

Samoa's Policy for Temporary Labour Migration under the Labour Mobility Schemes of Australia and New Zealand

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1| Introduction

The Government of Samoa is at a nexus of opportunities and loss with the labour mobility schemes. While the Government notes the benefits of these schemes on the country since inception; issues that have accumulated over the years have also been noted. In particular, the impact the schemes are having on the labour supply for domestic industries. These issues have been exacerbated by the COVID-19 pandemic resulting in the collapse of processes and coming to light of several other operational issues. In response to these changing social, economic and labour market conditions, the Government of Samoa believes this is the appropriate time to review its commitment and modify participation arrangements to the labour mobility schemes of Australia and New Zealand.

The Government of Samoa is looking at continuing to benefit from these labour mobility schemes, whilst also ensuring the safest and secure opportunities for its people, together with safeguarding the interests of Samoa's domestic industries. Hence, the purpose of this Policy is to guide Samoa's commitments and participation in the Australian and New Zealand labour mobility schemes. This document presents the purpose and intentions for Samoa's participation in these labour mobility schemes, as well as the Government of Samoa's expectations for Australia and New Zealand. Furthermore, this document would guide the reviewing of in-country labour mobility operations, and the re-negotiating of existing labour mobility Memorandums of Understanding (MOUs) with the Governments of Australia and New Zealand.

Moreover, this document will explore the current operations of the Labour Employment Export Programmes Division (LEEP) of the Ministry of Commerce, Industry, and Labour (MCIL) who are responsible for facilitating the labour mobility schemes in Samoa. This Policy will present the existing policy framework, processes and procedures currently followed by the MCIL-LEEP, with sections of proposed changes by the Cabinet Sub-committee responsible for reviewing the labour mobility facilitative arrangements in Samoa.

2 | Purpose and Intent

The purpose for Samoa’s participation in the Australia and New Zealand labour mobility schemes is to look for employment opportunities for its people, especially those that are most vulnerable. Samoa is a small economy with a small population and market size which hinders growth and expansion of its Private Sector to provide full employment opportunities for its nationals. Hence, Samoa participates in five labour mobility schemes to Australia and New Zealand, which are facilitated through LEEP (Table 1 below).

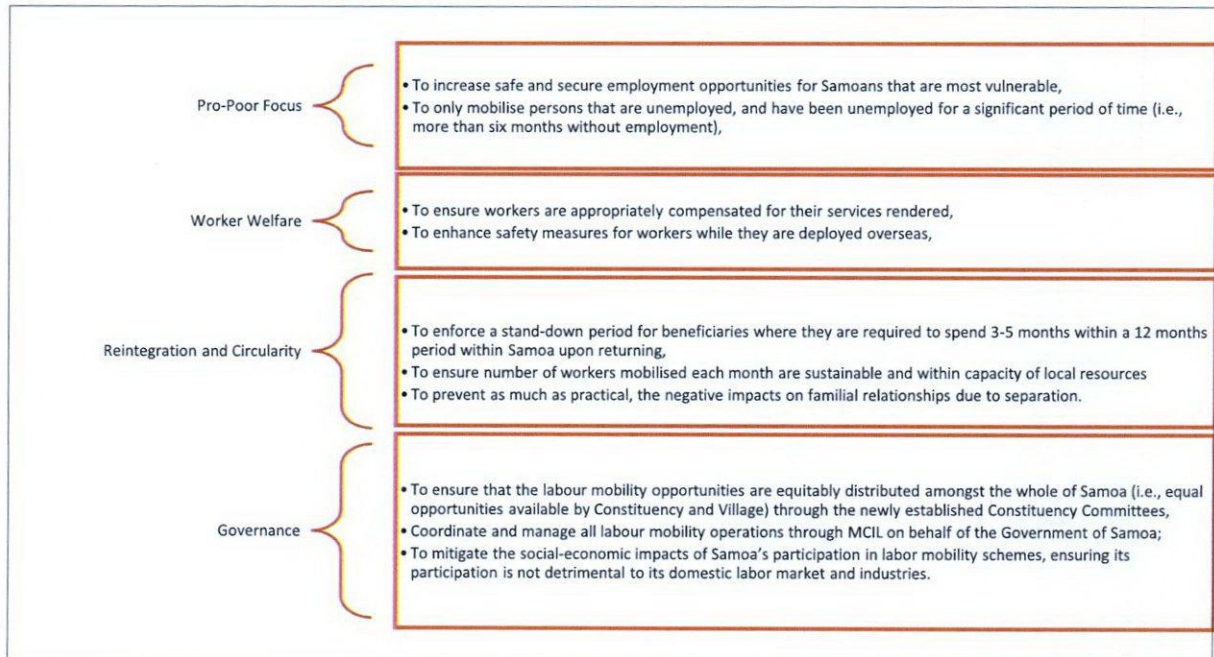
Table 1: Australia and New Zealand Labour Mobility Schemes accessed by Samoa

Pacific Labour Scheme (PLS) in Australia	Established in 2018 opportunities for low and semi-skilled workers to participate in employment for up to three years in rural and regional Australia in accommodation and food services, health care and social assistance, and non-seasonal agriculture, forestry, and fishing.
Seasonal Workers Program (SWP) in Australia	Seasonal work in the agriculture sector as well as the accommodation and tourism sectors for up to nine months at a time.
RSE Scheme in New Zealand	Established in 2007 in the horticulture and viticulture industries for up to seven months in any 11-month period. Most workers are based in Nelson, Marlborough, Hawkes Bay, and the Bay of Plenty regions.
PTP in New Zealand (This was a pilot initiative)	A joint initiative of MBIE and MFAT to connect New Zealand construction employers experiencing labour shortages with skilled and experienced carpenters and hammer hands from Samoa on temporary work visas for up to three years. Primarily in Christchurch.
Accredited Employer Work Visa (AEWV) in New Zealand	The LEEP Division is also responsible for facilitating employment of Samoan workers for select New Zealand employers who want to work in partnership with MCIL. This is a visa pathway and accredited employers currently can facilitate recruitment outside of MCIL. Employers must have NZ accreditation to recruit workers to fill occupations where there is a genuine labour skills shortage or no New Zealand citizens or residence class visa holders are available to carry out work. This visa pathway, established in August 2022, replaces six (6) former work visas.

2.1 | Government of Samoa’s Intentions

The following thematic areas reflect the Government of Samoa’s intentions and priorities for the Australia and New Zealand labour mobility schemes to which it is a signatory of.

Figure 1: GoS intentions and priorities for the Australia and NZ labour mobility schemes



2.2| Government of Samoa's Concerns

The concerns of the Government of Samoa regarding labour mobility to Australia and New Zealand are:

- a) The population and skills loss that is accruing to private businesses, public sector, and village economy due to the current operations of the labour mobility schemes, with little research to date showing that participation in the temporary labour migration schemes lead to upskilling or more transformative contributions, other than greater purchasing power.
- b) The social and cultural impact of the schemes which has led to the decrease in domestic economic activity and shortage of people to undertake traditional roles in Samoa.
- c) The narrow base of beneficiaries from the labour mobility schemes due to predominantly unchecked recruitment and selection processes.
- d) The increase of reported violations of labour and human rights by approved employers and labour hire companies in countries of destination i.e. NZ and Australia.
- e) Transparent and fair process adhering to the principles of the program and social justice.

2.3| Government of Samoa's Offer

The Government of Samoa intends to commit the following to the Australia and New Zealand labour mobility schemes:

- a) A cap of **6,000** workers to be mobilised annually under the New Zealand labour mobility schemes,
- b) A cap of **6,000** workers to be mobilised annually under the Australia labour mobility schemes.

The **most vulnerable communities** will be prioritised for mobilisation. Persons considered to be most vulnerable are those unemployed and living below the basic needs poverty line of 55.80 tala per week.

MCIL to monitor the number of deployments in relation to the established cap and provide quarterly updates to Cabinet.

2.4| Government of Samoa's Objectives

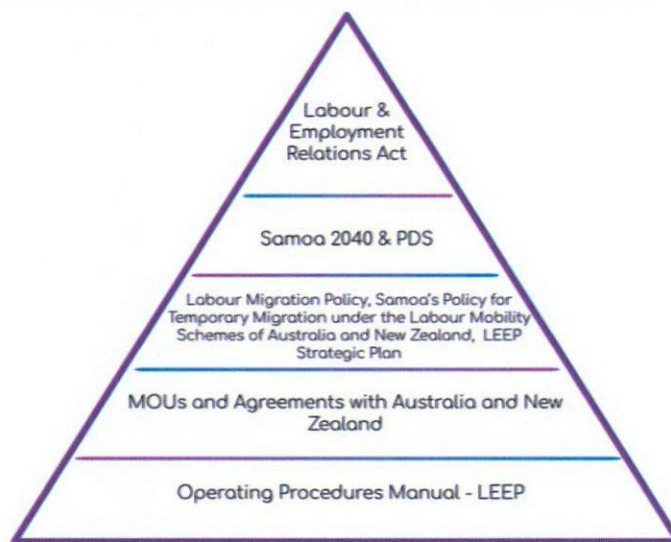
- a) Ensure the welfare and security of workers while they are engaged under the scheme by the Governments of Samoa, New Zealand and Australia,
- b) Establish an accreditation process for employers recruiting from Samoa and regulation of private recruiters,
- c) Require employers to provide enhanced safety measures for workers before mobilisation, arrival and working in receiving country, and upon repatriation:
 - i. Full disclosure of information on wages, taxes, superannuation, other wage deductions, eligibility for tax refund, etc., before workers sign contracts and are mobilised. No contract variations or additional charges/deductibles should be done when the worker has arrived in Australia or New Zealand.
 - ii. Obligations of the employer should be clearly clarified in terms of travel and recruitment costs, leave entitlements, working conditions, medical and insurance coverage, housing and pastoral care, and access to training opportunities for workers.
 - iii. Coverage of additional costs related to facilitation of workers by Samoa, together with performance incentives package per employee upon the end of work seasons.
- d) Ensure workers are appropriately compensated for services rendered,
- e) Enforce the returning of workers to Samoa upon completion of the maximum period of employment per contract (short term and long term schemes) and conditions for stand-down to be informed by MCIL-LEEP strategy(ies),

- f) Impose Cost-recovery measures for the facilitating of the labour mobility schemes in-country. This is inclusive of charging an **administration fee** for workers (\$50tala) and a **participation fee** for Constituency Committees (\$1,000tala). Fees will also be charged for the accreditation of employers and regulation of third parties or private recruiters,
- g) Eliminate external influence that threatens the integrity of the program and national objectives,
- h) Establish information sharing mechanisms amongst the three Governments on labour mobility matters.

3 | Policy Framework

Figure 2 below presents the existing Policy Framework for temporary labour migration from Samoa under the labour mobility schemes of Australia and New Zealand.

Figure 2: Policy Framework for Temporary Labour Migration under Existing Labour Mobility Schemes



3.1 | Principal Legislation and Overarching Development Goals

The Labour and Employment Relations Amendment Act 2023 (LER Amendment Act 2023) passed by Parliament in January 2023 introduced provisions for the facilitation of labour mobility by the MCIL. Specifically, the provision expands the general functions of the Ministry “to administer the placement of Samoan citizens in overseas employment under bilateral agreements with other countries including:

- (i) the criteria and conditions for a person’s selection and participation in overseas employment,
- (ii) conditions relating any person acting as a recruitment agent; and
- (iii) any related matters.”

In addition to the above, the LER Amendment Act 2023 provides the following in relation to the development of regulations to give full effect to the newly established functions:

- (i) regulating the placement of Samoan citizens in overseas employment under bilateral agreements with other countries.

The Samoa 2040¹ and the Pathway for the Development of Samoa (PDS) refer to increasing returns from labour mobility schemes. The *Samoa 2040* refers to labour mobility as a key economic transformative

¹ Government of Samoa (Ministry of Finance), *Samoa 2040*, March 2021, <https://www.mof.gov.ws/wp-content/uploads/2021/03/Samoa-2040-Final.pdf>

opportunity. The document highlights the issues and the need to review the schemes administration to curtail perceived negative impact. The PDS had “Increase Labour Mobility” as a key priority area, with expected outcomes being increased mobilisation numbers, expanded number of opportunities, and increased professional workers’ footprint in the region. The details in these overarching development strategies focus on increasing and expanding labour mobility opportunities for Samoans.

None of these documents make reference to protection of workers and domestic industries, or the possible negative social impacts of labour mobility. However, the Samoa Workers Congress had brought to the notice of Government many of these concerns especially the lack of protection of many workers by some employers, especially in Australia. The Samoa Workers Congress as part of the Review Committee for the MCIL-LEEP operations had raised the critical importance of integrating seasonal work in the Samoa National Employment Policy, so that all relevant factors would be considered especially the impact of seasonal work on the domestic market. Moreover, the ongoing negotiations done by the Samoan missions in Australia and New Zealand (together with the Liaison Officers) around workers welfare have significantly improved processes in dealing with worker welfare issues and protection of workers. A positive outcome from these ongoing negotiations is the establishing by many Approved Employers of Pastoral Care Officers to work with the Samoan Liaison Officers on these worker welfare and protection issues.

3.2| Existing Policies and Strategies

The Samoa Labour Migration Policy’s² purpose is “to promote temporary labour migration in Samoa’s interests for sustainable economic growth and development.” The Policy establishes the alignment of functions of the former Seasonal Employment Unit (SEU) under the MPMC, with the work of the MCIL. The Policy further states the establishment of a Labour Migration Steering Committee (LMSC) to oversee and coordinate the implementation of the 31 recommendations it proposes. The transition of the SEU as the LEEP to MCIL should have progressed the Policy implementation by establishing linkages to other MCIL Divisions. There is no confirmation whether this LMSC was or is still operational. The Policy proposed implementation actions related to: Policy governance; Promotion of labour migration; Protection and support for workers; and Maximising development impact of labour migration. There is work proposed to the PACER Plus Implementation Unit for the development of a unified Labour Mobility Policy for Samoa to guide the work of LEEP.

This ‘*Samoa’s Policy for Temporary Labour Migration under the Labour Mobility Schemes of Australia and New Zealand*’ presents the purpose and intentions for Samoa’s participation in these labour mobility schemes, as well as the Government of Samoa’s expectations for Australia and New Zealand. Furthermore, this document would guide the reviewing of in-country labour mobility operations, and the re-negotiating of existing labour mobility Memorandums of Understanding (MOUs) with the Governments of Australia and New Zealand.

The LEEP Strategic Plan³ aligns itself with the Labour Migration Policy with the goal to “increase significantly the temporary employment of Samoan workers abroad while safeguarding their wellbeing, security, and successful reintegration.” The strategy stipulates four objectives which are: (1) Design and implement an organisational structure staffing and systems for the LEEP Division to enable it to carry out its responsibilities effectively and efficiently; (2) Design and establish support systems for our workers abroad and for their

² Government of Samoa (Ministry of Prime Minister and Cabinet), *Samoa Labour Migration Policy*, February 2015.

³ Government of Samoa (Ministry of Commerce, Industry, and Labour), *Labour and Employment Export Division Strategic Plan*,

³ Government of Samoa (Ministry of Commerce, Industry, and Labour), *Labour and Employment Export Division Strategic Plan*, March 2019.

reintegration on return to Samoa; (3) Identify, develop and promote the comparative advantages of our workers to the RSE, SWP and PLS; and (4) Maximise employment opportunities for our workers in new sectors in Australia and New Zealand. The LEEP Strategic Plan selectively filters down actions from the Labour Migration Policy making it a superfluous document.

3.3| Existing Understandings and Agreements with Australia and New Zealand

There are Agreements and Memorandums of Understanding (MOU) between the Governments of Samoa, Australia, and New Zealand (Summaries provided in **Annex 1**) that enable LEEP to send workers under the labour mobility schemes.

The existing MOU for the Pacific Labour Scheme (PLS) signed in 2018 is between the Australian Department of Foreign Affairs and Trade, and Department of Home Affairs and the Samoan Ministry of Commerce, Industry and Labour (MCIL), and Ministry of Foreign Affairs and Trade. The purpose of the MOU is to set out the arrangements to facilitate the temporary entry of Samoan citizens to undertake work in low and semi-skilled occupations in Rural and Regional Australia and undertake trainings. The objective of the PLS is to contribute to economic development in Samoa by providing opportunities for Samoan citizens to gain knowledge, work experience and skills in Australia, earn wages for performing work and remit earnings to Samoa. The implementation of the MOU aligns to the following operational principles: (a) Equity of access; (b) Transparency of process and decision-making; (c) Accountability; (d) Demand-driven employment by participating employers; (e) Maximisation of development benefits; and (f) Mutual commitment to investing maximum effort to mitigate risks to the Participants and Samoan workers. The MOU is intended to operate without prejudice to any rights or obligations of the participants arising from other agreements which they are party.

The Seasonal Workers Programme (SWP) MOU signed between the Government of Australia and the Independent State of Samoa set out the arrangements to facilitate access for Samoan citizens to undertake seasonal work under the SWP in specific industries. The objective of the SWP is to contribute to economic development in Samoa by providing employment opportunities, remittances, and opportunities for upskilling. The MOU also benefits Australia by enabling employers to source suitable labour from the Pacific and Timor-Leste. The Implementation Arrangements align to the following operational principles: (a) Equity of access and opportunity for workers; (b) Transparency of process and decision-making; (c) Accountability; (d) Demand-driven nature of employment under the SWP; (e) Maximisation of development-focused benefits; and (f) Mutual commitment to investing maximum effort to mitigate risks to the Participants and Samoan seasonal workers.

There has been no updated MOU or Agreement between the Governments of Samoa and Australia since the consolidating of the PLS and SWP under the Pacific-Australia Labour Mobility (PALM) Scheme. However, there have been several rounds of negotiations through the Samoa High Commissioner in Canberra (via the Pacific Heads of Mission meetings) on these MOUs and Implementing Arrangements.

The current RSE Inter-Agency Understanding signed in 2014 between the New Zealand Ministry of Business, Innovation, and Employment, and the Samoa Ministry of the Prime Minister, and Cabinet (MPMC) in 2014 replaced the 2009 Inter-Agency Understanding. The 2014 MOU sets out the arrangements to facilitate access of Samoa nationals to seasonal work in the horticulture and viticulture industries under New Zealand's Recognised Seasonal Employer Policy, including country-specific facilitative arrangements in recruitment, work-visa processing, pre-departure orientation, pastoral care, compliance, and RSE Policy updates. The

facilitative arrangements must be consistent with the current RSE Policy and are designed and implemented consistent with the following principles: (1) Equity of access and opportunity; (2) Transparency of process and decision making; (3) Accountability; (4) Development focused; and (5) Mitigation of risk. Moreover, these arrangements should assist RSE's to recruit from Samoa, and for Samoan citizens to access opportunities under RSE; ensure compliance, cooperation, and information sharing; and ensure effective monitoring and evaluation of the RSE Policy in relation to the participation of Samoan RSE workers.

3.4| Operations Manual

The Operations Manual (Summarised in **Annex 2**) provides to some extent the flow of LEEP work, it is an extensive document stipulating procedures for: (1) Candidate registration and screening process; (2) Employer approval, and worker screening and selection; (3) Pre-departure orientation and deployment; (4) Pastoral care in Australia and New Zealand; (5) Reintegration and debriefing; (6) Incident management; (7) Data and communications protocol; and (8) LEEP oversight and administration.

The manual sets out the LEEP Division's operating procedures for the facilitation of the SWP, RSE, PLS, and PTP schemes, and the division's role in facilitating documentation and visa under New Zealand's Accredited Employer Work Visa (formerly AIP) immigration category. While the manual is based on the premise of 'one system – multiple schemes', the operating procedures have been proven to be the opposite with each scheme having its own system in place.

3.5| Proposed Changes to Existing Policies and Strategies

With the understanding of the above policy framework, the Cabinet Sub-committee in charge for reviewing the labour mobility and LEEP operations proposes the following changes:

- Increase safe and secure **employment opportunities** for Samoans that are most vulnerable,
- Prioritise the mobilisation of persons that are unemployed, and have been unemployed for a significant period of time (i.e., more than 6 months without employment),
- Ensure that the labour mobility opportunities are equally distributed amongst the whole of Samoa (i.e., equal opportunities available by Constituency and Village) through the newly established **Constituency Committees**,
- Involve the Constituency Committees in the vetting of candidates process for the labour mobility schemes,
- Ensure workers are appropriately compensated for their services rendered,
- Enhance safety measures for workers while they are deployed overseas,
- Consolidate and centralise all labour mobility operations through the Government of Samoa, ensuring registration and oversight of all private recruiters, employer companies and/or contractors and workers:
 - Regulating the operations of private recruiters to ensure equitable and transparent recruitment process and avoiding unethical practices where workers are subject to excessive up-front costs or recruitment fees and recruiting from other districts.
 - To strengthen oversight of the schemes, all approved employers wishing to recruit from Samoa must first inform the Government (MCIL-LEEP) of its intentions.
 - To assess the level of obligation on approved employers related to costs of recruitment and mobilisation including travel, wage deductions, and pastoral care/housing/utilities.
- Strengthening information sharing mechanisms amongst the Governments of Samoa, Australia, and New Zealand, the Employers, and all other labour mobility stakeholders involved.
- To commit all individual employers and contractors to properly engage in negotiating fair contractual arrangements to include benefits and all other conditions of employment prior to departure.

4| Operationalising Intents

This section presents the existing operations together with changes proposed by the Cabinet Sub-committee to be done to processes and procedures.

4.1| Current Procedures

The summary of current Operating Manual followed by the LEEP division of the MCIL is presented in **Annex 2**.

4.2| Proposed Changes to Operations

The Cabinet Sub-committee recommends the incorporating of the newly formed Constituency Committees into the work of the LEEP.

4.2.1| Constituency Engagement Model

The MCIL-LEEP is tasked to update, finalise, and roll-out the “Constituency Engagement Model” (*results from the Constituency Engagement Pilot Program is presented in Annex 3*). This should be reviewed to use the newly established constituency committees. The support of the Ministry of Women, Communities, and Social Development (MWCSD) is needed to ensure the successful engagement of communities. . The onus falls on these Constituency Committees to ensure that the opportunities are evenly spread throughout their constituency, and they should select and propose workers according to the selection.

It is also important to establish an understanding of roles and responsibilities in the roll-out of the Constituency Engagement Model, noting the Government’s intention for Constituencies Committees involvement in the recommendation and vetting of candidates.

Additionally, the MCIL-LEEP working together with the Constituency Committees should instate measures that propel the circular motion of skills to benefit the domestic market and meet the demand of overseas employers. In doing so, the MCIL-LEEP should introduce sustainable **monthly caps of Samoan workers permitted to travel** to Australia and New Zealand under the schemes based on the domestic labour force needs. These monthly caps should consider the seasonal fluctuations of mobilisation and should add up to the annual cap (following GoS fiscal year, that is from 1st July to 30th June) of 12,000 workers deployed stipulated in this Policy (i.e., 6,000 for Australian schemes, and 6,000 for New Zealand schemes). This would take account of Samoa’s development needs, while providing consistency and certainty to Australia and New Zealand employers under the labour mobility schemes.

To participate in LM Schemes, it is proposed that the initial step will be the call for expressions of interests (EOIs) from Constituencies to participate and submission of lists of candidates. The selection of Constituencies to prioritise will be based on these expressions of interest. Furthermore, analysis of monthly mobilisations will be utilised with districts noting the lowest mobilisation numbers given priority.

4.2.2| Revised Process for Temporary Labour Migration to Australia and New Zealand

A) Overview

This paper is to propose a strategy that ensures greater involvement in Labour Mobility by Samoa’s 51 Constituencies. The involvement of Constituencies through their established Constituency Committees in the labour mobility programs will ensure:

- Constituencies being involved in the vetting and recommendation of new candidates being mobilised under the labour mobility schemes,

- Workers mobilising to employers in groups from the same area, increasing accountability,
- A more equitable involvement across the country,
- Constituency support for managing their workers' behavioural issues,
- Employers increased awareness of the community background and culture of their workers,
- Constituencies having increased awareness of the labour mobility programs,
- All parties demonstrating a commitment to ensuring Samoan workers' wellbeing.

The proposed revised process will also limit the involvement of MCIL-LEEP and overseas Employers in the recruitment and selection process for the mobilising of workers.

B) Roles and Responsibilities

The Constituency Committees will begin to have more involvement in recruitment for Labour Mobility:

- Verification and endorsement of applicants based on the following criteria:
 - Aged between 18 to 45 years old,
 - Must be honest and has a good attitude and behaviour,
 - Has **NO** criminal record (Police Report),
 - Candidate is healthy with no serious illnesses or health issues and able to pass both fitness test facilitated by MCIL and medical screening by appointed panel doctors (Medical Report),
 - Socio-economic standing, with preference to be given to unemployed individuals or those from low-income families who don't have any close family members already on the schemes.
- Enforce strict measures for managing worker attitudes and behaviours while deployed,
- Involvement with worker issues.

The MCIL-LEEP will:

- Request from each Constituency Committee a list of proposed candidates and detailed information. MCIL- LEEP to determine appropriate threshold for the maximum number of proposed new candidates from each Constituency Committee to ensure equitable distribution of opportunities,
- Conduct final review of candidates submitted by Constituency Committees (unemployment, health status and criminal history/character requirements),
- Endorse and manage recruitment plans,
- Provide advice and guidance to Constituency Committees with their recruitment and selection, facilitate and conduct pre-departure briefings, addressing issues faced by workers while in receiving countries, and reintegration programs,
- Accredite Employers that wish to recruit from Samoa and support them with obtaining required documentation throughout the whole process,
- Together with the support of the MFAT and Samoa's overseas missions, liaise with the Governments of Australia and New Zealand to ensure minimum working conditions for workers are met by the Employers,
- Gather critical information and data, utilising the IRD to inform and refine the overall process. The IRD stores all labour mobility candidate profiles, Approved Employer details and recruitment plans and provides a functional platform to create and share shortlists and selected cohorts to employers. The IRD is a source of important data relating to labour mobility and can provide reports to inform policy and process,
- Monitor the true impact of Samoa's participation in the Temporary Labour Mobility Schemes (both short term and long term and/or low-skilled and semi-skilled schemes) and support efforts to come

up with strategy (ies) to mitigate negative impacts of the schemes on families, local industries and communities.

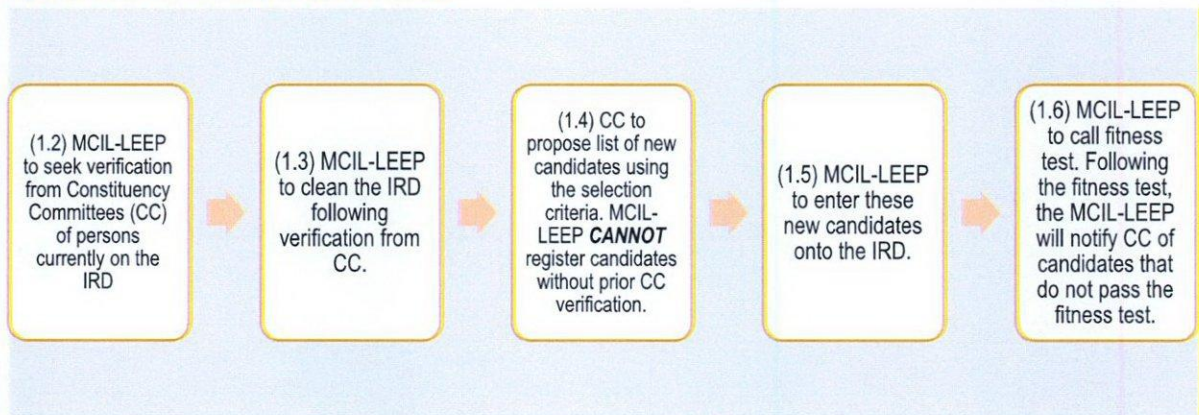
C) Revised Process

The proposed revised process is divided into five phase from building the work-ready pool (WRP) up to re-integration of workers into their local communities. The five phases of the process are: (1) Building the WRP; (2) Accreditation of Employers and Private Recruiters; (3) Recruitment and Mobilisation; (4) Arrival and Working in Receiving Countries; and (5) Re-integration.

PHASE ONE: BUILDING THE WORK-READY POOL (WRP)

The intention of this phase is to build the WRP with reliance on Constituency Committees to verify existing workers on the IRD, with the opportunity to register new candidates once the workers on the IRD are verified and mobilised.

Figure 3: Phase One–Building the WRP–Procedure



The Constituency Committees are required to verify the existing 16,000 candidates on the IRD, prioritising the 10,690 candidates that declared unemployment.

All **new registrations** in the future are to be channelled through and verified by Constituency Committees prior to submission to MCIL-LEEP.

Prior to submission of lists for new registrations, Constituency Committees must first sign MOUs with the Government of Samoa via MCIL-LEEP. The MOUs will set out the terms and conditions and requirements that Constituency Committees must meet (including the possible charging of a participation fee). New registrations approved by members of the Constituency Committees will be screened by MCIL-LEEP to ensure they meet all requirements for creation of draft individual profiles. The draft profile will include, at a minimum:

- Candidate name
- Date of birth
- Gender
- Name of current Village and Constituency
- Full length photo
- Proof of identification (birth certificate/passport)
- Height and weight
- Employment status
- Work Experience (if any)
- Character reference from Pastor (or equivalent)

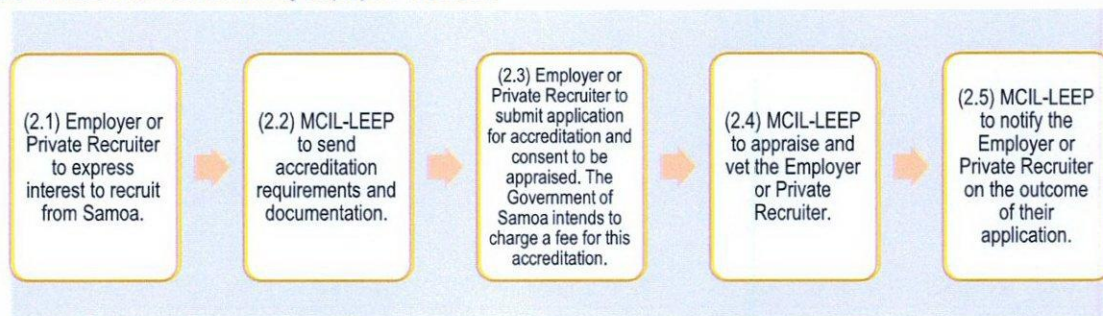
All drafts that have the above information will be processed to “New Worker” on a weekly basis by a senior MCIL-LEEP official.

In order to be processed to “Work Ready”, each candidate must undertake fitness testing and English testing together with a clean Police Report and cleared Medical Report by an approved provider. Workers are responsible to attain a passport, police clearance and medical testing. The results of these tests are added to the profile and the worker is progressed to “Work Ready” status. This means that they can be shortlisted for an employment opportunity.

PHASE TWO: ACCREDITATION OF EMPLOYERS AND PRIVATE RECRUITERS

The intention of this phase is to build credible relationships between the Government of Samoa and the Australia and New Zealand employers. The Government of Samoa intends to select and accredit Employers to work with in the future. This is to ensure that Samoa is sending its workers to trusted Employers that will meet minimum requirements for working conditions. The accreditation process and documentation for Employers will be further detailed and refined in the Operations Manual of the MCIL-LEEP. There will be an annual facilitation fee of 1,000 tala for the accreditation process for each Employer.

Figure 4: Phase Two–Accreditation of Employers–Procedure



Additionally, the Government of Samoa intends to regulate the private recruiters in-country. To regulate the involvement of private recruiters the following licensing conditions are proposed:

1. Applicant(s) is a person of good standing in the community,
2. Applicant has sufficient skills and qualified to operate as a recruiter for seasonal employment,
3. Submission of a complete application which includes the following:
 - a. An established office or premises where the recruiter is based and will operate their services.
 - b. Capacity to adhere to worker information requirements, disclose and upload all information of candidates to be recruited to the In-Country Recruitment Database (IRD) facilitated by MCIL-LEEP.
 - c. An approval from the Constituencies that they will be recruiting from, together with a binding agreement to only recruit from these Constituencies.
 - d. A valid business license.
 - e. Endorsement letter from an Approved Employer(s) clearly nominating applicant(s) to act on their behalf.
 - f. Police clearance of the recruiter and any affiliated persons involved in recruitment of workers for seasonal employment in NZ and Australia.
 - g. A detailed description of their services and a list of employers that the recruiter will be representing.
 - h. The recruiter must disclose any fees charged to workers for review.
 - i. A curriculum vitae of the recruiter indicating their educational and professional qualifications and professional experience.

- j. Payment of licensing fee - 10,000 tala as a cost-recovery measure for the operational expenses of the MCIL-LEEP.
- 4. Duration and renewal:
 - a. valid for a period of 12 months from the date of issue.
 - b. may be renewed on an annual basis upon payment of renewal fee.
- 5. Variation, suspension and revocation:
 - a. The decision to grant a recruiters license remains the prerogative of MCIL-LEEP, with decision made on a case-by-case basis in accordance with requirements. If there are reasonable grounds, an application for a private recruiters license may be denied, or license revoked where it is believed that applicants no longer satisfy the conditions outlined under 1 and 2 above.

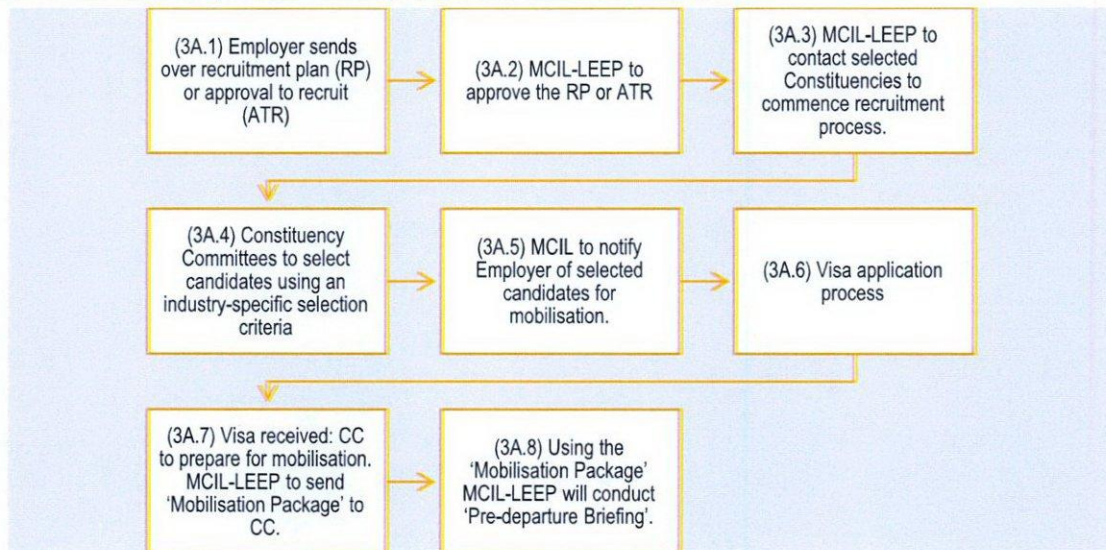
PHASE THREE: RECRUITMENT AND MOBILISATION

This phase is divided on the level of skills, industry, and experience with the intention of limiting Employer and MCIL-LEEP involvement in the recruitment and selection process for “New Workers” in unskilled and low-skilled industries.

For unskilled jobs in the horticulture, Viticulture and agriculture industries, the preference for Samoa would be for new workers to be ratified by the Constituency Committees

The following revised procedure presented in Figure 5 below is for **New Workers in Unskilled and Low-Skilled Industries**.

Figure 5: Revised Procedure for “New Workers” in Unskilled and Low-Skilled Industries



The required timeframe from endorsed recruitment plan to worker mobilization is a minimum of eight weeks. This ensures adequate time for all parties to perform their relevant processes and ensure information on all workers mobilised are complete and up to date. The process is managed through the IRD. All steps of the process must be carefully followed to ensure accurate data.

Recruitment plans are submitted by approved employers to the Australian or New Zealand Governments for approval. They are then provided to the Samoan Government for final endorsement. Recruitment plans

outline the criteria that the employer requires from the workers. This will include a unique recruitment plan number, number of workers, requested mobilization date and location. MCIL-LEEP Principal Officers assess each recruitment plan on a weekly basis against certain criteria (Table 2). If the recruitment plan is not suitable, it will be denied, and an email sent directly to the employer to notify them of the decision.

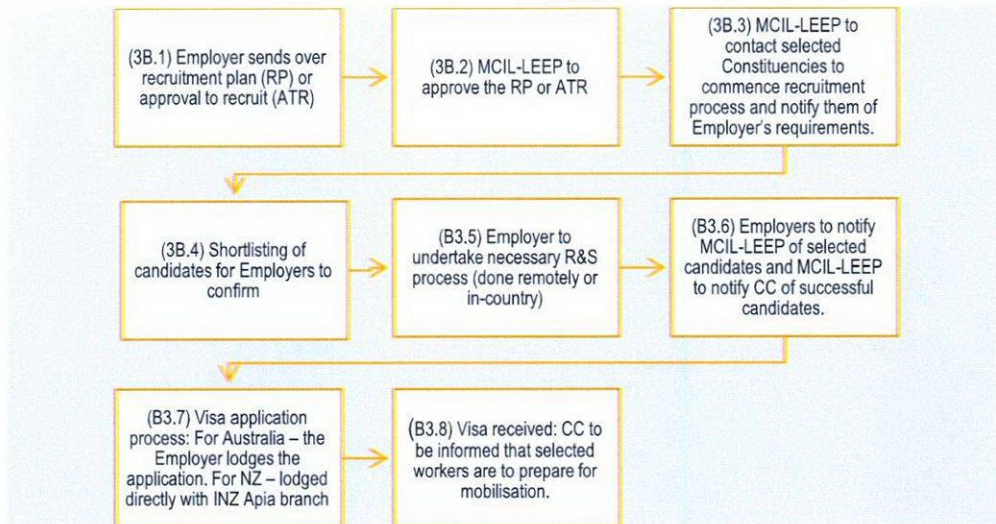
Table 2: Recruitment Plan Endorsement Criteria

RP Content	Criteria Question	Criteria
IRD Employer	Does Samoa want to approve a recruitment plan for this employer at this time?	<ul style="list-style-type: none"> Approved Employer No previous issues/concerns
Position Title/ Job Description	Does Samoa approve workers for this industry to undertake this kind of work?	<ul style="list-style-type: none"> Samoa Government endorsed industries, Appropriate types of work
Number weeks from Submission to Arrival	Is this timeframe suitable for the required preparations?	<ul style="list-style-type: none"> Minimum 8 weeks from submission Achievable considering current LEEP workload during this period
Number of positions	Is the number of mobilisations suitable for this mobilisation?	<ul style="list-style-type: none"> Achievable considering other mobilisation numbers during this period, Achievable considering current LEEP workload
Departure date	Is this date appropriate?	<ul style="list-style-type: none"> Within a week of the proposed/approved flight, Within the appropriate timeframe
Accommodation Details	Is this appropriate and have there been any concerns about the accommodation in the past (size, safe and secure, rent too high)?	<ul style="list-style-type: none"> No previous concerns Site check to confirm quality is up to par
If some of the criteria is not met, simply Provide Feedback or if the recruitment plan is not suitable Deny		

For semi-skilled jobs that have certain requirements, employers may seek to interview candidates prior to making offers to ensure that they have made a well-informed decision. Interviews are conducted face to face wherever possible, although some employers choose to conduct online interviews. Face to face interviews offer the opportunity for the employer to provide more information about the company and the work to the Constituency and the candidates’ families. It also allows the employer to meet representatives of the Constituency and worker’s families and experience the location that the workers have come from to develop a better cultural understanding of the worker.

If employers choose to undertake face to face interviews, the responsible MCIL-LEEP official will facilitate the visit with the relevant Constituency Committee. The MCIL-LEEP official will accompany the employer for the Constituency visit and the Constituency will prepare the candidates and provide the venue for interviews. The employer will arrange their own flights and accommodation. The employer will conduct the interviews and may decide to carry out further testing like grip, blood pressure and other fitness testing. The following revised procedure presented in Figure 6 below is for **New Workers in Semi-Skilled Industries**.

Figure 6: Revised Procedure for "New Workers" in Semi-Skilled Industries

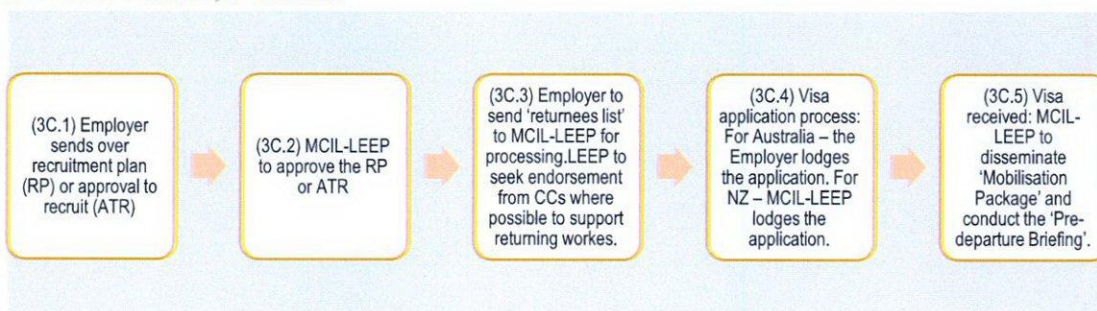


An assigned MCIL-LEEP Official will reach out to the employer to seek more information on their worker requirements. This may include requested online or face to face interview date (if applicable), gender, age range, height and weight range, English language level, fitness level and any other criteria that the employer requests. A shortlist of at least double the required number is created against the employer’s requested criteria. Each month, the total shortlists **for the month** for the Australian and New Zealand programs must attempt to include an even distribution of candidates from all 51 Constituencies.

The shortlisted profiles are provided to the employer including the full-length photo and all relevant details from the IRD. The employer then selects the workers that are to be interviewed and plans to conduct the interview. Some employers choose not to interview and simply make offers to the workers that they select from the shortlist. After interview and testing, the employer will make a selection according to the initial recruitment plan number and provide letters of offer to the chosen candidates. It is the responsibility of the employer to explain the details of the offer, however the MCIL-LEEP official will support and provide interpretation where required and explain that the letter of offer is a binding contract and should not be taken lightly. When the candidate is happy with the offer, it can be signed and witnessed.

There is a separate treatment for Returnees, as these workers have a proven good work attitudes and established relationship with Employers. Hence, the following revised procedure presented in Figure 7 below is for **Returnees**.

Figure 7: Revised Procedure for "Returnees"



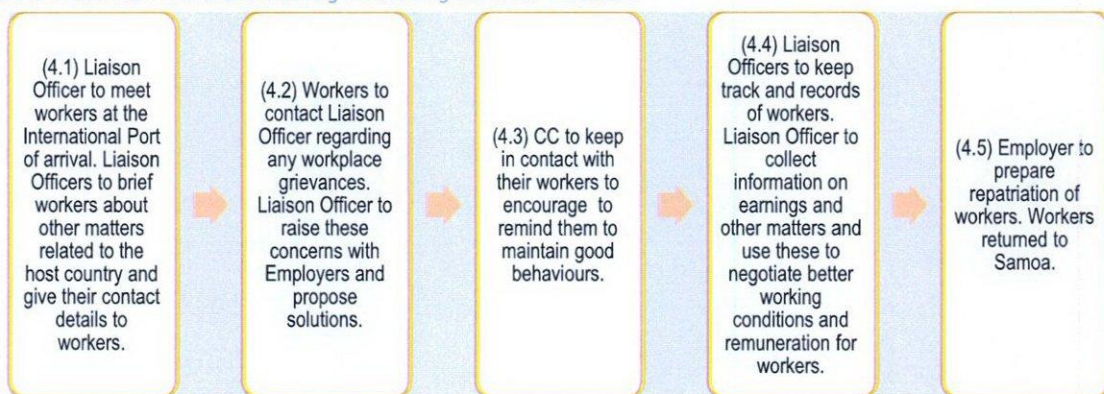
All workers must complete an approved pre-departure briefing session before each mobilization. The pre-departure briefings cover critical information to prepare a worker for life in Australia or New Zealand as outlined in the MOUs. Attendance at the PDB is marked in the IRD. A separate component of the pre-departure briefing will be for the families of the departing workers. It is also important that the Samoa Workers Congress is part of pre-departure briefings to enable Samoan workers to understand the context of work in Australia and New Zealand in which workers unions are part and parcel of working life. The Samoa Workers Congress has the knowledge and experience to enable workers to access help and support from the workers unions in the receiving countries to enable protection of their rights and ensure appropriate welfare support. It is also proposed for the workers to be charged a \$50 tala administration fee and participating Constituency Committees to pay \$1,000 tala participation fee via MCIL-LEEP as a cost-recovery measure for the operations and administration of the schemes.

Constituencies must provide LEEP with a confirmed list of mobilized workers within 24 hours of departure so that the workers can be marked as “mobilized” in the IRD. It is important for the list to be accurate. Each worker is not to be marked as “mobilized” until they have left the country.

PHASE FOUR: ARRIVAL AND WORKING IN RECEIVING COUNTRIES

The intention for this phase is to stipulate the role of Liaison Officers and to formalise the relationship between Liaison Officers, Workers, Employers, Constituency Committees, and MCIL-LEEP. The Figure 8 below presents the procedure for this phase.

Figure 8: Phase Four–Arrival and Working in Receiving Countries–Procedure



Upon arrival in Australia or New Zealand, workers are provided an upon arrival briefing by their employer. These will vary but will provide details about the location including local hospitals, churches and shops. Each employer will also carry out a site-specific workplace orientation that will include information such as start and finish times, safety procedures. Good employers in Australia and New Zealand also include workers organisations to be part of the briefings upon arrival of workers. This is a standard that must be required for compliance by all employers.

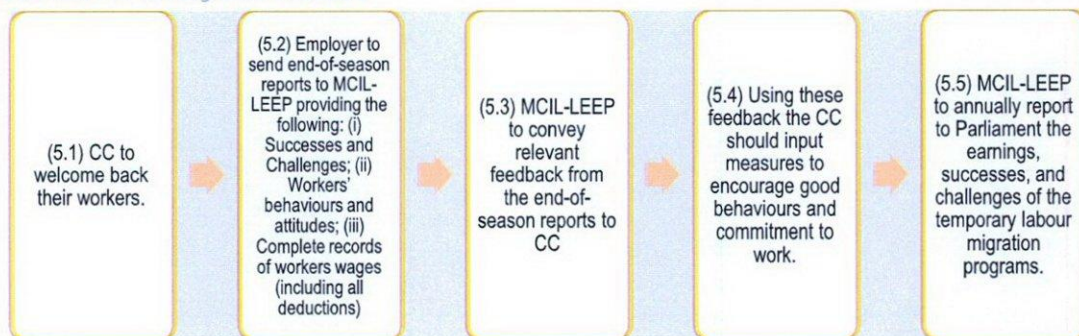
Workers have access to a network of support in both Australia and New Zealand. Employers are required to be the first point of support to the worker. The LEEP provide Country Liaison Officers to support workers with various issues and both the Australian and New Zealand Government have support systems in place to assist workers with any issue they are faced with. The inclusion of workers organisations (unions) in Australia in the organisation of in country support is critical.

In preparation for the worker's return, the employer books the return flight and any required accommodation and notifies flight details to the LEEP for each worker. LEEP provides the return details to the relevant Constituency Committee office to assist with the return of the worker.

PHASE FIVE: REINTEGRATION

LEEP will support Constituencies to provide approved Return Worker programs to capture each worker's overseas experience and begin to prepare them for reintegration into Samoa. Other Government departments and private providers will be involved in reintegrating Samoan citizens. A focus to be placed on utilizing skills developed during the time abroad including establishing small business and being recognized for entry into further education. The following (Figure 9) is an indicative procedure for the reintegration phase.

Figure 9: Phase Five–Reintegration–Procedure



4.2.3| Proposed Timelines for Implementing Constituency Engagement Plan

This Policy is anticipated to be rolled-out in the 2023/2024 fiscal year of the Government of Samoa. The MCIL-LEEP is expected to make appropriate preparations for the roll-out of this Policy (upon approval of implementation plan):

- **Preparations and Aligning Existing Operations to this Policy**
 - Developing and negotiating MOUs with Australia and New Zealand.
 - Drafting regulation (linking back to the LERA) to reflect changes proposed in this Policy.
 - Engage Ministry of Women, Community, and Social Developments to plan the involvement of Constituency Committees
 - Notify the Employers and other relevant overseas stakeholders of the changes planned by the Government of Samoa, and also get their buy-in and support.
- **Engaging Constituency Committees**
 - Engage Constituency Committees regarding their involvement in the facilitating of the labour mobility schemes,
 - Discuss, develop, and sign MOUs with Constituency Committees clarifying expectations, roles, and responsibilities.
- **Accreditation of Overseas Employers and Local Private Recruiters**
 - Regulation if finalised and endorsed enabling the imposing of fees and standards to qualify.
 - Notifying and seeking approval from Revenue Board of fees.
 - Notifying stakeholders of fees that will be imposed on them in accordance with the role they play under the labour mobility schemes.
- **Ongoing support for Constituency Committees and Workers**
 - Carry out workshops for Constituency Committees to train and include them in the process,

- Train and inform Constituency Committees on the required documentation needed,
- Continue refresher training for the Constituency Committees regarding what is expected of their candidates that is, good behaviour, communication skills level, etc.
- Collect information on workers while they are mobilised. Report this information to relevant stakeholders.
- Strengthen support for workers while they are mobilised to Australia and New Zealand.

The above is presented in more detail in Annex 4–Implementation Plan (Gantt Chart).

Annexes

Annex 1| Summaries of MOUs with Australia and New Zealand

RECOGNISED SEASONAL EMPLOYER (RSE) POLICY – INTER-AGENCY UNDERSTANDING (2014)

The current RSE Inter-Agency Understanding signed in 2014 between the New Zealand Ministry of Business, Innovation, and Employment (MBIE), and the Samoa Ministry of the Prime Minister, and Cabinet (MPMC) in 2014 replaced the 2009 Inter-Agency Understanding. The 2014 Understanding sets out the arrangements to *facilitate access of Samoa nationals to seasonal work in the horticulture and viticulture industries under New Zealand’s Recognised Seasonal Employer Policy*, including country-specific *facilitative arrangements* in the Table below:

FACILITATIVE FACTOR	DESCRIPTION
Recruitment	<ul style="list-style-type: none"> ▪ Work ready pool (by MPMC) or direct recruitment (by citizens themselves). <ul style="list-style-type: none"> – The Work-ready pool: Citizens who have been pre-selected and screened for factors consistent with the RSE Policy, principles and outcomes of this Understanding. – Direct Recruitment: Legislation in Samoa does not preclude the possibility that some RSEs may wish to make recruitment arrangements directly, e.g., through an agent, with village communities or to secure named workers. RSEs will advise MPMC of such. – MBIE will inform MPMC in a timely manner of approved Agreement to Recruit (ATR - approval for RSE to offer employment to non-NZ national or resident workers), involving workers from Samoa. Any agents appointed by RSEs are prohibited from seeking compensation from workers in exchange for securing an employment agreement under the RSE Policy.
Work Visa Processing:	<ul style="list-style-type: none"> ▪ Application requirements are set out in the RSE Policy and the “Application to Work in New Zealand for a Recognised Seasonal Employer” form.
Pre-Departure Orientation	<ul style="list-style-type: none"> ▪ MPMC with input from MBIE will provide comprehensive briefings to all RSE workers before their departure to New Zealand. (Unions were never involved here)
Pastoral Care:	<ul style="list-style-type: none"> ▪ RSEs will address pastoral care as set out in the RSE Policy. Workers will enjoy the full protection of NZ employment and workplace legislation; safe conditions of work and payment of market rates will apply. Workers are eligible to join unions and will be covered by ACC legislation, but not eligible for free medical services. MPMC will play an active role in liaising with workers to assure the GoS that the pastoral care needs of workers are met.
Compliance	<ul style="list-style-type: none"> ▪ MPMC will encourage workers to comply with rules and MBIE will monitor compliance with employment and workplace legislation, RSE Work Policy and general immigration requirements. RSEs are unlikely to seek to recruit further workers from Samoa if they experience negative consequences for non-compliance relating to Samoan workers. There is zero tolerance for overstaying under the RSE Policy.
RSE Policy updates	<ul style="list-style-type: none"> ▪ MBIE will advise MPMC of any changes or amendments to the RSE Policy at the earliest opportunity before the changes or amendments are made public.

The facilitative arrangements must be consistent with the current RSE Policy and are designed and implemented consistent with the following principles: (1) Equity of access and opportunity; (2) Transparency of process and decision making; (3) Accountability; (4) Development focused; and (5) Mitigation of risk. Moreover, these arrangements should assist RSE’s to recruit from Samoa, and citizens to access opportunities under RSE; ensure compliance, cooperation, and information sharing; and ensure effective monitoring and evaluation of the RSE Policy in relation to the participation of Samoan RSE workers.

The success and effectiveness of facilitative arrangements are hinged upon:

1. Objectives are achieved and principles are adhered to; and RSEs establish productive relationships with Samoa and obtain a supplementary workforce to sustain their industries.
2. Both Participants have specific and timely information to participate in this scheme actively and effectively.

3. Samoan citizens enjoy fair access to the RSE Policy; fair and reasonable treatment; adjust to NZ conditions; derive skills and income; and successful re-entry.
4. The Ministry (MPMC) will have access to accurate and correct information from RSEs, to enable the development and implementation of programs for Samoa RSE workers and evaluate the impact of RSE to the local economy.

The Understanding stipulates the roles of the responsible Government Agencies to ensure the effective implementation of facilitative arrangements:

ROLES	MBIE	MPMC
Critical Success Outcomes	<ul style="list-style-type: none"> ▪ Achieving objectives in “Schedule 1”. ▪ Avoiding: overstaying and exploitation of workers; displacement of NZ’s workforce; suppression of wage growth in the horticulture and viticulture industries. ▪ Securing at least 100% of available places under the RSE Policy, over the next 5 years, from eligible Forum Island Countries. ▪ Contributing to Pacific’s development by fostering growth and regional integration under the RSE Policy 	<ul style="list-style-type: none"> ▪ Maintain integrity of the system and its reputation as a reliable source of workers for the horticulture and viticulture industries who comply with the rules. ▪ Secures at least 50% of available places under the RSE Policy. ▪ Workers can generate savings and relevant experience which may contribute to the development of Samoa
Immigration Decisions	<ul style="list-style-type: none"> ▪ MBIE makes the decision to grant a work visa(s) under the RSE Policy on a case-by-case basis in accordance with requirements, legislation, regulations, and immigration policies. 	
	<ul style="list-style-type: none"> ▪ Where possible, MBIE will assist marketing initiatives mounted by MPMC 	<ul style="list-style-type: none"> ▪ To market Samoa itself as recognised through NZ-based Samoan Government officials (Liaison Officer, Trade Commissioner). ▪ Champion Samoa as a high-quality recruitment base for RSE workers.
Information Collection and Publicity	<ul style="list-style-type: none"> ▪ Conduct random surveys of stakeholders to assess efficiency and transparency of recruitment procedures; and monitor and evaluate the RSE Policy and facilitative arrangements under this Understanding. ▪ Information collected from Samoan workers about their participation will be kept strictly confidential; and MBIE will only use information for statistical or research purposes. 	<ul style="list-style-type: none"> ▪ Cooperate in the collection and sharing of information, ▪ Participants will make efforts to raise awareness and understanding of the RSE Policy in Samoa and NZ; notify each other on public release of this Understanding; and act promptly to correct any false or misleading information about the RSE Policy.

The Understanding will be reviewed bi-annually on a date mutually determined by the Participants. This will provide an opportunity to discuss issues and consider changes to this Understanding. This Understanding may be amended at any time by mutual determination in writing by the Participants. Any evidence of corruption or unethical practice that is not dealt with effectively and immediately will jeopardise participation in the RSE Policy and potentially result in the termination of this Understanding.

PACIFIC LABOUR SCHEME (PLS) – MEMORANDUM OF UNDERSTANDING (2018)

The Parties of the MOU are the Department of Foreign Affairs and Trade (DFAT), the Department of Home Affairs (Home Affairs), the Ministry of Commerce, Industry and Labour (MCIL) and Ministry of Foreign Affairs and Trade (MFAT). The purpose of the MOU is to set out the arrangements to facilitate the temporary entry of Samoan citizens to undertake work in low and semi-skilled occupations in Rural and Regional Australia and undertake trainings.

The objective of the PLS is to contribute to economic development in Samoa by providing opportunities for Samoan citizens to gain knowledge, work experience and skills in Australia, earn wages for performing work and remit earnings to Samoa. The implementation of the MOU will be consistent to the following operational principles: (a) Equity of access; (b) Transparency of process and decision-making; (c) Accountability; (d) Demand-driven employment by participating employers; (e) Maximisation of development benefits; and (f) Mutual commitment to investing maximum effort to mitigate risks to the Participants and Samoan workers. The MOU will operate without prejudice to any rights or obligations of the participants arising from other agreements which they are party.

Australia and Samoa will work to achieve the objective of the PLS and will successfully demonstrate the value of the scheme by fully implementing their responsibilities stipulated in the Table below:

AUSTRALIA	SAMOA
<ul style="list-style-type: none"> ▪ Boost development of Samoa through employment creation, remittances, and transfer of skills and knowledge ▪ Strengthening partnership with Samoa ▪ Protect Australian jobs by ensuring labour market testing and assessment of suitable employers, ▪ Maintain Australia's immigration program, ▪ Prevent exploitation and address allegations of exploitation 	<ul style="list-style-type: none"> ▪ Recruit and mobilise workers through equitable, transparent, innovative, and regulated public and private sector recruitment models. ▪ Ensure appropriate pre-departure training, ongoing monitoring, and reintegration briefings provided to workers. ▪ Increase access opportunities under PLS through appropriate support mechanisms. ▪ Support pastoral care of workers including placement of a liaison officer in Australia

Detailed Implementation Arrangements and processes will be set out by Australia for the operation of the PLS in Implementation Arrangements and will be common to all participating countries of the scheme. This will assist Australian employers under the PLS to recruit from Samoa and enable Samoan workers to access opportunities available to them under the scheme. Recruitment and mobilisation arrangements must provide adequate information regarding workplace entitlements and conditions of employment, where to go for further assistance as well as the roles and functions of unions before departure; are not subject to recruitment fees; clearly understand what application, health/character checking, passport, and visa issue costs they are liable to pay in advance of their arrival; and provided with pastoral care in Australia. The Implementation Arrangements will allocate responsibilities and actions to the participants for mitigating risks, ensuring compliance with PLS principles, objectives, and policies and for cooperation between the participations on information sharing, marketing, and other matters important to the success of the scheme. The MCIL and relevant partners will match employment opportunities with potential nominees.

SEASONAL WORKER PROGRAMME (SWP) – MEMORANDUM OF UNDERSTANDING (2016)

The Memorandum of Understanding (MOU) signed between the Government of Australia and the Independent State of Samoa set out the arrangements to facilitate access for Samoan citizens to undertake seasonal work under the SWP in specific industries. The objective of the SWP is to contribute to economic development in Samoa by providing employment opportunities, remittances, and opportunities for upskilling. The MOU also benefits Australia by enabling employers to source suitable labour from the Pacific and Timor-Leste.

The Implementation Arrangements will be consistent to the following operational principles: (a) Equity of access and opportunity for workers; (b) Transparency of process and decision-making; (c) Accountability; (d) Demand-driven nature of employment under the SWP; (e) Maximisation of development-focused benefits; and (f) Mutual commitment to investing maximum effort to mitigate risks to the Participants and Samoan seasonal workers.

Australia and Samoa will work to achieve the objective of the PLS and will successfully demonstrate the value of the scheme by fully implementing their responsibilities stipulated in the Table below:

AUSTRALIA	SAMOA
<ul style="list-style-type: none"> ▪ Boost development of Samoa through employment creation, remittances, and transfer of skills and knowledge ▪ Contributing to economic development in Samoa by fostering economic growth and regional integration ▪ Create effective Australia-Samoa partnership to support SWP including assisting Samoa meet its responsibilities in the Implementation Arrangements ▪ Avoid unethical recruitment practices, application fraud, or overstaying by seasonal workers, ▪ Avoid exploitation of seasonal workers or displacement of Australia's workforce. 	<ul style="list-style-type: none"> ▪ Maintain the integrity of SWP, ▪ Establish a reputation for providing efficient and reliable labour, ▪ Matching surplus labour resources in Samoa with labour market needs in Australia by providing reliable and work-ready workforce, ▪ Complying with SWP laws and rules ▪ Support seasonal workers to acquire savings and work skills and experience for development of their communities and Samoa, ▪ Securing satisfactory portion of SWP opportunities

The success of the MOU and Implementation Arrangements are hinged upon:

1. Approved employers establish productive relationships with Samoan agencies and communities, thereby obtaining reliable supplementary workforce for their businesses,
2. SWP objectives are achieved, and principles are adhered to,
3. Participants have and share timely information to enable Samoa to effectively participate in SWP,
4. Samoa seasonal workers enjoy fair access to the SWP, fair and reasonable treatment in accordance with Australian law by employers,
5. Samoa seasonal workers are not levies with any recruitment costs or excessive up-front charges,
6. Opportunities for employment facilitate inclusive participation in the SWP, that actively promote participation by women and under-represented groups.

Detailed Implementation Arrangements and processes will be set out by Australia for the operation of the SWP in *Implementation Arrangements* and will be common to all participating countries of the scheme. This will assist Australian employers under the SWP to recruit from Samoa and enable Samoan workers to access opportunities available to them under the scheme. Recruitment and mobilisation arrangements must provide adequate information regarding workplace entitlements and conditions of employment, where to go for further assistance as well as the roles and functions of unions before departure; are not subject to recruitment fees; clearly understand what application, health/character checking, passport, and visa issue costs they are liable to pay in advance of their arrival; and provided with pastoral care in Australia. The Implementation Arrangements will allocate responsibilities and actions to the participants for mitigating

risks, ensuring compliance with SWP principles, objectives, and policies and for cooperation between the participations on information sharing, marketing, and other matters important to the success of the scheme.

The decision to grant a visa to a Samoan citizen remains the prerogative of Australia, with decision made on a case-by-case basis in accordance with requirements in relevant Australian immigration legislation. The participants will cooperate in the collection and sharing of information relevant to the SWP in a manner consistent with applicable laws. Moreover, the participants will make efforts to increase awareness and understanding of the SWP in Samoa and Australia.

The MOU is expected to be reviewed regularly, with a termination clause that could be activated 60 days after conveyance through diplomatic channels. The integrity of the scheme depends on the SWP remaining free of corruption and other unethical practices. Any evidence of corruption or unethical practices that is not dealt with effectively and immediately will jeopardise participation under the SWP and potentially result in the termination of the MOU.

Annex 2 | Summary of the current LEEP Operating Manual

A) Roles

MCIL is responsible for the implementation of the Labour and Employment Export Programme (LEEP) under its labour and employment mandate. High level accountabilities for performance are derived from national policies including the Samoa National Migration Policy. The LEEP Steering Committee (LSC) is responsible for high level whole-of-government oversight and the strategic management of the programme.

B) Recruitment Pathways

- Recruitment using the LEEP Division Work Ready Pool
- Direct recruitment by the employer
- Recruitment by a Third Party
 - Recruitment by village representative (e.g., village mayors and church ministers)
 - Recruitment by a recruitment agent (whether informally or formally). There are currently no appointed or licensed agents in Samoa for Australian Programs.
 - Recruitment using returning team leaders who act on behalf of the employer.

C) Method of Recruitment

If Direct/Third Party recruitment is used, then candidates are still required to go through the Work Ready Process so that the LEEP Unit can be confident they are sending reliable and suitable workers.

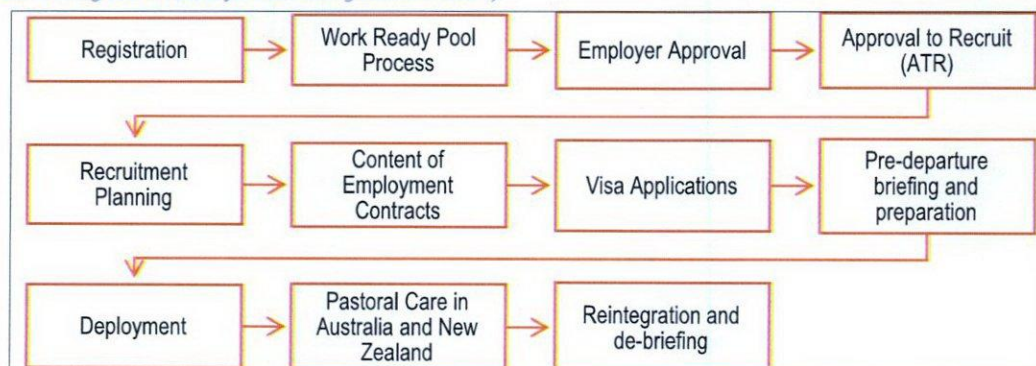
The Labour Employment Export Programme Division (LEEP) of the Ministry of Commerce, Industry, and Labour (MCIL) is responsible for facilitating Samoa's participation in the following temporary work schemes in Australia and New Zealand.

- PLS is only from the Work-ready Pool, although there is potential for workers recruited directly by Employers though family and existing workers with approval from the ACEO.
- SWP is a combination of the Work-Ready Pool and Direct Recruitment
- RSE is ONLY for the unemployed on the Work Ready Pool, Church & Village groups, referrals from the Ministry of Women & Social Development (MWSD) and direct recruitment,
- AEWV is a combination of Employer referrals and Work Ready Pool
- PTP is a combination of Employer referrals and Work Ready Pool

D) LEEP Process

Below presents the current process used by LEEP for facilitating the mobilising of workers under the Australia and New Zealand schemes.

Figure 10: Existing LEEP Process for Facilitating Labour Mobility



D1) Candidate Registration and Screening Process

- Registration
 - Candidate to complete the two-page registration form,
- Work Ready Pool Process
 - LEEP Officer contacts registered candidates for appointments to collect further information.
 - Interviews and collect required documents:
 - Fill in Database Spread sheet, including height, weight, and blood pressure,
 - At the same time perform a verbal English Assessment to give them a score,
 - Identify if they have a Certificate or are suitable for a semi-skilled role,
 - Create a folder on Shared Drive for each candidate,
 - Scan all relevant documents and save in folder, individually and names correctly,
 - Take photo of candidate and save in folder.
 - A **Registration Receipt** is given to each Candidate for them to keep as proof that they have registered with MCIL, in case of computer errors, or if they change their phone number and are unreachable.
 - Fitness Test
 - Candidates marked as 'Work Ready' on the database. Worker Profile created and presented to employers.
- Criteria for Program Eligibility (Ineligibility?)
 - Visa overstayed,
 - Police Clearance (ACEO discretion),
 - Age requirement (Exception for the overaged),
 - Changing Schemes,
 - Women on Programs
 - Pregnancy testing

D2) Employer Approval and Worker Selection

- Employer Approval
 - Before recruiting workers under a scheme, employers in Australia and New Zealand must first meet specific criteria and apply to become an approved employer.
- Approval to recruit (ATR)
 - The LEEP Division has no involvement in the Approval to recruit processes which are managed by the Australian and New Zealand governments and then sent to the LEEP Division.
 - If the LEEP Division has not received ATR relating to an employer who wishes to recruit workers, it has no authority to act, and must advise the employer to complete the ATR process first.
 - When an ATR is received, the LEEP Division will facilitate the recruitment and deployment of workers. The scope of the LEEP Division's involvement is dependent on the recruitment method chosen by the employer or the requirements of the particular scheme.
 - The preferred method of recruitment which should be encouraged by the LEEP Division, is for employers to use the Work Ready Pool. However, there are currently no restrictions on the recruitment method that may be used by an employer provided that the documentary and eligibility requirements relating to a scheme are met.
- Recruitment planning
 - LEEP officials to prepare a recruitment plan together with the employer with timelines and responsibilities.

- The process steps adopted will have some variations depending on the nature of the scheme as explained in this chapter.
- If Employer requests workers are deployed less than 4 weeks from receiving an ATR, you must discuss the risks to the recruitment process and the risk that workers will not be deployed on time. Employers should be strongly encouraged to plan for a 4-week processing time.
- Worker selection and application
 - Responsibilities relating to the screening and selection of workers will differ slightly depending on the method of recruitment chosen by the employer and the labour sending scheme.
 - Regardless of the method of recruitment, LEEP officials must always check that a worker is eligible under the relevant scheme by following the checklists for each scheme provided in Chapter 3 of the Operations Manual.
 - LEEP officials should ensure that the relevant worker eligibility checklist is completed, printed, placed on the top of the file, and signed off by the ACEO before a worker is deployed overseas.

WORKER SCREENING AND SELECTION PROCESS FOR RSE, SWP, AND PLS		
ACEO LEEP	Step 1: File allocation and legal checking <ul style="list-style-type: none"> ▪ ACEO receives ATR and allocates responsibility for facilitating an Employer's recruitments and workers deployment. Include liaison officer in email. ▪ ACEO acknowledges email and introduces Employer to LEEP officer responsible for recruitment – email and phone number. ▪ ACEO shared LOO/Contract with Legal team for review 	Within two days of receiving the approval to recruit
LEEP officer	Step 2: Prepare Recruitment Plan <ul style="list-style-type: none"> ▪ LEEP officer contacts Employer and prepares a Recruitment Plan with the employer to confirm timeline and responsibilities. ▪ LEEP officer confirms the recruitment timetable with the ACEO before finalising it with the Employer. 	Within two days of being allocated responsibility
LEEP officer	Step 3: Recruitment process <ul style="list-style-type: none"> ▪ LEEP officer compiles shortlist according to recruitment method; submits profiles to Employer for confirmation and LOO's. ▪ LEEP officer creates folder in Shared Drive and Database. ▪ If Employer is visiting Samoa, then process may include arranging interviews and providing information on travel as per Recruitment Plan. 	Timeline as per Recruitment Plan
LEEP officer	Step 4: Candidate information session, contract/visa form signing and final document collection. <ul style="list-style-type: none"> ▪ Candidates and their family member (parent or spouse) attend MCIL office to go through Contract/LOO and job requirements, sign visa forms and discuss travel arrangements. Police and Medical Reports and any missing documents also provided at this time. ▪ Candidates sign Samoa Departure Agreement (template below). Family member also signs to show understand participation on the scheme. ▪ LEEP officer confirms all candidates fulfil visa and work ready criteria, are not on the Stand Down list and their documents are saved on the Shared Drive with the checklist completed. ▪ LEEP officer books in Pre-Departure Briefing and advises stakeholders 	Information session must be help one week after receiving Letter of Offer (to give Candidates time to get Police Reports, Passports and Medical Certificates)
LEEP officer	Step 5: Providing information to Pacific Labour Facility - Only for PLS <ul style="list-style-type: none"> ▪ LEEP officer completes PLS Worker Eligibility Letter and submits to CEO for signature. ▪ LEEP officer sends Worker Eligibility Letter along with signed LOO, Passport and Privacy Consent Form to the PLF to provide worker endorsement numbers. 	Must be done before visa can be applied for
LEEP officer	Step 5: Visa and document lodgement	No less than

	<ul style="list-style-type: none"> ▪ Prior to visa submission the LEEP Officer provides the final names and checklist to the ACEO for confirmation. ▪ LEEP officer follows the visa and document lodgement process steps relevant to each scheme and advises Employer when this has been done. 	five working days prior to deployment.
LEEP officer	Step 6: Pre-Departure Briefing <ul style="list-style-type: none"> ▪ LEEP officer arranges Pre-Departure Briefing <ul style="list-style-type: none"> - Group are given back their visas and paperwork and talked through their flight and arrival details, ▪ If Team Leader has not already been identified this is done here 	Before workers are deployed
LEEP officer	Step 7: Notifications <ul style="list-style-type: none"> ▪ LEEP officer provides final update to the employer when visas have been approved and confirms all for planned deployment date, ▪ LEEP officer provides final update to Liaison Officer prior to deployment, ▪ SWP the LEEP officer completes the 'Workers In Australia' spreadsheet and shares with Liaison officer. 	Day before deployment

▪ Worker Eligibility Checklists

WORKER ELIGIBILITY CHECKLIST FOR RSE, SWP AND PLS	WORKER ELIGIBILITY CHECKLIST FOR PTP
<ul style="list-style-type: none"> - Must be a Samoan citizen, - Be between the ages of 21 – 45, - In good health, medically and physically fit, - No criminal record, - Have not overstayed, or been deported from any country, - Completed all forms, - Not on a stand down list, - Attended pre-departure training, - LOO approved, - Fulfils all Work Ready criteria. 	<ul style="list-style-type: none"> - Samoan citizen, - Over 21 years of age, - In good health, medically and physically fit, - No criminal record, - Passed a drug test (in Samoa, or capable of passing a test in New Zealand), - Have not overstayed, or been deported from any country, - Not on a stand down list, - Must have relevant qualification and/or adequate work experience: <ul style="list-style-type: none"> i. For hammer hand/construction worker - minimum of 12 months experience in construction industry ii. For carpenter/maintenance carpenter - minimum of 3 years' experience in construction industry, with (preferred) Certificate III in Carpentry from Australia-Pacific Technical College or other tertiary qualification in carpentry/building. - Fluent in written and spoken English

▪ Content of Employment Contracts

- At the Candidate information session, the content of a LOO or Employment Contract must be explained to each worker, so they know what they are signing. (Length of contract; accommodation and pastoral care provided by the employer; hours of work; how wages are paid; deductions; trade union choices; discipline and dismissal worker's rights and obligations)

▪ Visa applications

- Candidates will not pass the Visa character test if they have a 'Substantial Criminal Record' and are not eligible to join labour mobility programs.
- Police clearance - A Police Clearance will only be requested when a candidate receives a LOO for a job in Australia/New Zealand.
- There are 3 circumstances when a candidate is still eligible for the Work Ready Pool, even though they have a negative Police Clearance:
 - When it is not a criminal offence e.g., Driving offences,
 - When the candidate was a minor at the time of committing the offence (under 18 years old)
 - If the offence is more than 10 years old and they can show good character through:

- a written AND verbal reference from their Mayor and Pastor (this does not include prison sentences or child sex cases).
- a letter from the Samoa Ministry of Justice and Courts Administration (MJCA) confirming that an applicant has not reoffended and that he/she has no other pending matters before the courts.
- All visa applications for workers under **Australia's** temporary employment schemes must be submitted using the online IMMI visa lodgement system. For the SWP this is done by the LEEP officer (MCIL has an account with a username and password for the purpose of commencing the application process), and for the PLS this is done by the employer.

STEPS	SWP	PLS
1	<p>LEEP officer uploads documents using IMMI no later than five working days before the date of workers' departure.</p> <ul style="list-style-type: none"> - Completed 1403 form (or equivalent) - Signed 956A form, - Police Report - Signed Letter of Offer - Passport Bio page 	<p>LEEP officer collects all documents from workers,</p> <ul style="list-style-type: none"> - Completed 1403 form (or equivalent) - Signed 956A form, - Police Report - Signed Letter of Offer - Passport Bio page
2	<p>Employer receives the IMMI online application completes submission to Immigration Australia.</p> <ul style="list-style-type: none"> - Employer adds proof of Insurance, - Employer pays required fee 	<p>LEEP officer completes PLS Worker Eligibility Letter and submits to CEO for signature then sends Worker Eligibility Letter along with signed LOO, Passport and Privacy Consent Form to the PLF to provide worker endorsement numbers.</p>
3	<p>Immigration Australia notifies the person named on the 956A form with a Visa Grant Notice. LEEP officer saves visa grant notice on in workers file on Shared Drive</p>	<p>LEEP Officer emails all documents to Employer to complete the visa submission</p>
4		<p>Immigration Australia notifies the person named on the 956A form with a Visa Grant Notice. LEEP officer saves visa grant notice on in workers file on Shared Drive</p>

- All visa applications for workers under **New Zealand's** temporary employment schemes must be submitted by the LEEP Division to Immigration New Zealand in person in Apia no later than 5 clear working days before a worker departs for New Zealand.

STEP 1	<p>LEEP Officer submits documentary requirements to the Immigration New Zealand Office in Apia</p> <ul style="list-style-type: none"> - Visa Application Form - Police Report - Approval to Recruit - Workers Original Passport - Proof of Insurance - Medical Assessment - Required Fee
STEP 2	<p>Approval by Immigration New Zealand who process the application and issues a visa grant notice</p>
STEP 3	<p>Visa provided to worker. LEEP officer ensures the visa grant notice is provided with the worker's passport when the passport is returned to the worker</p>

D3) Pre-Departure Briefing and Deployment (Unions)

- The LEEP Division is responsible for ensuring a smooth transition of workers to Australia and New Zealand by delivering a pre-departure briefing before workers' deployment.
- The Australian and New Zealand governments have materials that the LEEP Division must use as part of pre-departure orientation briefings for workers.

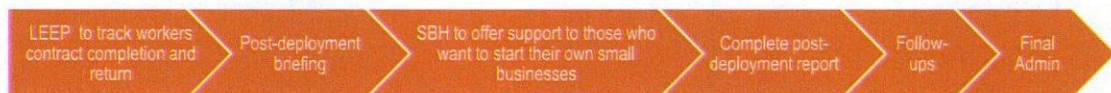
- Pre-departure briefing is **compulsory** for all workers. This includes workers who have returned from previous deployments in either country.
- Every six months, the LEEP ACEO will review pre-departure briefing based on feedback from workers participating in the schemes.
- Standards of Conduct. MCIL must:
 - Brief workers about MCIL’s expectations relating to the standard of worker’s conduct and behaviour while working in Australia or New Zealand.
 - Supply workers with a copy of the code of conduct for team leaders (in English and Samoan)
 - Brief workers on circumstances in which they may be stood down and provide them with a copy of the stand down policy (in English and Samoan).
- Deployment
 - The role of LEEP officers during the deployment stage is to ensure that workers are fully prepared for their travel arrangements on the day of departure.
 - LEEP officers to ensure deployment preparations are complete, book trainings, provide training materials and deliver trainings before deployment.

D4) Pastoral Care in Australia and New Zealand

- Pastoral care refers to the support the LEEP Division provides to ensure workers successful employment and life in Australia and New Zealand. Pastoral care includes the time from when a worker participates in pre-departure orientation in Apia until their return and participation in reintegration debriefings in Samoa.
- The role of a Liaison Officer is the first point of call in Australia and New Zealand to provide day-to-day support to the employer and workers relating to pastoral care and assists in addressing any issues that arise.
- The pastoral care requirements relating to each employer may differ slightly depending on the scheme and the employer concerned.
- For each new ATR, the Liaison Officer in Australia and New Zealand is required to prepare a liaison plan in consultation with the employer, and PLF where relevant.
- Exit debriefing - a structured conversation with the employer about the success of a deployment, and an opportunity for the employer to share any concerns and identify areas that need to be improved for future deployments.
- Worker Welfare Support Team – PLS only
- Health Insurance - Liaison Officers should make sure they understand the general process for Health Insurance in each country so can help advise workers if they have any questions.

D5) Reintegration and Debriefing

- Interim procedures pending the development of a Reintegration Strategy which will include an enhanced de-briefing process.



E) Incident Management

- Complaints that are unrelated to employment from both workers and their family members,
- Complaints relating to employment contract issues,
- Worker deaths,

- Serious incidents involving criminal offences.

F) Data and Communication Protocols

- Interim procedures pending the development of a Communications Strategy which will include an enhanced de-briefing process.

G) LEEP Oversight and Administration

- LEEP Steering Committee

Annex 3 | District Recruitment Model Pilot Report

District Recruitment Model Pilot Report – Samoa 5-9 September 2022

- Faleata 2, Sagaga 2, Aana Alofi 2 and Falelatai ma Samatau -

A) Intended Roles and Responsibilities

The District Councils of Samoa will begin to have more involvement in recruitment for Labour Mobility:

- Endorsement of applicants
- Involvement in worker shortlisting
- Hosting employers for in country interviews and testing
- Involvement with worker issues

The Labour Employment Export Program (LEEP) will continue to:

- Manage and monitor the Internal Recruitment Database (IRD) and support eligibility to “Work Ready”,
- Endorse and manage recruitment plans,
- Support Employers with obtaining required documentation,
- Gather critical data to inform process.

B) Results from the Pilot

The pilot was undertaken to encourage greater involvement of District Councils in the recruitment process. These were the results from these pilot programs:

LEEP was able to:

- Endorsed the recruitment plan that outlined the employer’s worker requirements,
- Create shortlists from the Internal Recruitment Database and provide it to Districts for ratification,
- Communicate with District Councils to prepare for the employer’s visit for interviews.

The District Councils were able to:

- Ratify pre-interview shortlisted candidates,
- Meet with visiting employers of the labour mobility schemes,
- Prepare shortlisted workers for interviews,
- Supported interviews and further testing through providing venues and catering.

Benefits

- Councils being involved in Samoa’s labour mobilisation decisions affecting their District,
- Employers increased awareness of the background and culture of their workers,
- Workers mobilising to employers in groups from the same District increases awareness, potentially improving accountability and behaviour,
- Both parties demonstrating a commitment to ensuring Samoan workers’ well-being and employers’ satisfaction,
- Employers seeing the benefits of the remittances of the scheme.

Challenges

The pilot brought about awareness of the following:

- District Councils are spread across the country, requiring accompanied transport and potential accommodation for visiting employers,
- The recruiting employer reported lower levels of English in locations further from the capital,
- District recruitment visits require some prior planning, potentially adding to the recruitment timeframe,

- Visitors need to be aware of and follow cultural protocol,
- Any required communication between employers and Districts and their villages should be through a member or the LEEP (labour sending unit),
- Political discussions made the employer feel uncomfortable.

C) Way Forward

Moving forward, Districts may be more involved in key areas of recruitment:

- Assist workers with preparing required **documentation**,
- Provide regular **support and guidance** directly to workers in Australia,
- Implement English and other **training programs** to improve worker selection and quality of work,
- Assist with the provision of **pre-departure briefings** and **post deployment programs**,
- Assist workers to plan for their **return to country**.

Annex 4| Implementation Plan (Gantt Chart)

ACTIVITIES	03-07/Jul	10-14/Jul	17-21/Jul	24-28/Jul	31/Jul-04/Aug	07-11/Aug	14-18/Aug	21-25/Aug	28/Aug-01/Sep	04-08/Sep	11-15/Sep	18-22/Sep	25-29/Sep	02-06/Oct	10-13/Oct	16-20/Oct	23-27/Oct	30/Oct-03/Nov	06-10/Nov	13-17/Nov	20-24/Nov	27/Nov-01/Dec	Jan/2024	Jun/2024
1. Aligning Existing Operations to new Policy	X	X	X	X	X	X	X	X	X	X	X	X	X											
1.1. The Policy is approved by the Cabinet.	x																							
1.2. Develop and approve Implementation Plan for the Policy.									x															
1.3. Develop new MOUs and forward them to the MFAT for their views, finalization and onward negotiations between NZ and Australia.										x	x													
1.4. Notify the Governments of Australia and New Zealand regarding changes the Policy is proposing i.e. imposing annual caps, accreditation, imposing cost recovery measures and regulation of private recruiters.										x														
1.5. MFAT to negotiate new MOUs with Australia and New Zealand												x	x											
1.6. Notify the Employers and other relevant overseas stakeholders of the changes planned by the Government of Samoa, and also get their buy-in and support. Also communicate to Australian and New Zealand employers under the schemes the accreditation process.											x													
1.7. MCIL-Legal Unit to develop agreement to bind employers to proposed worker welfare and protection matters proposed in the Policy, which forms part of the accreditation process.										x														
1.8. MCIL to develop and conduct consultations for a regulation to reflect changes proposed in this Policy and linking back to the LERA. This regulation should establish basis for fees to be										x	x	x												

ACTIVITIES	03-07/Jul	10-14/Jul	17-21/Jul	24-28/Jul	31/Jul-04/Aug	07-11/Aug	14-18/Aug	21-25/Aug	28/Aug-01/Sep	04-08/Sep	11-15/Sep	18-22/Sep	25-29/Sep	02-06/Oct	10-13/Oct	16-20/Oct	23-27/Oct	30/Oct-03/Nov	06-10/Nov	13-17/Nov	20-24/Nov	27/Nov-01/Dec	Jan/2024	Jun/2024
imposed and standards to qualify for accreditation.																								
1.9. MCIL-Legal to develop standard MOU template to be used once Constituency Committees are officially engaged.											X													
2. Engaging Constituency Committees										X	X	X	X	X	X	X	X	X	X	X	X	X	X	
2.1. Engage MWCSD to plan the involvement of Constituency Committees.									X															
2.2. Engage and consult with Constituencies to be involved in the roll-out of Labour Mobility schemes administration to communities.											X													
2.3. Prepare Constituency Engagement Information Packs and Presentations and finalise draft MOUs with Constituency Committees.										X	X													
2.4. Engage the Constituency Committees to discuss and plan their involvement in the labour mobility process.													X	X	X									
2.5. Discuss and sign MOUs with Constituency Committees clarifying expectations, roles, and responsibilities.																X	X	X						
2.6. Verification of candidates on the In-country Registration Database (IRD) – Give lists of existing candidates on the IRD to Constituency Committees for verification.																		X	X	X	X			
2.7. MCIL-LEEP to update the IRD based on verification from the Constituency Committees and carry-out other relevant measures for candidates to be 'work ready' and to register new candidates proposed by Constituency Committees.																				X	X	X		
3. Accreditation of Overseas Employers and Local Private Recruiters													X	X	X	X	X	X	X	X	X	X	X	
3.1. MCIL-Legal Unit to finalise regulation and submit to AG for												X	X											

ACTIVITIES	03-07/Jul	10-14/Jul	17-21/Jul	24-28/Jul	31/Jul-04/Aug	07-11/Aug	14-18/Aug	21-25/Aug	28/Aug-01/Sep	04-08/Sep	11-15/Sep	18-22/Sep	25-29/Sep	02-06/Oct	10-13/Oct	16-20/Oct	23-27/Oct	30/Oct-03/Nov	06-10/Nov	13-17/Nov	20-24/Nov	27/Nov-01/Dec	Jani/2024	Juni/2024
processing.																								
3.2. Regulation is endorsed with effective date set for implementation in January 2024.															X	X								
3.3. MCIL to notify and seek approval from Revenue Board of NTR fees to be collected from LEEP operations.																	X	X						
3.4. MCIL-LEEP to notify Australian & New Zealand employers of accreditation fees and standards to qualify them to hire from Samoa.																	X	X						
3.5. MCIL-Legal Unit to conduct public awareness of approved Regulation and notify private recruiters of fees and standards imposed on them.																	X	X	X	X				
3.6. MCIL-LEEP to notify Constituency Committees of the administration fee that will be imposed on their candidates before mobilisation.																			X	X				
3.7. Regulation with fee and standards come into force.																							X	
4. Continuing Support for Constituency Committees																					X	X	X	X
4.1. MCIL-LEEP to conduct workshop for Constituency Committees on expectations for workers (i.e., clean criminal records, their behaviours, their literacy and numeracy capacities together with basic English communications skills, etc.)																					X	X	X	X
5. Strengthening Support for and Reporting on Mobilised Workers																							X	X
5.1. Liaison Officers to incorporate in their work meet and greet for mobilised workers especially first-timers. This is to get the workers more accustomed to the host countries.																							X	X

ACTIVITIES	03-07/Jul	10-14/Jul	17-21/Jul	24-28/Jul	31/Jul-04/Aug	07-11/Aug	14-18/Aug	21-25/Aug	28/Aug-01/Sep	04-08/Sep	11-15/Sep	18-22/Sep	25-29/Sep	02-06/Oct	10-13/Oct	16-20/Oct	23-27/Oct	30/Oct-03/Nov	06-10/Nov	13-17/Nov	20-24/Nov	27/Nov-01/Dec	Jan/2024	Jun/2024	
5.2. Liaison Officers to collect information on earnings, workers welfare, and other related matters. This information should be communicated to the MCIL-LEEP at the end of every financial year.																									X
5.3. Employers to send end of season reports to MCIL-LEEP. These will be issued by MCIL-LEEP to Constituency Committees, especially feedback from Employers on worker attitudes and work ethic.																									X