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Migrant Forum in Asia



Thank you Ms. Chair and good afternoon everyone.

My name is Agnes Matienzo representing Migrant Forum in Asia, a regional network of NGOs, associations and trade unions of migrant workers, and individual advocates in Asia.

MFA is pleased to be part of this year's ILC and for the opportunity given to be able to address the Committee. As an organization that promotes the rights of migrant workers, MFA welcomes the discussion on decent work in global supply chains as this is an issue that has direct implications to the living and working conditions of many migrant workers who are often found in non-standard forms of employment. We are also glad to see that the report on decent work in global supply chains recognizes the difficult working conditions of migrant workers in these supply chains.

Countless reports suggest that slavery-like conditions, including trafficking in persons, forced labour, and debt bondage among migrant workers can be found in supply chains. The ILO estimates that close to 21 million people worldwide are subjected to forced labour, and 90% of them are in the business sector either by individuals or enterprises. In the Asia-Pacific region alone, 3.3 workers out of 1,000 experience forced labour.

Migrant workers, particularly low-wage and workers in the informal economy who are sub-contracted or work under contractual or informal arrangements, experience exploitative and abuse practices as in the case of migrant workers in the fishing and garment industries, in the palm oil supply chain, and in the mega construction projects and export processing zones, among others. Reports documenting the experience of migrants working in these sectors show large discrepancies between labour standards and the lived experiences of workers.

When talking about global supply chains, the focus should not be on quality of production and efficiency alone, but also on the workers who enable us to create these products and services to our satisfaction.

In the case of migrant workers, businesses should realize that even prior to employment, many workers are already in debt because of exorbitant recruitment fees, pre-departure loans at extortionate rates of interest, and sometimes hidden deductions on food and accommodation that often leave migrant workers unable to escape from debt bondage. Debts incurred by migrant workers are often hidden by multi-layered recruitment and employment process that are difficult to map and regulate. If a conflict happens between the employer and the worker, the worker cannot leave because they have to pay off their debt. Oftentimes, formally reporting labour malpractices results in retaliation from employers, loss of job and legal status, and deportation. Migrant workers, particularly low-skilled workers and workers in the informal economy, do not have bargaining power, because in many countries migrant workers cannot exercise their right to organize and bargain collectively by forming or joining trade unions.

Addressing human rights and labour rights violations within global supply chains will require a multi-stakeholder approach where governments, companies, suppliers, factory owners, civil society organisations, trade unions, and workers collaborate and inform efforts to tackle these violations.

Businesses should undertake due diligence in their supply chains, as stipulated in the UN Guiding Principles on Business and Human Rights, to ensure that the rights of workers are respected. Businesses have the responsibility for human rights violations in their supply chains. This means providing decent working and living conditions for workers, social protection, and ensuring ethical recruitment in the procurement of workers and allowing migrant workers to unionize. Multinational enterprises should ensure that all actors involved in the supply chains comply with international labour standards and respect human rights across the company's operations. There should be a monitoring mechanism where a worker can report unethical recruitment practices to ensure worker's access to a remedy without fear of retaliation.

With respect to the irregularities and malpractices in the recruitment process, which puts migrant workers in situations of forced labour and debt bondage, efforts to reform the recruitment industry should be further intensified. We must strive to achieve zero recruitment fees. No migrant worker should pay to secure a decent job. Recruitment agencies must adhere to ILO Convention 181 which states that recruitment fees should be shouldered by employers, not workers. Making this as a norm will not only benefit their businesses, but also drive criminality out of the system. Zero fees increase fair competition, improve recruitment practices, which reflect business needs and expectations of both employer and employee, and above all reduce economic burden leading to freedom from debt and financial exploitation.

States have the responsibility to ensure that businesses operate based on these standards. Policy coherence and consistency between global standards and national laws should be observed at all times. To ensure that companies comply with minimum labour standards, some forms of incentives should be made available to ensure that businesses that do ethical business would continue along that path, and can eventually inspire others to join them. Moreso, increased mandatory labour inspection should be carried out.

For trade unions, we recognize the efforts of some trade unions in recognizing membership of migrant workers into their unions as well as in organizing of migrant workers. We hope that others do the same.

For civil society, we also have a role to play in promoting worker's rights. Trade unions and civil society should work together to create more vigilance in monitoring the operations of all actors involved in the supply chains as well as in promoting businesses that do fair and ethical recruitment

I hope that the discussion here will serve the best interest of workers across all industries including migrant workers. The realization of decent work for workers will not only benefit the workers but also the families that depend on them, and will address the global cycle of poverty that exists today.

Migrant Forum in Asia (MFA) is a network of grassroots organizations, trade unions, faith-based groups, migrants and their families and individual advocates in Asia working together for social justice for migrant workers and members of their families. Since 1994, MFA has thrived into a formidable migrants' rights advocacy network in Asia, affecting significant influence to other networks and processes on the globe. To date, MFA is represented in 26 countries in the Asia - Pacific. MFA members and partners are also coalitions and networks, bringing the membership in the region close to 260, and growing each year.