

Migration policies in view of changing employment landscape
A call from Asian employers' organisations to policymakers for stronger dialogue
A contribution to the International Migration Review Forum 2022

Building on:

- the outcome of the meeting of South Asian Forum of Employers (SAFE) and ASEAN Confederation of Employers (ACE) members of November 2019 in Kuala Lumpur, hosted by the International Training Center/ILO,
- the Delhi Resolution on Migration, agreed by SAFE in February 2019,
- the International Organisation of Employers' (IOE) position paper on migration, published in December 2018,
- the statement of the Employers' Organisations in the Asia-Pacific region, delivered in November 2017 as part of the negotiation process of the Global Compact for safe, orderly and regular migration (GCM),
- the IOE position paper "The key role of Labour Migration in the post-Covid recovery", published in July 2021,
- the IOE global contribution to the IMRF.

the Asian employers' organizations listed below¹ present the following position addressed to policymakers, which will serve to input:

- the First International Migration Review Forum to be held in New York from 17-20 May 2022, and
- the ILO regional meeting for Asia to be held in Singapore in 2022,

Current context:

Migration to, from, and within Asia is significant and on the rise. In 2019, Asia accounted for 60% of the world population. It hosted 30% of international migrants (83.6 million), and between 2010 and 2019, the region increased its migrants' stock by 0.2% (UN 2019). Most of Asia's labour migration that occurs within the region or in countries of the Gulf Cooperation Council (GCC), mainly comprises less skilled labour and is temporary in nature. However, Asian migrants remain an essential element of labour markets in OECD countries, and also contribute significantly to the most-skilled categories thereof. Many medium and high-income Asian countries are also attracting significant numbers of high-skilled individuals from the region.¹

The impact of the Covid-19 on the economy and societies has drastically changed the migration landscape impacting the way of work. During the two years of Covid-19 employers had to pivot their business and employee adapt to the new way of work. The shift to increased remote working has led to the employers' need for different skills and competencies. Due to the lockdowns, many businesses, especially the MSMEs/SMEs downsized, and suffered financial and productivity losses. Therefore, unlike what was anticipated, employers were unable to absorb fully the returning migrants into their labour force.

Some of the issues which are still evolving and unclear - will Governments and Employers take the necessary steps to provide opportunities, for instance through online platforms, for the most vulnerable migrants such as youth of working age, women, persons with disabilities, LGBTI etc? What remains clear however is that for a sustainable business, employers need flexibility and agility in both volumes of workforce, diversity as well as in skills and competencies.

¹ "Innovative approaches for the management of labor migration in Asia", ADBI, OECD, ILO, 2020 <http://www.oecd.org/migration/innovative-approaches-for-the-management-of-labor-migration-in-asia-be84707b-en.htm>

Freer frameworks for economic migration are good for business, catalysing innovation, investment and entrepreneurship - the building blocks of sustainable development. It is therefore important to put in place well thought-out and practical policies for harnessing the developmental benefits of migration including by strengthening legal avenues for mobility, ensuring that recruitment is responsible, and promoting formal certified skills recognition schemes. The increasing scale of economic migration within, from and to Asia is undoubtedly of consequence for employers in the region, while all stakeholders must now manoeuvre in a with Covid-19 world.

In this context, **four priorities** drive the Asian business position on migration:

1. The need for predictable and transparent legal frameworks for the mobility of skills

Businesses need to transfer and deploy people quickly, but tax, social security and immigration requirements often act as barriers to the movement of people cross-border for work. We encourage states to address these hindrances and make migration eco-systems more efficient and business friendly. Mobility strategies must be agile, and adaptable to meet the fast-changing requirements of the business and different groups of employees.

Further, migration systems should be predictable and transparent and be comprised by a variety of mechanisms to meet the need for human resources at all skill levels. Different instruments should be in place for different categories of migrants including high skilled workers who help organizations fill managerial, executive and top research jobs with the most qualified candidates; intra-corporate transferees; and those on short-term assignments.

Most immigration systems in Asia need to be revamped based on the current migration and employment patterns. Migration law, policy and administration have not kept pace with the workplace changes. This is particularly obvious as companies and the global economy struggle to survive as a consequence of the Covid-19 crisis; flexible pathways for employment support businesses in accessing the needed talent in sector which most need them.

The recent pandemic has highlighted the challenges related to the repatriation of migrant workers to their home countries, and their reintegration into struggling economies. On repatriation, governments should have “force majeure” policies in place that respond to emergency situations, like health-related pandemic, natural disasters and internal or external security risks. Learning from experience of the Covid-19 crisis, we would encourage that necessary safety nets are included in the migration frameworks which would address any such future crises with arrangements between the sending and receiving countries to provide a basic travel insurance to repatriate workers left stranded with no income, provide access to low cost healthcare and ensure their safe return home. In addition, recognition of skills acquired by returning migrant workers; upskilling or reskilling programmes for this returning migrant workforce will be needed, to allow them to reintegrate into the local workforce and contribute to the local economy.

To support Governments in the implementation of **GCM Objective 5 – “Enhance availability and flexibility of pathways for regular migration”**, we call for more dialogue on skills mobility policies between policy-makers and employers’ organisations to better understand the skills needs and requirements of the various industries.

2. Responsible recruitment practices

In addition to ensuring better migration experiences for workers, there is also a strong business case for companies to uphold responsible recruitment practices. Hiring in an unethical or opaque manner can result in enormous administrative, legal and reputational costs for businesses. Further, fair recruitment guarantees selection of meritorious candidates over those who merely have the ability to pay high recruitment costs. This contributes to higher productivity, efficiency and competitiveness.

The Covid-19 crisis has shed light on a serious concern to businesses in Asia: informality. Most of the migrant workers who are now in difficult situations were working in the informal sector or hired through informal channels. When regulated appropriately, private employment and recruitment services improve labour-market functioning by matching jobseekers to a decent job. Today many countries have inadequate regulatory frameworks for these services, and/or simply do not enforce them. This allows for rogue players to deceive and trap jobseekers and workers into debt bondage and dangerous working conditions. Appropriate and effective regulations at national level are required.

Partnerships between source and host countries are required to enable and foster portability of social security. Bilateral agreements should be put in place to ensure proper calculation of social security contributions, its availability in times of public crisis, enhance security of workers, and to protect employers against retroactive impact. This is of particular relevance in times of crisis when employers struggle to keep their workforce in place. Bilateral social security agreements are portability instrument that should be further developed in our region.

The ILO operational guidelines for fair recruitment, as well as its related definition of recruitment fees and related costs, provide a sound framework to inform the work of organizations, national legislatures, and social partners in the area of promotion of fair recruitment. A national dialogue should determine who covers the recruitment costs, either the government, employer, recruiter or worker. In this regard, we urge Governments to find solutions to reduce these costs to a minimum.

To support Governments in the implementation of **GCM Objective 6 – “Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”**, we call for greater dialogue between countries of origin and destination, along with their employers’ organisations and recruitment agencies to collectively find solutions to mitigate risks, by enhancing social security and recruitment frameworks.

3. Skills development programmes, skills recognition schemes and skills matching frameworks that respond to labour market realities

To remain competitive in global markets, employers require a readily available pool of talented workers equipped with the right knowledge and skills to be employable and work in productive, secure jobs which grow enterprises and economies. To this end, mechanisms for mutual recognition of certified skills offer win-win solutions for employers, jobseekers and economies at large. In Asia, Mutual Recognition Arrangements (MRAs) Framework has been formalized among ASEAN Member states for enabling easy mobility of candidates in 8 priority sectors. MRAs serve as a good example of a dynamic regional labour force, despite some challenges in its implementation. There is also a need to review certain skills categories. . In addition to G2G agreements, greater collaboration between Employers’ Organisations will be ensured aiming at partnerships between employers of the region.

National education systems are often not aligned with labour market needs, therefore despite the high percentage of GDP allocated to public education and training in many Asian countries does not lead to employment. This situation fosters national skills mismatch, youth not suitably prepared for national and/or international labour market and mobility due to mismatch (not skills in demand) and migrant workers utilised for low skilled employment.

To support Governments in the implementation of **GCM Objective 18 – “Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”**, we call for G2G collaboration that reflects employers’ views to improve skills development, skills certification, recognition and matching.

4. Leverage the use of technology to improve migration management

The Covid-19 crisis has shed light on our dependability on technology. We must collectively work toward smart uses of technology through the digital transformation of immigration processes. Whilst GCC countries are leading the way in this space, many countries globally have introduced online application systems. A key outcome expected from this digitization will be more integrated government systems nationally with possible regional implications as well. This will eventually enable governments to manage compliance and track foreign nationals' status more effectively and contribute to more decisions based on data. This has also been borne out in the inability of many governments to provide immigration services in lockdown or remote working environments.

Governments should have eco-systems that track the whole migration phases, including pre-departure, recruitment and return. The in-country embassies should have a system to register and re-register migrants with their contact details, especially on temporary visas, project-based visas (that require specialized skills for specific duration) or visas based on seasonal work (that require experienced hands, even as jobs may be considered "low skilled" and/or where domestic workforce is not readily available).. Such systems would help locate migrant workers, improve transparency in the process, and direct them to cross-sectoral deployment.

The GCM calls for innovative approaches, including through technology, to better manage migration in many of its objectives. We call for a digital transformation of immigration processes, skills recognition, skills matching and migration systems.

Employers' call:

In our globalized world and as all stakeholders adapt to new realities, it is now time for stronger collaboration between employers and government on labour migration issues, especially in the implementation of the GCM objectives. The private sector relies extensively on mobile human resources. In this framework, Asian Employers call for an institutionalised mechanism for **regular and organised dialogue between the private sector employers' organizations and government**, as well as **investment in data collection to make a stronger case for improved regulations**.

Standardized data that is relevant to governments, employers and workers is not only about measuring legal, temporary foreign workers as part of the receiving country's employment rate, but more importantly, measuring migrant workers as part of the sending countries' employment rate as migrant workers (both regular and irregular) can contribute significantly to the total employable workforce of sending countries, which theoretically can increase unemployment rates by that same amount should foreign workers return almost simultaneously with no jobs available in their respective home countries.

A standardized employment/unemployment report, including sending countries' migrant workers, that's part of the regular government publications can go a long way towards encouraging sending countries' governments to holistically consider the "export potential" of their workers, in terms of remittances, taxes, educational, skilling and experience upgrades that have a direct impact to GDP, spending and entrepreneurship, which becomes part of government policy and law-making considerations when the data is regularly tracked & published. This data should also include passports with a departure date in the system but no corresponding return date after a set period & excluding certain categories such as students & confirmed migrant workers (which implies undocumented workers).

Such reports will also incentivize governments to look at traditional (and domestic) employment/unemployment rates in a new light as work is no longer confined by domestic borders & data becomes regularly available.

The report can have the intended effect of re-shaping employment policies, cross-border trade agreements and cross-border migration systems and infrastructure.

The consultations should not only happen in times of crisis. More importantly, Health and Disaster Risk Management **mechanisms at national level should be put in place to ensure that this dialogue is a continuous process to prevent and/or better manage upcoming crisis.** Consequences of a lack of consultations include: business discontinuity, resulting in diminished productive capacities, resulting in a more complex path to regaining economic and productive growth. Consequences will also be seen on increased illegal migration with its related negative impacts.

Despite the obvious advantages for businesses, in many countries the private sector has largely been absent from global debates on migration policy. Inclusion of businesses in global dialogues on migration is a relatively new development embodied by the creation of a separate Business Mechanism at the Global Forum on Migration and Development (GFMD), coordinated by the International Organisation of Employers (IOE)². To be effective at global level and to improve the relevance and impact of any policy initiatives, this dialogue is required at regional and national levels first.

On data collection, governments could begin compiling/publishing outgoing and incoming workers' statistics. The employers should have access to such information to source required skills as and when needed. In addition, if employers' also feed information on job availability, skills matching can be possible and be mutually beneficial.

Given that businesses form the backbone of economies, it would serve governments well to ensure that any decisions on migration policies are made in consultation with the private sector, through employers' federations. While governments have the sovereign right to decide immigration and emigration policies, if these policies are to be effective and relevant, they must be based on an analysis of needs for certified skills in consultation with various stakeholders, including the private sector employers.

In order to increase and strengthen cooperation between national authorities and private sector employers on migration issues, we call on Governments to form coordinating institutions at the country level, as a National Task Force on migration, which would include the participation of the representative national employers' federation, and which would be responsible for the implementation of this declaration.

² More information on global private sector engagement on migration through the Business Advisory Group on migration, hosted by IOE: www.gfmdbusinessmechanism.org

ⁱ This call is endorsed by the following Employers' Organisations in Asia, including all SAFE and ACE members:

- Bangladesh Employers' Federation
- Cambodian Federation of Employers & Business Associations
- Confederation of Indian Industry
- Employers' Federation of India
- Standing Conference of Public Enterprises - India
- The Employers' Association of Indonesia (APINDO)
- Japan Business Federation KEIDANREN
- Korea Enterprises Federation
- Lao National Chamber of Commerce and Industry
- Malaysian Employers' Federation
- Federation of Nepalese Chambers of Commerce & Industry
- Employers' Federation of Pakistan
- Employers' Confederation of the Philippines
- Singapore National Employers Federation
- Employers' Federation of Ceylon
- Employers' Confederation of Thailand
- Vietnam Chamber of Commerce and Industry

