

Managing Labour Mobility in Asia: A Holistic Approach



The Abu Dhabi
Declaration and
Pilot Project

Making Mobility More Beneficial at a Regional Level: A Declaration of Principles and a Concrete Pilot Project



Almost 3 million Asian contract workers leave their countries every year to work abroad: in the Gulf States, in Japan, Korea, Malaysia and Singapore as well as in North America and Europe. As their numbers grow and diversify in terms of source and destination countries, their impact is increasingly felt regionally as well as globally.

These contractual workers represent a formidable resource: they are potent agents of development both for the country of origin as well as for the country of destination. Through their individual effort they can also make a considerable change for the better in their lives and those of their families.

However, to fully reap the benefits of organized contractual labour mobility there is a need for effective policies, response mechanisms and adequate institutional capacity.

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Ensuring the protection of overseas workers from exploitative practices is crucial not only during employment in the destination country but also during the recruitment and pre-deployment phase in the country of origin as well as upon return and reintegration. Better protected workers facilitate the best economic and social outcomes. Also, providing fair working conditions and treating workers with dignity is an international obligation.

In recognition of this considerable potential and of the need for effective measures and policies to manage it, twenty Asian countries of origin and countries of destination took part in the “Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia: the Abu Dhabi Dialogue” in Abu Dhabi, United Arab Emirates, on 21-22 January 2008.

These countries agreed to a declaration of principles embodied in an “Abu Dhabi Declaration”. They also agreed to launch a series of partnerships for development aimed at increasing the benefits of contractual labour to workers and the economies and societies of the countries involved. An immediate outcome of these agreements is a concrete project to develop and demonstrate best practices in the administration of the temporary contractual employment cycle to benefit all those who hold a stake in its success, with a focus on three sectors: construction, hospitality, and health care.



The Abu Dhabi Declaration

On January 21 and 22, 2008, twenty Asian governments met in Abu Dhabi to participate in a “Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia.” The intensive two days of discussions culminated in the unanimous adoption of the Abu Dhabi Declaration. This document calls for a collaborative approach to better manage temporary labour mobility and maximize its benefits for the foreign workers and the development of both countries of origin and destination. The success of the temporary contractual employment cycle requires the establishment of a holistic approach that:

- Protects workers from all forms of exploitation;
- Guarantees fair and safe working conditions and the ability of workers to seek redress of legitimate grievances;
- Prepares workers for their return to their home country after they fulfill the terms of their contract;
- Helps workers reintegrate successfully in their home communities.

To attain these goals, the Abu Dhabi Declaration called for the launching of a series of partnerships for development with the aim of increasing the benefits of temporary contractual labour to workers, employers, economies and societies of the labour origin and labour destination countries. A key objective of temporary contractual labour mobility is to ensure temporariness of stay followed by reintegration in the country of origin so that the initial employment arrangement does not result in subsequent irregular employment experiences in the labour destination countries.



Government representatives attending the plenary session of the Ministerial Consultations on Overseas Employment held in Abu Dhabi, 21-22 January 2008.

The Importance of the Abu Dhabi Declaration



H.E. Mr. Salim Ali AlMuhairi, Executive Director, Council of Ministers of Labor & Social Affairs in Gulf Cooperation Council States addressing the Gulf Forum on Temporary Contractual Labour held in Abu Dhabi, January 22-24, 2008.

A large portion of Asian contract workers travel to the Gulf Cooperation States to work in a variety of jobs in the construction, trade, health care, and other service sectors. The numbers of temporary contractual workers will increase in the coming years as a result of globalization and changing demographic realities in countries of origin and destination. There is a growing need for skilled workers and service personnel in the Asian economy, and this would require large international flows of workers on temporary contracts.

The Abu Dhabi Declaration recognizes the importance of this process. The Declaration stresses countries of origin, countries of destination and, most importantly, the workers themselves benefit when workers' rights are effectively recognized and

respected. Transparent, legal and humane recruiting practices as well as fair and decent working conditions for all categories of foreign workers are an effective counter to work-related abuse and irregularities. They also enhance labour productivity and reduce conflict. The Abu Dhabi Declaration also recognizes that labour origin countries benefit when workers are able to use their remittances to enhance their families' living conditions, improve the educational status of their children, and return home with skills and capital that contribute to the development of their own countries.



H.E. Mr. Ahmed Luqman, Director General Arab Labor Organization (ALO), addressing the Gulf Forum on Temporary Contractual Labour held in Abu Dhabi, January 22-24, 2008.





The Pilot Project:

“Administration of Temporary Contractual Employment Cycle from India and the Philippines to the United Arab Emirates”

Within the framework of the Abu Dhabi Declaration, and following discussions held in the two-day Gulf Forum on Temporary Contractual Labour (23-24 January 2008) gathering the same twenty Asian countries, the Governments of India, the Philippines, and the United Arab Emirates are pleased to announce the launching of a pilot project to test and identify best practices in the administration of the temporary contractual employment cycle. The partners envisage that the lessons learned from the pilot project would form the basis for the development of a draft comprehensive regional multilateral framework for the larger group of Asian countries of origin and destination that participated in the Abu Dhabi Declaration.

The specific goals of the pilot project are to introduce policies and procedures that improve:

- The recruitment and pre-deployment of temporary contractual workers
- The working and living conditions of the workers in their country of destination
- The preparation of temporary contractual workers as they plan to return home after they have fulfilled the terms of their contract
- The economic and social reintegration of returning workers in their home community.

The pilot project will work with a selected group of Filipino and Indian workers employed in the construction, health and hospitality sectors in the United Arab Emirates.

A Holistic Approach: The Four Phases of the Temporary Contractual Work Cycle

The Abu Dhabi Declaration stipulates that the success of the temporary contractual employment cycle depends on implementing a holistic approach. New administrative initiatives are needed to align the interests of all those stakeholders involved in facilitating:

1. The recruitment and pre-deployment of temporary contractual workers;
2. The employment and residency of temporary contractual workers in the labour destination countries;
3. The preparation of temporary contractual workers for their return to their country of origin;
4. The successful reintegration of temporary contractual workers in their respective home communities.

This all-encompassing approach requires increased and innovative collaboration among the governments of labour origin and labour destination countries. There is a vested interest for all involved governments to uphold the rights of workers and to ensure that workers successfully fulfill the terms of their contracts. It is also understood that concrete measures need to be developed that assist workers as they return to their communities.

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The Details of the Pilot Project

In pursuit of the goals and objectives outlined in the Abu Dhabi Declaration, the Ministry of Labour of the UAE, the Ministry of Overseas Indian Affairs of India, and the Department of Labour and Employment of the Philippines have formed a partnership. The governments have decided to collaborate on the launch of a pilot project to develop and demonstrate best practices in the administration of the temporary contractual employment cycle.

The three governments have invited key international and regional stakeholders, including the International Labour Organization (ILO), the Arab Labour Organization (ALO), and the International Organization for Migration (IOM) to bring their expertise on temporary contractual labour mobility through a Steering Committee. IOM will also provide implementation support. The UAE Ministry of Labour has also convened a Commission of International experts to assist with the formulation of a draft comprehensive regional framework based on lessons learned from the pilot project.

The project will create three project management teams in the United Arab Emirates, India, and the Philippines. These teams will report to their respective country coordinators, who in turn will be in close contact with the project manager stationed in the United Arab



The three main Government institutions involved in the design of the pilot project:
The UAE Ministry of Labour (MOL),
The Ministry of Overseas Indian Affairs and the
Filipino Department of Labor and Employment (DOLE)

Emirates. The project management teams will work with selected groups of temporary contractual workers in the construction, hospitality, and health care sectors. The Indian and Filipino project management teams will focus on the development of a fairer, more efficient recruitment process as well as the planned reintegration of workers returning to their home communities. The United Arab Emirates project management team will work to create more transparent and accessible mechanisms that workers can use to resolve problems associated with unsatisfactory working or living conditions. In addition, the United Arab Emirates project management team will develop initiatives to assist construction, hospitality and healthcare workers who are preparing to return home after the expiration of their contract.

A Steering Committee composed of representatives from the three participating governments and the assisting international organizations will oversee the pilot project.

The project will be subject to both internal and external evaluation. Rigorous evaluation is essential because the pilot project is ambitious in its scope and objectives. At the conclusion of the project, the Steering Committee will work with a Commission of International Experts to identify the key lessons learned from the initiative.

The direct beneficiaries of this pilot project are 3,000 temporary contractual workers from India and the Philippines (1,500 from each country) in the construction, health care and hospitality sectors



Phase I: Ensuring Fair and Efficient Recruitment

The project management teams in India and the Philippines will identify workers in the construction, healthcare and hospitality sectors and provide them with pre-departure orientation programs that provide each temporary contractual worker with:

- An understood and enforceable contract that is available in the language of the worker and which corresponds to the English-language or Arabic-language contract issued by the employer;
- Customized and gender-sensitive orientation sessions that provide workers with a realistic picture of living and working conditions in the United Arab Emirates;
- Measures that ensure that workers do not pay excessive recruiting fees and are placed in positions that correspond to their skills;
- Establish one or more “one-stop-shop” centers in India and in the Philippines for receiving and processing applications for work;
- Verification of travel documents and assistance in filling out the required documentation necessary for travel;
- Assistance in booking tickets at preferential rates as well as assistance in moving through customs and immigration controls;
- Assistance in obtaining fitness for travel medical checks prior to departure.



Filipino contractual worker filling in forms for overseas employment. The Philippines has one of the world's largest overseas worker population at around 8 million persons.

Phase II: Treating Workers with Dignity

The project management team in the United Arab Emirates will develop programs for the selected group of temporary contractual workers from the Philippines and India who are entering the United Arab Emirates in order to begin work in the construction, hospitality and healthcare sectors. These initiatives will be sensitive to the different needs of male and female workers and:

- Provide post-arrival counseling and hotline assistance in the language of the workers;
- Establish a team of officials who can help temporary contractual workers defend their rights in a language they can understand;
- Provide information and assistance in transmitting remittances through affordable, safe, and fast channels;
- Monitor working conditions and alert authorities to any problems which are discovered;
- Establish appropriate dispute resolution mechanisms that promote employer-worker cooperation;
- Develop a mutually acceptable system of addressing the needs of workers who have legitimate reasons to leave their first place of employment.



Workers in the greatly expanding construction sector of the UAE will be another key target group of the pilot project's activities.



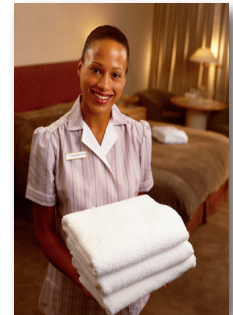
Phase III: Facilitating the Return Home

The project management team in the United Arab Emirates will develop initiatives to prepare selected workers for their return to their country of origin, including measures such as:

- Effectively identifying workers whose contract is about to expire;
- Creating gender-sensitive information centers for workers wishing to return home so that they can better understand what resources can be provided to them by the Governments of India and the Philippines on their return home;
- Developing a liaison service with trade unions and employers in the United Arab Emirates to ensure that workers ending their contracts receive their full salaries and benefits;
- Presenting campaigns that encourage workers to return home after their contracts expire;
- Putting in place pre-departure orientation sessions that can include counseling information on job opportunities and vocational training for participating workers.



Document verification such as the one above for Indian nationals will be one of the key activities undertaken by the pilot project.



Housekeeping staff and others working in the hospitality sector in the UAE will be one group of contractual workers benefiting from the pilot project.

Phase IV: Successful Reintegration

The project teams in India and the Philippines will take measures to:

- Facilitate the return travel of participating temporary contractual workers;
- Develop and make available gender-sensitive training opportunities back home;
- Encourage investment in the local economy by returning workers by providing access to credit and developing reputable savings schemes;
- Identify job and entrepreneurial opportunities for returning workers;
- Provide, if necessary, counseling services for returning workers and their families.



Health care specialists such as doctors and nurses are in high demand in the UAE and will be actively recruited through the pilot project.





Towards a New Multilateral Framework for Temporary Labour Mobility

The Governments of India, the Philippines, and the United Arab Emirates view this pilot project as a way to identify institutional initiatives and policies that can be replicated on a much wider scale. This is why the project management teams will provide regular reports to the Steering Committee and why a Commission of International Experts will be established to evaluate the successes and failures of the pilot project.

Creative experimentation is necessary to establish those best practices that can significantly improve the working and living conditions of the temporary contractual workers and facilitate development in the origin and destination countries. Identifying necessary reforms will allow the Commission of Experts to present a draft of a new multilateral framework for temporary labour mobility of contractual workers that can obtain the support of concerned governments and relevant public and civil society stakeholders.

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Contractual Labour Mobility: a Key Concern of the Global Forum on Migration and Development (GFMD)

The shared responsibility of protecting the rights of migrants is at the heart of the second meeting of the Global Forum on Migration and Development (GFMD) to be held in Manila, the Philippines, on 29-30 October 2008.

The GFMD is an initiative of the international community to address the links between migration and development through non-binding dialogue focused on practical approaches. It reflects the growing importance of these linkages, and the progressive acknowledgement of the need to address the policy implications and responses in a multilateral framework. The GFMD is a state-led initiative resulting from the High Level Dialogue on International Migration and Development held 14-15 September 2006 within the framework of the General Assembly of the United Nations. Its inaugural meeting was held in Brussels in July 2007 under the chairmanship of the Government of Belgium.

The Manila GFMD revolves around the central theme, "Protecting and Empowering Migrants for Development." This is in line with a key finding of the High Level Dialogue that the benefits of international migration, not only for migrants themselves but also for origin and host societies, are contingent on the protection of migrants' rights.





Roundtable themes are: a) Migration, Development and Human Rights; b) Secure, legal migration can achieve stronger development impacts; and c) Policy and institutional coherence and partnerships.

The first Roundtable – “Migration, Development and Human Rights -- Protecting the Rights of Migrants – A Shared Responsibility” - is co-chaired by the Philippines and the United Arab Emirates, key players in both the Abu Dhabi Dialogue and the labour mobility project described above. It will focus primarily on migrant workers and governments’ efforts in protecting their rights. It will examine the evidence for whether and how improved rights for migrants can strengthen their contribution to development and consider best practices by governments, including cooperation between origin and host countries, in protecting and empowering migrants and diaspora to contribute to development.

The GFMD process is helping to build international consensus around the need to link up migration and development priorities. It is opening up a space for migration and development policymakers to reach objectives more effectively by jointly acknowledging and addressing the benefits and risks of migration for poor people and developing countries. Sharing responsibilities between developed and developing countries can make migration work better for development and vice versa; and can lead to migration by choice rather than by necessity.

For further information on the GFMD, the Abu Dhabi Declaration and pilot project go to:

<http://www.gfmd-fmmd.org;>

<http://www.iom.int/jahia/Jahia/pbnAF/cache/offonce?entryId=16435>