Learning from the ASEAN Model for Labour Mobility

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LEARNING FROM THE ASEAN MODEL FOR LABOUR MOBILITY

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Workshop on the Development of an APEC Labour Mobility Framework)

How do we learn lessons?

✓ Models, Prototypes?
✓ Good Practices?
✓ Performance Assessments?
✓ Comparisons?
✓ Struggles?
✓ Mistakes?
Presentation Outline: Essential Contents

- ASEAN Economic Community Blueprint on Labour Mobility
- ASEAN Prospects & Achievements vis-à-vis Challenges and Concerns
ASEAN Community

ASEAN Political-Security Community (APSC)
Enhance rules and good governance for ASEAN

ASEAN Economic Community (AEC)
Enhance integration and competitiveness of ASEAN

ASEAN Socio-Cultural Community (ASCC)
Enhance the well-being of ASEAN peoples

Migration Issues

ASEAN Economic Community (AEC) Blueprint

ASEAN Political-Security Community
- ASEAN Economic Community
  - ASEAN Free Trade Area (AFTA)
- ASEAN Social-Cultural Community
  - Education
  - Environment
  - Health
  - Information
  - Labour
  - Rural Development & Poverty Eradication
  - Science & Technology
  - Social Welfare & Development
  - Women
  - Youth

ASEAN Economic Community Blueprint

ASEAN Political-Security Community Blueprint

ASEAN Socio-Cultural Community Blueprint

Community Outreach
Principles of the ASEAN Economic Community

The AEC is the realization of the end goal of economic integration as espoused in Vision 2020, which is based on a convergence of interests of ASEAN Member Countries to deepen and broaden economic integration through existing and new initiatives with clear timelines. In establishing the AEC, ASEAN shall act in accordance to the principles of an open, outward-looking, inclusive, and market-driven economy consistent with multilateral rules as well as adherence to rules-based systems for effective compliance and implementation of economic commitments.

BUILDING THE ASEAN ECONOMIC COMMUNITY

Single Market and Production Base

- Stable
- Highly competitive
- Prosperous
- Economically integrated
- Facilitative of trade & investment
- Free flow of goods, services, capital, investment and labour
- Facilitative of movement of professionals, business persons, talents and labour
“Free flow” under AEC is not absolutely free

- managed and not automatic
- rules-based (regional, national and domestic)
- still governed by domestic (immigration and labour) regulations
- recognition of qualifications is key
- Adheres to implementing commitments, concluded through consensus, and moving forward from previous frameworks & initiatives (e.g. AFAS, AMRAs)

Other Elements of AEC: Address the “development divide”

- Address the development divide and accelerate integration of Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV) through the Initiative for ASEAN Integration and other regional initiatives.
- Other areas of cooperation: human resources development and capacity building; recognition of professional qualifications;
For managed mobility or facilitated entry for the movement of natural persons engaged in trade in goods, services, and investments, according to the prevailing regulations of the receiving country:

- Facilitate the issuance of visas and employment passes for ASEAN professionals & skilled labour who are engaged in cross-border trade and investment activities.

In facilitating the free flow of services (by 2015):

- harmonization and standardization, with a view to facilitate their movement within the region.
- Enhance cooperation among ASEAN University Network (AUN) members to increase mobility for both students and staff within the region;
- Develop core competencies and qualifications for job/occupational and trainers skills required in the priority services sectors (by 2009); and in other services sectors (from 2010 to 2015); and
- Strengthen the research capabilities of each ASEAN Member Country in terms of promoting skills, job placements, and developing labour market information networks among ASEAN Member Countries.
Across ASEAN, the priority occupations that are being opened up are those under MRA:

- 2005 Engineering Services
- 2006 Nursing Services
- 2007 Architectural Services
- 2007 Surveying
- 2009 Accountancy Services
- 2009 Medical Practitioners
- 2009 Dental Practitioners
- 2012 Mutual Recognition Arrangement on Tourism Professionals (ASEAN MRA-TP)
### Strategic Schedule for ASEAN Economic Community: Labour Mobility-related

#### On free flow of capital

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-15</td>
<td>Facilitate MRA or mutual cross recognition of qualification, education and experience of market professionals</td>
</tr>
</tbody>
</table>

#### For free flow of skilled labour

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>2008</td>
<td>Complete MRA for major professional services, industry &amp; PIS service sectors</td>
</tr>
<tr>
<td>2009</td>
<td>Develop core competencies (concordance of skills &amp; qualifications) for job and occupational skills required in priority service sectors</td>
</tr>
<tr>
<td>2015</td>
<td>Develop core competencies (concordance of skills &amp; qualifications) for skills required in all service sectors</td>
</tr>
</tbody>
</table>
IS ASEAN ON TRACK?

------→ Not Quite-----------------------------→

- “The lack of cohesive regional framework, nationalist & protectionist policies and middling political will impede ASEAN’s skilled labor mobility” (Alexander Chipman Koty, May 2016).
- “Human capital development will be crucial to AEC feasibility” (Veeringderjeet Singh, Ascel Asia, April 2016)
- ILO/ADB observe increasing demand for highly skilled labour but the largest demand continues to be for low and medium-skilled jobs such as trade, transport and construction.

IS ASEAN ON TRACK?

------→ Not Quite-----------------------------→

- Continuing mode of cooperation in labour migration is thru bilateral and non-binding instruments
- Headway for AEC goal for free flow of labour is unavoidably hinged in part on the state of progress of discussion in the ASCC-Labour thru the ASEAN forum on Migrant Labour (AFML)
ASEAN Socio-Cultural Community (ASCC)

Cooperation Structure in ASEAN SLOM Subsidiary Bodies

ASEAN committee on the implementation of the ASEAN declaration on the protection and promotion of the rights of migrant workers (ACMW)

ASEAN occupational safety and health network (OSHNET)

SLOM working group on progressive labor practices to enhance the competitiveness of ASEAN

SLOM working group on HIV prevention and control in the work place
### The ASEAN Instrument on Migrant Workers

#### A. The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (January 2007, 12th ASEAN Summit, Cebu, Philippines)

- Regional instrument initiated by Philippines to promote rights of migrant workers
- Outlines obligations of sending and receiving countries to migrant workers in the region and manifests commitment of ASEAN to protect and promote their rights
- A landmark document: first specific recognition of the rights of migrant workers in ASEAN Region.

#### B. Current Status

- About 85% of the Instrument’s contents have been agreed (humane treatment of migrant workers, access to justice, protection against payment of excessive fees, possession of passports and other travel documents, access to medical and healthcare, non-discrimination and gender equality, fair remunerations and benefits, clear employment terms and conditions, among others)

- Three (3) Principle Issues are still unresolved:
  a) nature of the Instrument (legally binding or non-legally binding)
  b) inclusion of family members of migrant workers already residing with them
  c) inclusion of undocumented migrant workers

24th ASEAN Labor Ministers Meeting (ALMM, 15 May 2016)

- Tasked the ACMW/SLOM to continue the negotiations on the Instrument towards finalization by April 2017 in time for the Philippines chairmanship of ASEAN in 2017.
Supporting ASEAN in Moving Towards Increased Mobility of Skilled Labour

Donors: IOM Development Fund and USAID
Duration: 1 October 2013 – 30 June 2015 (21 months)
Project Partners: Senior Labour Officials of ASEAN Member States, ASEAN Secretariat
Project Beneficiaries: Senior labour, economic and education officials of ASEAN Member States, employers, trade unions, professional associations and relevant line ministries in ASEAN Member States

❖ 1st COMPONENT: ENHANCING CROSS-SECTORAL, MULTI-STAKEHOLDER COORDINATION AND DIALOGUE
❖ 2nd COMPONENT: CAPACITY BUILDING ON LABOUR MOBILITY
❖ 3rd COMPONENT: SUPPORTING DEVELOPMENT OF TOOLS ON SKILLS RECOGNITION
❖ 4th COMPONENT: INFORMATION MANAGEMENT AND SHARING

AEC Free Flow of Skilled Labour: Breakthroughs & Challenges

PROSPECTS & ACHIEVEMENTS
❖ The ASEAN Qualifications Reference Framework (AQRF) has arisen from the ASEAN Charter signed by the ASEAN Leaders in November 2007. The Charter aims to develop human resources through closer cooperation in education and life-long learning, and in science and technology. AQRF, NQFs and MRAs getting to good shape

CHALLENGES & GAPS
❖ Need to be cohesive to be better understood by migrants
❖ Need to ease access of low and medium skilled workers to pursue further qualification without duplicating previous education and training.
### AEC Free Flow of Skilled Labour: Breakthroughs & Challenges

**PROSPECTS & ACHIEVEMENTS**
- AQRF in force as reference to NQF’s (most member states completed); ASEAN geared to support less developed countries in the region.
- Growth of high-skilled professional sectors

**CHALLENGES & GAPS**
- Detailed Guidelines needed on comparing qualification levels within ASEAN to facilitate mutual recognition of skills & categorization of workers
- National strategies needed to manage labour surpluses, shortages, unbalanced movement of migrant workers

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### AEC Free Flow of Skilled Labour: Breakthroughs & Challenges

**PROSPECTS & ACHIEVEMENTS**
- MRAs for priority professions comprising of 1.3-1.5% of national labour forces are good models

**CHALLENGES & GAPS**
- Need to expand MRA’s for lower & medium skilled workers (such as thru ILO work in facilitating MRS & development of Regional Model Competency Standards, focusing on technical & vocational skills, especially guiding less developed countries)
PROSPECTS & ACHIEVEMENTS

- Improved liaison among ASEAN member States & national professional agencies
- ASEAN Joint Coordinating Committee on Medical Practitioners—analysis of regional practices, specific achievable targets, very clear recognition & eligibility guidelines for medical professionals, pursued limited registration/licensing as the basis for mobility among medical practitioners in 5 categories (limited practice, expert visas, education/hiring, research & humanitarian missions)

CHALLENGES & GAPS

- Further deliberations needed to achieve practical results in harmonizing regulations related to industry competencies, professional certification and competency-based certification
- Need for other professional sectors to move into more specific strategic commitments.

AEC Free Flow of Skilled Labour: Breakthroughs & Challenges

- Mutual confidence in the present competency assessment systems of AMS needed in order not to delay employment of migrant workers, especially when the demand for workers is urgent and high.
- Increase the involvement of employers, recruiters, workers and training entities who are the providers and users of skills in the development of qualifications frameworks and competency systems, which would help ensure the smoother and quicker validation of assessment and certification processes
- Country profile of competency assessment and certification system must be made available, as a key tool for AMS to understand how their respective systems function across ASEAN
- Shared definitions of ‘skills’ and ‘competences’ among AMS is a priority issue. Focus on the learning outcome derived in a term. (e.g. the American model assesses competency based on productivity whereas the British model is based on knowledge, skills and attitudes.)
AEC Free Flow of Skilled Labour: Further Hurdles Identified

- Move towards some level of harmonized skills standards through further capacity building;

- Move beyond competency assessment and certification towards recognition;

- Balance the real needs of employers with the appropriate certification processes;

- Enable competency certification systems to be responsive both to the workplace as well as to the education and labour sectors;

- Identify pilot sectors for implementation of the guiding principles.

AEC Free Flow of Skilled Labour: Further Hurdles Identified

- Ensure coherence between the NQFs, national competency certification systems, and the AQRF thru quality assurance mechanisms;

- Development of ‘guiding principles’ may be more appropriate than the development of guidelines, since no guidelines can fit all occupations/levels and the process for recognition is very complex.

- Harmonization is not needed or desirable across all sectors and types of qualifications because of different country-specific needs/situations.

- Development and comparison of skills standards must be drawn within & outside the region, such as Australia, New Zealand or the Philippines, and be facilitated by an international organization such as IOM or ILO.
AEC Free Flow of Skilled Labour: Further Hurdles Identified

- Closer understanding of each other’s system of recognition of qualifications is needed for improved comparability rather than harmonization, given widespread fragmentation of responsibility for recognition of qualifications within member states.

- Need to understand labour migration flows, not only to focus on qualifications without looking at the current and future flows of labour migrants in the region.

- Clear distinction between referencing and recognition, and a mechanism for consultation with the users of the guiding principles needed, to ensure that progress can be made in moving from referencing to recognition.

- A clear roadmap is required, on what is achievable in 5 years on free flow of skilled labour as well as a communications strategy to inform public opinion and expectations about what the ‘free flow of skilled labour’ will mean for ASEAN citizens.

Thank you very much!