

Wage Theft and Forced Labour among Migrant Workers in Southeast Asia: Impact of COVID-19

EXECUTIVE SUMMARY

This study examines the linkages between wage theft and forced labour in labour migration within ASEAN, and the impacts of the COVID-19 pandemic on this phenomenon. The report seeks to provide an evidence base for policymakers on wage theft, and relatedly counter human trafficking and forced labour measures. The study was carried out in five countries in ASEAN, - Thailand, Malaysia, Cambodia, Philippines and Indonesia - to capture experiences and policy responses in both countries of destination and origin.

Interviews were conducted with 451 migrant workers and further in-depth key informant interviews and focus group discussions with 140 respondents. The study also assesses the impact of the policies and practices of the government and non-government stakeholders in ASEAN during the COVID-19 pandemic on the indicators of forced labour and incidence of wage theft.

The findings of the research indicate a strong correlation between wage theft and migrant workers' experience of forced labour during the pandemic. 31% of respondents reported experiencing wage theft, among whom 46% were found to also have likely been in conditions of forced labour. The high incidence of wage theft worsened their working and living conditions during employment and upon return to their home countries. Vulnerability to wage theft and forced labour also appears to be influenced by factors such as irregularity in the migration process, a lack of effective protection or support mechanisms, lack of information provided to migrants, poor access to services, violation or absence of contracts, and lack of prioritisation of policies for migrant workers.

The policy interventions during the pandemic were largely not designed to protect migrant workers from forced labour and wage theft. While basic services such as access to health care and other emergency relief were provided, migrant workers lacked access to social protection, access to justice mechanisms and assistance to retrieve unpaid wages both in the countries of destination and origin.



The report contains recommendations for the consideration of policymakers at national and regional levels, that may help to address the incidence of wage theft and forced labour, and therefore the wellbeing of migrant workers in ASEAN. In brief, the recommendations are:

- 1 Develop or improve complaints mechanisms for migrant workers to seek justice, without fear of immigration enforcement, retaliation, detention, or deportation.
- 2 Increase access to information for migrant workers' rights protection, services provided by governments and others, including through digital platforms.
- 3 Develop an ASEAN model standard labour contract to reduce the incidence of forced labour and related violations.
- 4 Support ASEAN advocacy spaces to raise the linkage of wage theft and forced labour.
- 5 Implement a framework similar to the ILO's Fair Recruitment Guidelines to support improving recruitment practices by agents, brokers and those responsible for migrant worker policies.
- 6 Strengthen or establish platforms of cooperation for government and non-government stakeholders to coordinate in grievance redressal, and ensuring retrieval of unpaid wages and other benefits.
- 7 Establish a forced labour referral mechanism in ASEAN which includes missions, representatives of the destination country, NGOs and regional observers, to report, refer, and monitor forced labour activities.
- 8 Strengthen monitoring and reporting systems within diplomatic missions of countries of origin to document whether migrant workers are paid their due wages and benefits.
- 9 Establish a permanent transitional justice mechanism at regional ASEAN level to respond to cases of wage theft.
- 10 Establish or strengthen compensation funds for workers to receive unpaid wages and benefits, and related legal services, by both diplomatic missions of countries of origin and countries of destination.

Wage theft - the total or partial non-payment of a worker's remuneration, earned through the provision of labour services, as stipulated in a written or non-written employment contract. It includes the non-payment of contractually owed benefits, non-payment of overtime, underpayment below the minimum wage, the non-negotiated reduction of salaries as well as the retention of dues upon one's contract termination.

Forced Labour - all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.

Trafficking in persons/human trafficking - the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.