because of the labour shortage, the mismatch in the labour market in Thailand, the long land border, and the wage gap with neighbouring countries, labour migration has never slowed down and even increased in recent years.

Table 7: Migration from the Mekong Countries to Thailand

	No. of migrants working with active work permits and completed nationality verification ^a	No. of migrants working with active work permits and valid passports ^b
Cambodia	117,287	85,733
Lao PDR	34,999	16,665
Myanmar	1,179,341	36,650
Total	1,331,627	139,048

^a Data is as of 14 December 2012. This is the number of workers who migrated irregularly and registered themselves in Thailand.

^b Data is as of 13 July 2013. This is the number of workers who migrated through official channels.

Source: Huguet (2014).

The management system for migrant workers in this area is based on bilateral MOUs and each country's domestic laws and regulations. However, the governance of the related countries is not strong enough to manage the flow of workers in the region. This leads to more workers remaining undocumented, which in turn makes it difficult to monitor the workers' conditions. This also causes lower productivity of the workers.

Since the late 1990s, Cambodia has been one of the emerging sending countries in ASEAN. Cambodia sends more workers to Thailand, Malaysia, and South Korea, and has recently started to send workers to Singapore; there are also some trainees working in Japan. The trend in the last 30 years is shown in Table 8, however, it

should be noted that the statistics in Cambodia is much different from that in receiving countries, especially in Thailand.

Table 8: Distribution of Migrant Workers from Cambodia

	Thailand		Malaysia			South Korea	
	Male	Female	Male	Female (Factory)	Female (Housemaids)	Male	Female
1998					120		
1999					86		
2000			307	113	82		
2001			342	111	393		
2002			246	366	437		
2003			73	0	842	638	118
2004			105	122	582	519	155
2005			467	301	1,008	432	36
2006	3,222	894	231	318	1,141	1,341	160
2007	3,249	1,597	174	931	2,114	499	85
2008	1,816	1,175	53	19	3,360	2,125	406
2009	1,968	1,575	876	692	8,114	1,445	242
2010	6,394	4,920	2,522	1,954	11,918	1,635	481
2011	6213	10624	457	384	3510	4429	528
2012 ^a	7746	12251	99	63	0	6092	1077

Notes: This table only includes workers who used the official channels. Since 2007, South Korea started to accept Cambodian workers under the Employment Permission System. Before 2007, South Korea accepted only industrial trainees.

^a The figures in 2012 include those from January to October.

Source: Ministry of Labour and Vocational Training, Cambodia.

In the late 1990s, Malaysia was the first country to officially import Cambodian workers, based on a bilateral agreement titled ‘The Recruitment of Foreign Workers from Cambodia to Work in Malaysia’ in the form of an official letter from the Government of Malaysia to the Government of Cambodia in 1999 (Asia Foundation, 2011; Chan, 2009; Hing *et al.*, 2011). When Indonesia temporarily stopped sending workers to Malaysia in 2009, Cambodia took the opportunity to send more workers than before; as a result, in 2010, the number of Cambodian workers in Malaysia increased. However, in 2011, due to many cases of exploitation of housemaids, the Government of Cambodia banned sending workers to Malaysia. A new MOU has been under discussion as of the beginning of 2015.

Thailand is the biggest receiver of Cambodian workers. Cambodian workers started to migrate to Thailand in the 1990s. However, it was illegal for Cambodians to work in Thailand in the 1990s, according to the Immigration Act and the Alien

demand in Thailand and, even with the risk of deportation, higher wages in Thailand are still attractive to Cambodian workers.

4.2. Recent Situation of Cambodian Workers in Thailand

According to a 2014 study of 450 Cambodian workers in Thailand,⁸

(i) only 13 percent of the workers migrated to Thailand through official channels.

(ii) MOU workers have to pay more than THB15,000, which is five times more expensive than the fee paid by non-MOU workers,

(iii) the average daily income is THB387 for MOU workers, which is more than the 300 minimum wage in Thailand and the THB285 paid to non-MOU workers,

(iv) more MOU workers are working in a larger-scale manufacturing factories.

Management of migrant workers. Only 13 percent of the 450 Cambodian workers used official recruitment agencies to come to Thailand to work. Workers often choose unofficial routes because of the speed of processing. If they use the official route, they have to wait for a few months; if they use the unofficial route, they can start their work in Thailand within 10 days. Besides the speed, the official route costs three times more than an illegal entry through unofficial brokers or family networks. To migrate based on the MOU costs about THB15,000,⁹ while to migrate using unofficial ways costs about THB3,000.¹⁰

⁸ This part is based on the study of Cambodian workers in Thailand, which was part of a supporting study of an ERIA research project by the Bangkok Research Center, JETRO Bangkok/IDE-JETRO, together with the Institute of Population Social Research, Mahidol University. This study covered 450 Cambodian workers in Rayong and Samutprakan in Thailand and the questionnaire survey was done in October–December 2014. The workers were employed in the fishing, construction, and manufacturing/factory sectors and have been in Thailand less than three years.

⁹ A previous research placed the cost at THB20,000–THB21,000 (US\$600–US\$700) (Hing *et al.*, 2011). It may become even cheaper.

¹⁰ The average cost of migration is THB3,186 for those who use brokers, THB3,303 for those who use the family network, and THB2,866 for those who migrated by themselves.

Despite the longer waiting time and higher cost, more factory workers tend to migrate via the official route, compared to fishermen or construction workers. They choose the official route for safety reasons and thus receive better salaries and more stable remittances. According to the study, Cambodian workers in Thailand receive THB7,500 per month on average. Their daily wage is THB300, THB387 for MOU workers, and THB285 for non-MOU/illegal workers.¹¹

More factory workers, whose working conditions are more settled and less mobile than those in the fisheries or construction sectors, tend to use the service of registered recruitment agencies. According to the official statistics of the Ministry of Labour in Thailand, smaller-scale companies tend to employ illegal workers and larger-scale companies like manufacturing factories tend to employ MOU workers. The relatively larger-scale companies need a large number of workers, can afford the workers' recruitment fees, and can manage the fluctuation of workers.

Workers who entered via the official route tend to receive better salaries and have a more stable life in Thailand. However, not all workers can afford the initial cost of THB15,000. After 10 years of migration experience, people who need cash immediately for their survival have established their own migration networks to lower costs and start work earlier. On the employers' side, especially small-scale businesses, flexibility in terms of workers is necessary. At the same time, both workers and employers know that governments provide amnesties to legalise workers from time to time, although each time, the government insists that this amnesty is the last. The expectation of amnesty facilitates illegal migration.

Productivity and competitiveness. Most workers have never received any skills training before migration. Only two in 450 workers had been to vocational training schools in Cambodia, 13 percent had experienced working in garment factories in Cambodia, and most of the rest were farmers.

MOU workers often have pre-departure training; however, for most factory workers who are the majority of MOU workers, this consists not of skills training but a brief explanation of the contracts or accommodation. Cambodian recruitment

¹¹ The daily wage here means the daily wage from their main job. Workers may have second jobs besides their main jobs.

agencies explain that only housemaids receive some training before being sent to their employers.¹² Usually, Thai employers in factories, the fishing industry, and construction do not require ‘skilled’ migrant workers.

Social welfare. MOU workers have to buy insurance and receive an insurance card when they enter Thailand. According to the survey, 62.7 percent of the workers hold health insurance cards and 10.4 percent hold social security cards. In Thailand, on the migrant health insurance system, irregular migrant workers who registered under the amnesty program and at the OSSC were required to enrol in the Migrant Health Insurance (MHI) scheme, which is operated by the Ministry of Public Health and cost THB2,200 per year, plus THB600 for medical check-ups (which came out in August 2013). The cost of the MHI was adjusted down to THB1,600 (plus THB500 for check-ups) in June 2014 when the government announced the policy about the OSSC. Health benefits covered by the MHI are nearly equivalent to the benefits offered by the Universal Coverage scheme for Thai nationals. Migrant workers who have completed the Nationality Verification process are required to enrol and make monthly contributions to the Social Security Scheme and are entitled to social security benefits, including health benefits equivalent to those available to Thai workers (Chamchan and Apipornchaisakul, 2012). Although enforcement is another challenge, the health system in Thailand itself is supportive to the migrant workers.

Summary of the Case of Cambodian Workers in Thailand

Due to the slow process and high cost, Cambodian workers choose to use more unofficial routes to migrate to Thailand. People cannot afford to wait for weeks and pay the initial cost. On the other hand, some MOU workers who earn more and can enjoy a more secure life in Thailand. Unofficial workers can use information from their friends or family members in Thailand, which helps them avoid the worst working environment.

To reduce the waiting time and cost, and to add more value to MOU migration, it is important to promote the use of the official migration channels. However,

¹² This is based on interviews with a private recruitment agency in Cambodia in December 2014.

improving and promoting the official channels may take a long time. Meanwhile, it is difficult to completely eradicate unofficial migration, based on the experience of a number of countries. It should be clearly pointed out that even undocumented workers have the same human rights as ASEAN citizens, therefore, they should not be excluded in the social welfare system.

5. Policy Recommendations

5.1. Free Flow of Migrant Workers

The AEC is only aiming at liberalizing the movement of professional or skilled workers amongst migrant workers in the region.

To build the framework for the free flow of lower-skilled workers, schemes in the MRAs should be designed to include the lower-skilled and semi-skilled workers (Orbeta, 2013). This will also support the improvement of the workers' productivity and their social welfare.

5.2. Management of Migrant Workers

A transparent and efficient recruitment process is necessary to reduce the cost and time associated with migration. It is important to promote official migration channels and these could be done through the following:

- The administration process in the sending countries needs to be improved. According to the action plan, the Philippines is supposed to support the sending countries' overseas employment administration. Sending countries can share their experiences with emerging sending countries.
- Sharing of employment data will promote fair competition amongst the recruitment agencies, and workers will have more opportunities when considering their migration options.
- Monitoring systems, that cover the outgoing and returning migrant workers, have to be established in each country. Statistical data, which were generated through the monitoring system, should be shared amongst the member countries to enhance better policy dialogue.

- The role of local governments in migration governance should be redefined. Migrant workers' issues are always discussed at the central government level; however, in both sending and receiving countries, local governments are the key actors that have to face the issues concerning workers and employers (Bachtiar, 2011).
- Employers' responsibility should be taken into account. Employment rules should be designed to allow for stronger incentives for employers to choose the regular workers (Natali, McDougall, and Stubbington, 2014).
- A user-friendly mechanism should be designed to manage both the migrant workers and employers.

5.3. Productivity and Competitiveness

Returning migrant workers can be excellent human resources in their home countries. Therefore, human resource development from a regional perspective is important when thinking about intra-ASEAN labour migration. Although using low-wage, low-skilled migrant labour may result in short-term gain, it can act also as a disincentive for moving up the value chain and achieving higher productivity (ILO and ADB, 2014).

- Both the sending and receiving countries' governments and employers should communicate more to understand the skills needed in the market and to provide appropriate vocational training to workers.
- A systematic vocational training system is necessary for workers. It can be designed together with MRAs. Training programs can involve the private sector. The quality should be properly monitored and controlled.
- Not only the training in the sending countries but also the training in the receiving countries will help in effective human resource development.¹³ Training schemes, including on-the-job training (OJT) visa, will be useful in facilitating short-term migration in receiving countries. Trainees should also be treated justly and fairly.

¹³ For example, one Japanese company started to provide a tailor-made training programme for Cambodian workers who would work in Japanese factories in Thailand in December 2014. The trained workers will start working in 2015.

5.4. Social Welfare

The ASEAN Charter states that it is necessary to ‘strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN (Article 1.7.)’ and that enhancing ‘the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice is obviously important for human rights (Article 1.11.)’. At the same time, better welfare is the basis for higher productivity (Chheang, 2015; ILO and ADB, 2014). Given this ASEAN Charter framework,

- More countries are starting to improve regular migrants’ welfare. However, the treatment of unregistered workers is different from that of citizens of receiving countries. Unregistered workers are more vulnerable and need to be supported so as not to become victims of human trafficking. Decent working conditions should be promoted for all migrant workers in ASEAN.
- To promote the workers’ welfare and eliminate negative attitudes towards lower-skilled migrant workers in the receiving countries, it will be critical to lay the foundation for an equal treatment between native population and migrant workers (Natali *et al.*, 2014; Tunon and Baruah, 2012).

Conclusion

The better understanding between people among the neighbouring countries within ASEAN will be the basis of the building the Community. Mutual understanding will support the momentum for the free flow of people in the region, including all types of migrant workers from ASEAN member countries.

Migration between and among ASEAN countries has supported the economic development of the region. To date, migrant workers from CLM countries have

joined this movement. This will help narrow the economic gap among ASEAN countries through remittances and regional economic development.

At present, the management of intra-ASEAN labour migration is in its early stages. Due to the lack of proper governance in both sending and receiving countries, there are still large numbers of illegal workers. Some receiving countries are negative to the idea of the free flow of workers; meanwhile countries have yet to agree to regional standards for the migration of lower-skilled workers that will guarantee secure working environments and improve productivity.

For emerging sending countries, such as Cambodia, they still need to build more capacity in order to manage the sending process, hence, other sending countries that have more experience should share their knowledge and experience in capacity building. To further develop productivity and competitiveness, workers should receive proper training before and after being sent to their destinations and employers. Learning some basic skills will help them work better, and they will be able to utilise their experiences when they return to their home countries. ASEAN member states should consider each country's development strategy, including its migrant worker policy, when they consider the regional development.

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