

PACER Plus Labour Mobility Working Group Meeting (PPLMWG.02)

18 August 2021 | 2:00pm Apia Standard Time

(Held virtually via Zoom)

Outcomes Summary

The PACER Plus Labour Mobility Working Group met virtually on 18 August 2021, attended by the following participants: Australia, Nauru, New Zealand, Niue, Samoa, Tonga and Tuvalu. Apologies were sent in by Cook Islands, Kiribati, Solomon Islands and Vanuatu.

The meeting was chaired by Mrs Nella Tavita-Levy, Assistant Chief Executive Officer of the Samoan Ministry of Foreign Affairs and Trade.

1. Opening Prayer and Overview

1. The meeting was opened with a prayer by the Chair.
2. The Chair welcomed the participants to the meeting and noted that agenda item 2 on PLMAM will be the main focus of the meeting.
3. The Committee adopted the agenda and noted the production of a summary of outcomes by the PPIU together with a short report from the Committee to be submitted to the Joint Committee.

2. Next PLMAM Meeting

4. The Chair presented the PLMAM Options paper PPLMWG.02/D.2. The last PLMAM was held in Auckland in 2019 which welcomed Samoa's offer to host the 2020 PLMAM in Apia, however due to COVID-19 there was no PLMAM in 2020. At the last Joint Committee meeting on 30 June 2021, welcomes efforts to hold PLMAM virtually later in 2021 and to convene a Ministerial dialogue. The meeting in 2021 will be held virtually due to the inability to host a Face-to-Face meeting in Apia. However, Samoa maintains its interest in hosting the first face-to-face meeting in Apia when COVID-19 border restrictions are lifted. There is an opportunity for other countries to chair the virtual PLMAM given Samoa maintains its wish to host the face-to-face PLMAM.
5. Niue proposed the PLMAM meeting to be held in November and supported all the recommendations in the Options paper.
6. Tonga supported recommendations within the paper and proposed to hold the PLMAM in October prior to the WTO ministerial meeting in November.
7. Samoa sought clarity around whether the proposed contracted expertise and resources that the PPIU may require for the PLMAM is to be expended from the DEC Work Programme budget or from the Arrangement on Labour Mobility.
8. New Zealand advised that the funding support for PLMAM is separate from DEC Work Programme and amounts to \$200,000 per PLMAM meeting which is split between Australia and New Zealand. New Zealand supported Samoa's hosting of the face-to-face meeting when possible. New Zealand supported a mid-late October PLMAM and mid-late November Ministerial meeting.
9. Australia advised that the financial support to PLMAM is separate from the DEC Work Programme. The next PLMAM may cost less given its virtual nature. They

supported the PLMAM to be held mid-October and noted that chairing a virtual PLMAM could be run differently where different sessions could be chaired by countries.

10. Niue noted that mid-October is their holiday period and supports Samoa's chairmanship for the virtual PLMAM. Niue further suggested some language around harmonizing the regional labour mobility schemes (between PIFS and PACER Plus LM activities).
11. The Chair noted that there is a proposal for the PLMAM to be held late October to early November.
12. Australia suggested avoiding using 'closed session' terms within the PLMAM agenda and less exclusive language when terming PACER Plus Member-specific sessions, noting the sensitive dynamic with PIFS around labour mobility. Possible use of
13. Samoa proposed to have a conversation at PLMAM on labour mobility in the context of COVID-19.
14. In response to Niue's point on harmonisation, New Zealand noted that harmonization is a two-way process from PACER Plus LMA members and PIFS. Having PIFS engaged and present at the PLMAM shows the willingness of PACER Plus parties to harmonise regional initiatives. The PLMAM will provide an opportunity to seek further detail on PIFS Labour Mobility initiatives in the region which has been difficult to extract from recent regional meetings including the FTMM. New Zealand would like the conversation on COVID-19 context is forward-looking taking into account lessons learned and policy changes on labour mobility. New Zealand would like to see the PLMAM capture intra-regional labour mobility status and opportunities. The New Zealand Qualifications Authority (NZQA) group who is carrying out the regional qualifications recognition work is interested in being part of PLMAM and have a discussion on qualifications recognition. New Zealand would be happy to lead on this agenda item. Capturing the Rapid Needs Assessment findings in the PLMAM and follow up on 2019 PLMAM outcomes.
15. Australia sought advice from the group with regard to inviting academia and civil society to the PLMAM as ANU and Steven Hels and the World Bank are interested in contributing to sessions at PLMAM. Australia asked what the appetites from the Group to have challenges facing employers presented and discussed at PLMAM particularly on issues which have been exacerbated with border shutdowns around absconding, behavioral issues and struggles from workers not being able to return home with the aim to uphold the image and reputation of Pacific labour at the very highest. This is raised in light of the announcements the Australian Government has made around an ASEAN-focused agriculture visa. Is the PLMAM the forum to have discussions with employers on these issues.
16. Niue noted that payment gateway or remittances are one of the important areas to be included in the PLMAM discussions. Niue supports the proposal by Australia to include Labour Mobility employers to hear their feedback to improve the LM scheme.
17. Tonga supported the proposed agenda items in particular the PIFS presentation. They noted the similar issues faced due to COVID-19 and their interest in having a

- discussion with employers at the PLMAM with a separate discussion following amongst PLMAM on ongoing issues such as superannuation and absconding.
18. The Chair confirmed that academia and employers present at earlier PLMAM meetings which had interactive sessions. The Chair noted the need to have expertise for the virtual platform provider onboard early to inform the virtual meeting modalities and how the meeting sessions can be developed. The Chair further confirmed there is an appetite to have a mix of stakeholders including academia at the PLMAM.
19. In response, Australia proposed whether the Group would like to agree on a size for participants for sessions of the PLMAM depending what can be done virtually for the meeting sessions.
20. The Chair proposed that the Group direct the PPIU to prepare a draft agenda for the 3-4 day PLMAM and suggested the following schedule for the inclusive sessions:
- Day 1: COVID-19 discussions
- Presentations from Australia and New Zealand as labour receiving countries – provide context around operations under COVID-19 and invite employers to speak to challenges they are facing - (v) in Options paper
 - Discussions on LM schemes: PLS, SWP, RSE
- Day 2:
- Intra-regional labour mobility and perspective of labour-sending countries
 - Invite PIFS to present on their LM work and assessment in the region
- Day 3:
- qualifications work and initiative by NZQA
 - Remittances
 - Reintegration
 - Superannuation
 - Academia or World Bank to present
 - Future of LM in the Pacific – presentation by academic/LM expert
- Day 4:
- Discuss key issues identified in the RNA for discussion
 - Outcomes
21. New Zealand noted that the worker voice should be included in the agenda. From the recommendation made by Minister Twyford, it would be useful for PLMAM to discuss what is next for Labour Mobility for the region particularly what Pacific countries would like next from Australia and New Zealand for Labour Mobility in order for Ministers to consider at their next meeting.
22. Australia suggested a session to discuss the future of LM and suggested to task an academic/expert on LM to provide a future scanning of what the opportunities are for LM in future in the Pacific.

Action Items:

- 1 The PPIU to develop a draft agenda for the 4-day PLMAM, for LMWG to consider.**
- 2 The Group agreed to hold the PLMAM late October or early November 2021**

- 3 The Group agreed for Samoa to host and Chair the next virtual PLMAM with the support of the PPIU.**
- 4 The Group agreed to hold a ministerial dialogue following the PLMAM**
- 5 The Group agreed for the PPIU to contract expertise and resources as required to support PLMAM 2021.**
- 6 The PPIU is to email the Outcomes Summary for the PPLMWG.02 meeting for consideration and to determine the date of the next PPLMWG meeting.**

3. Relationship of the LMWG and the Committee on Services, Movement of Natural Persons and Investment

23. The Chair advised that a discussion was had on the relationship between the LMWG and the Committee on Services, Movement of Natural Persons and Investment at the latter's first meeting held on 12 August 2021. The discussion was around the definitions of MNP and Labour Mobility, its relationship and reporting functions. Due to the limited time left in the meeting, the Chair noted that this could be discussed at a later date within the LMWG.
24. At the first meeting of the Committee on Services, Movement of Natural Persons and Investment, Tonga sought clarity around the work of the Committee and the LMWG. Labour Mobility was raised during the discussion on skilled
25. Australia advised that a Terms of Reference of the Committee on Services, Movement of Natural Persons and Investment would be submitted to the Joint Committee which would provide an opportunity for the JC to consider the alignment of the Committee with the work of the LMWG. Some Parties further clarified in the meeting that they saw the Committee covering Movement of Natural Persons relating to Chapter 8 of the Agreement particularly skilled workers. The LMWG would cover semi-skilled and unskilled labourers. The Parties agreed to the important of coordination and a new recommendation that the LMWG report progress of its work to the Committee on Services, Movement of Natural Persons and Investment.
26. New Zealand advised that the Committee on Services, Movement of Natural Persons and Investment in their view covered categories of business visitors, independent professionals, contractual services and installers, suppliers, intra-corporate transferees. New Zealand further noted that its view was that the LMWG should work together with the Committee rather than report to it.
27. Samoa had a similar view to New Zealand in that the Committee on Services, Movement of Natural Persons and Investment and the LMWG are to work together rather than one reporting to the other.

Action Items:

- 7 The LMWG is to consider the Terms of Reference for both bodies (prior to adoption of the TORs for the Committee on Services by the Joint Committee) to ensure that the Group recognises and understands the overlaps between the two bodies recognising that the outcome is to work together.**

4. Update: Labour Mobility in IU Constitution and ALM

1. The Chair referred to the signed PPIU MoA and Constitution document which incorporated the LM language which was agreed at the last PPLMWG.01 meeting. There were no further comments by the Group on the matter.

5. Update: Follow up action items from PPLMWG.01

2. The Chair advised that the Terms of Reference have not been finalized for the Labour Mobility Working Group and proposed the Group consider this at the next meeting.

Action Items:

- 8 The Chair proposed the Group consider this at the next meeting of the LMWG.**

6. Other matters

3. The Chair sought confirmation from the Group on the composition and whether it is now open to all signatories. New Zealand advised that it was previously limited because there was a smaller subset of countries who helped organize PLMAM. However, since it came under PACER Plus it has expanded to all signatories to the ALM.

7. Closure of the Meeting

4. The Chair advised that the draft Outcomes Document and draft PLMAM agenda will be circulated via email and a date for the next meeting of the Group to be determined thereafter.
5. The Chair closed the meeting with a prayer.