



MEMORANDUM OF UNDERSTANDING
BETWEEN
KUWAIT TRADE UNION FEDERATION (KTUF)
AND
GENERAL FEDERATION OF NEPALESE TRADE UNIONS (GEFONT)
ON BILATERAL CO-OPERATION TO IMPROVE PROTECTION OF NEPALESE MIGRANT WORKERS IN
KUWAIT

Tens of thousands of Nepalese workers leave their country to work in Kuwait in a search of better work. Their migration process is facilitated by the hundreds of agencies in Nepal brokering Nepalese migrant labour for the Gulf, promising workers significantly higher wages and better working conditions. Many are deceived and face abuses that can amount to forced labour and include denial of the right to organise and to bargain collectively, contract substitution, non- or late payment of wages, limitations on the freedom of movement and coercion through retention of passports and threats of denunciation, long working hours, unsafe working conditions etc.

Half of Nepalese migrant workers in Kuwait are women working as domestic workers; other Nepalese migrant workers mainly work in security, cleaning and construction.

In 2006 the International Labour Organisation's members in Asia and the Pacific-Governments, Employers' and Workers' organisation- committed to an "Asian Decent Work Decade", reaffirming their commitment to achieving full, productive and decent employment for their people by 2015. To help realise the aims of the Decade (2006-2015) five regional priority areas were selected:

- Competitiveness, productivity and jobs
- Labour Market governance
- Youth employment
- Managing labour migration and
- Local development for poverty reduction

The International Trade Union Confederation (ITUC) coordinates a Special Action Plan on Migrant Workers to support trade unions worldwide to reach out to migrant workers, mainly through bilateral cooperation between trade unions in countries of origin and destination.

Therefore, GEFONT, representing Nepalese workers in Nepal and the KTUF, defending workers' right and interests in Kuwait are joining forces to improve protection of the large number of Nepalese workers in Kuwait.

Acknowledging the importance of migration for employment between Nepal and Kuwait, and its important contribution to the economies of both countries;

Convinced that the benefits of labour migration for their national and migrant workers can best be maximised through the effective promotion of and respect for workers' rights, including basic human rights, fundamental principles and rights at work enshrined in UN and ILO Conventions, and through the promotion of decent work for all;

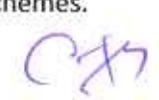
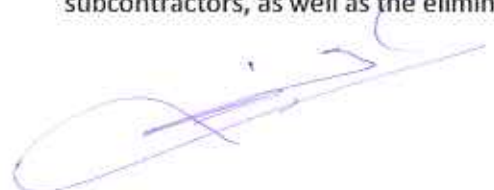
Equally convinced that the situation of migrant workers should be addressed through the principles of international trade union solidarity, social justice, equal treatment, equal opportunity, and gender equity;

Reaffirming that freedom of association is a central and non-negotiable principle and that the participation of migrant workers in trade unions contributes to their integration into the society of the countries of destination;

Acknowledging the urgent need to find better ways to organise and defend rights and interests of migrant workers in Kuwait;

The signatory parties jointly promote:

1. Cooperation between the governments of Kuwait and Nepal to enhance governance of migration, in the fields of the establishment of legal avenues for labour migration, the strengthening of labour inspection, legal cooperation in cases of human trafficking and other abusive situations.
2. Initiatives aimed at securing the involvement of trade unions in the development of bilateral agreements between governments of destination and origin countries, and the setting up of national tripartite consultation mechanisms and bilateral cooperation forums to discuss and formulate rights-based migration policies.
3. Tripartite consultation and decision-making mechanisms to address situations related to the status of migrant workers, social protection aspects and possibly encourage measures facilitating the regularisation of the status of migrant workers trapped in irregular situations.
4. Ratification and effective implementation of International Labour Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) as well as ILO Convention to promote decent work for domestic workers.
5. Strict supervision and control of activities of recruitment and employment agencies (in conformity with ILO Convention No. 181 on Private Employment Agencies), and subcontractors, as well as the elimination of abuse of sponsorship schemes.

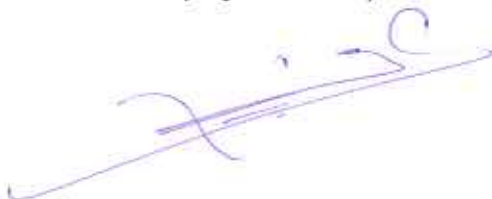


The signatory parties jointly commit to:

1. Development of a targeted joint co-operation programme on Nepalese migrant workers in Kuwait;
2. The establishment of coordination between their trade union organisations, regularly exchanging information, knowledge and experience regularly on the labour market situation in both countries, information on recruitment agencies, implementation of bilateral agreements, research material and academic data as well as legal provisions regarding migrant workers, sharing of organising experiences;
3. Establishing better cooperation with employers' organisations, including with private employment agencies;
4. Harmonising working conditions in order to combat the exploitation of migrant workers;
5. Undertaking joint trade union activities to mark International Migrant Workers' Day on 18 December.
6. A campaign for the development of a model and unified employment contract for migrant workers based on the provisions of international labour standards.

KTUF, the trade union representing workers in Kuwait, a destination country for Nepalese workers, commits to:

1. Setting up a migrant workers' committee, within the KTUF, so as to reach out to migrant workers, organise them and ensure that they participate in union activities and enjoy trade union protection in case of abuses and violations of their rights;
2. Establishing information centres for migrant workers with information material in their native languages;
3. Developing measures, including legal support, for immediate action to denounce abusive practices and to find solutions to them through legal remedies or other available dispute-resolution mechanisms and keeping records of cases and outcomes;
4. Providing union members and the public with information on the positive contribution that migrant workers make to the economy in Kuwait;
5. Raising the specific concerns of Nepalese migrant workers in national tripartite labour committees;
6. Developing relationships and cooperation with Nepalese migrant groups in Kuwait.



GEFONT, the trade union representing workers in Nepal, a country of many migrant workers in Kuwait, commits to:

1. Establishing pre-departure information points for migrant workers as part of their efforts aimed at guaranteeing ways of protecting migrant workers: to provide both potential migrants with information material in their native languages making them aware of rules and regulations for employment in Kuwait.
2. Working with the GEFONT migrant Desk in the Department of Foreign Affairs, so as to reach out and ensure that Nepalese migrants in Kuwait join KTUF or its Migrant Workers' Committee, participate in union activities and receive trade union protection in case of abuses and violations of their rights;
3. Supporting KTUF to develop measures, including legal support, for immediate action to denounce abusive practices and to find solutions to them through legal remedies or other available dispute-resolution mechanisms;
4. Monitoring recruitment agencies offering employment in Kuwait and sharing information with KTUF.
5. Promote cooperation and regular contact between the Labour Attaché of Embassy of Nepal in Kuwait and the KTUF;
6. Identifying a focal point/organiser in Kuwait to assist KTUF in outreach to Nepalese workers.
7. Assisting KTUF in developing relationships and cooperation with Nepalese migrant groups in Kuwait.

In case of willingness to modify or amend or repeal any of the provision of this MOU, either party may communicate; the modification or amendment or repealing in MOU is carried on by receiving consent of other party.

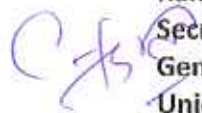
In case one party wish to terminate the MOU, such intention should communicate to the other party in writing. MOU shall be deemed to be terminated after 6 months from the date of such communication delivered to other party.

This MoU is signed in the English and Arabic language, with the English version as the the original, and will come into effect on the day of signing.

Falez Ali Almutairi
President
Kuwait Trade Union Federation



Ramesh Badal
Secretary Dept. of Foreign Affairs
General Federation of Nepalese Trade Unions



Kuwait City, 11 January 2012