Promoting the welfare and protecting the rights of migrants/migrant workers from Afghanistan: the role, responsibilities, operations and guidelines for labour attachés and consular officers
Promoting the welfare and protecting the rights of migrants/migrant workers from Afghanistan: the role, responsibilities, operations and guidelines for labour attachés and consular officers
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This manual is an evolving document that will be expanded when new information, policy, programmes or services are available in Afghanistan as relevant.
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PART I.
LABOUR ATTACHÉS AND CONSULAR OFFICERS FOR THE PROTECTION OF WELFARE AND RIGHTS OF MIGRANTS/MIGRANT WORKERS FROM AFGHANISTAN

Introduction

In major migrant labour sending countries, the government ministry primarily responsible on migration is structured to have offices or units that will be responsible for the various phases, needs, programmes and services related to migration – from pre-migration, pre-departure and onsite to return and reintegration phase and from social and economic to legal and emergency programmes and services.

Some of these offices or units include the following (which could be with different names in Silk Routes countries as described below):

1. Labour Market Office which is responsible for identifying and analysing labour markets, linking with academic and technical institutions for labour matching, facilitating labour arrangements, conducting labour market forum and community education, etc.

2. Overseas Labour Office which is responsible for all onsite employment related matters for migrant workers such as vetting or certifying employers, negotiating with host governments or private sector for labour arrangements, providing assistance and protection to migrant workers, etc.

3. Industry Regulation Office which is responsible in regulating, licensing and monitoring recruitment process or agencies and implementing comprehensive case management program such as conciliation, adjudication and enforcement of decisions.

The Overseas Labour Office, under which a Labour or Community Welfare Attaché belongs to, is important and critical for the protection of migrants because it has to find a balance between laws of both countries of origin and destination. Protecting the interests of migrant workers is the primary responsibility of the countries of destination while others, including employers, also have a duty in this regard. The countries of origin of the migrant workers have a fair share of responsibility as well. In the host country, origin country diplomats and more particularly Labour Attachés, perform the tasks of providing protection and assistance.
Labour Attachés in Afghanistan to the nationals of their own countries. These responsibilities are laid down in the 1961 Vienna Convention on Diplomatic Relations, as well as in the 1963 Vienna Convention on Consular Relations. The responsibilities that the government provides to their nationals at home must be equally fulfilled when these nationals are abroad, to the extent that is consistent with the law of the host country. The principle of extra-territorial obligations obliges all countries of origin to extend their responsibility to migrant workers, in accordance with the Universal Declaration of Human Rights and related conventions.

Under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which among the Silk Routes countries, only Bangladesh has ratified, countries of origin must provide ‘adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families’ in the country of employment’. It also obliges countries of origin to ‘take measures not less favourable than those applied to nationals’ to ensure that the working and living conditions for migrant workers are upheld to ‘standards of fitness, safety, health and principles of human dignity.’

For Pakistan, there are 21 Community Welfare Attachés or CWAs in 15 countries: 12 in seven countries in the Middle East (mostly major destination countries of overseas Pakistanis, such as Kingdom of Saudi Arabia and United Arab Emirates); 6 in five countries in Europe; two countries in Asia; and one in the United States. CWAs are formerly known as labour attachés. They are under the Ministry of Overseas Pakistanis and Human Resource Development.

For Bangladesh, there are 30 Labour Welfare Wing officers in 27 countries; 12 in ten countries in the Middle East; 10 in 10 countries in Asia and the Pacific; 5 in 4 countries in Europe; and 3 in 3 countries in Africa. They are under the Ministry of Expatriate Welfare and Overseas Employment.

For Afghanistan, while there are over 7 million Afghans in several countries, majority of them are displaced or refugees. Most acquire work or employment in their host countries but not through formal pre-departure processes compared to Pakistan and Bangladesh. In line with the government priority of promoting more regular migration pathways for Afghan nationals such as through labour migration, the appointment of Labour Attachés or assignment of consular officers specific for migrants in under review by the Ministry of Labour and Social Affairs.

While placed in different Ministries at the countries of origin, the Labour Attachés also work together with and report to the Embassy or Consulate under the Ministry of Foreign Affairs under the one-country-team or whole-of-government approach on migration management.

In general, the functions and responsibilities of Labour Attachés are to:

a. Ensure the protection of the rights and promote the welfare and interests of migrant workers and assist them on all problems arising out of employer-employee relationship;

b. Promote and implement the Ministry’s overseas employment programme, consistent with the overall policy thrust of the government;

c. Verify employment contracts and other employment-related documents;

d. Monitor and report to the mother agency (the Ministry that supervises the Labour Attachés; i.e. MOPHRD, MEWOE or MOLSA) situations and policy developments in the host country that may affect migrant workers in particular and labour policies in general;

e. Supervise and coordinate the operations of the Migrant Workers Resource Centres (MWRC) or related structure such as shelter or half-way house in the host countries, if available;

f. Pursue need-based community development and relations programmes and engage in socio-cultural activities by the government in the host country, communities or other entities; and

g. Perform other functions as may be directed by the mother agency.

The Labour Attachés are required to provide maximum services to migrant workers to protect their rights and promote their welfare and interests. In pursuit of this mandate, the Labour Attachés shall focus on the following key areas, namely: employment protection and facilitation, provision of welfare services and skills enhancement and other training programmes, employment promotion and market development, and linkages with the host government, relevant foreign embassies and consulates, international organisations, the migrant workers community and non-governmental institutions in the countries of destination.

All relevant modes of assistance in the handling of cases shall be explored to afford full protection to the workers’ rights, preserve or restore the harmonious relationships between the workers and the employers, respect the laws of the host country, and enhance the reputation of the Labour Attachés as a centre of care and excellence. Furthermore, Labour Attachés provide their mother agency with regular labour market information or profiles, employment situation updates, regular market intelligence reports (which could be quarterly or bi-annually), and other related information. They promote the image and competencies of manpower to individual and corporate employers, chambers of commerce and industry, association of employment agencies and to appropriate agencies in the host-country. Accordingly, they may also pursue discussion on bilateral and multilateral labour issues, social security arrangements and concerns with the host government, foreign embassies concerned, and international organisations.
The Labour Attachés shall primarily handle all matters arising out of employer-employee relationship including, but not limited to the following:

- Violation of work contracts, conditions of employment such as non-payment or under-payment of wages and other benefits, illegal dismissal and other similar cases
- Violation of rules and regulations on overseas employment or labour migration
- Provision of temporary shelter
- Medical and hospital assistance
- Repatriation of workers
- Visitations to jails, shelters, hospitals, etc.
- Human trafficking for labour exploitation, trafficking in persons, illegal recruitment and allied cases
- Other requests for assistance such as para-legal assistance, and non-performance of family obligations

In cases involving criminal or police matters and procedures, Labour Attachés render assistance at the initial contact with the concerned worker but it shall endorse said cases to the concerned officer of the embassy/consulate/mission (e.g. assistance-to-nationals officer or consul if available) as these may require consular protection and outside of employment matters. In countries where the profile and situation of their migrant workers are complex and diverse, the Labour Attachés provide other assistance such giving counselling or advice on marital or family issues, participate or organise community events, and fund-raising to support migrants in distress.

**Justification for the appointment of Labour Attachés in select destination countries of Afghan migrants:**

- The presence of both Ministry of Foreign Affairs (through its consular officers/attachés) and the Ministry of Labour and Social Affairs (through its Labour Attachés) offers a lot of advantages and protection for Afghan migrant workers in other countries. All the migrant sending countries in Asia have appointed at least one Labour Attaché, particularly in the Middle East or Gulf Cooperation Countries, to help promote labour migration and employment as well as ensure protection of migrant workers. The Labour Attaché is an additional human resource that will complement the work of the MOFA’s consular officer in delivering the required services, especially when there is a reasonable number of migrant workers in a country. The limited number of embassy or consular officials will be stretched if there will be additional influx of migrant workers arriving brought about by new MOUs or bilateral labour agreements with other countries, which is now being prioritised by the Afghan government. To have a Labour Attaché would therefore support MOFA.
• Labour Attachés help promote and implement the Afghan government’s overseas employment programme, consistent with the overall policy thrust of the government. To have a specific person in the Embassy and Consulate assigned on labour market research and analysis is helpful and he/she will be able to provide specific, concrete and reasonable recommendations to MOLSA and other economic and employment related Ministries of the Afghan government. While this has to be linked to the over-all foreign policy priorities of the Afghan government implemented through MOFA, a labour market analysis can best be done by somebody with background on labour supply and demand, skills competencies and qualifications, financial forecasts on labour migration costs and expected income and remittances, etc. which is usually a qualification for a Labour Attaché. In relation to this, the Labour Attaché can also monitor and report to their mother agency situations and policy developments in the host country that may affect migrant workers in particular and labour policies in general.

• Labour Attachés can evaluate employment opportunities and verify work contracts of Afghan nationals to ensure the best terms and conditions for the migrant workers, which MOFA may not always have the capacity and resources to do. At times, there is a need to examine each and every provision of the contracts, as well as vet the employment opportunities/employers to ensure that they exist, comply with the labour standards of the host countries as well as with international frameworks, have the financial resources to employ migrant workers, have the capacity to enforce the employment contracts and timely comply with their duties and responsibilities, that alternative resolutions are available in case of violation, and that they do not have derogatory records or pending cases.

• One of the primary roles of a Labour Attaché is to ensure the protection of the rights and promotion of the welfare and interests of migrant workers and assist them on all problems arising out of employer-employee relationship. When conflict arises such as imprisonment of migrants, the Labour Attaché conducts jail visitation, provide legal support, help in translating documents, negotiate with employers, etc. In countries where an origin country of migrants have set up their own Migrant Workers Resource Centres or similar structure, the Labour Attaché acts as the supervisor. The MWRCs in destination countries serve multiple purposes such as providing information to migrants, serving as temporary shelter, training space, and meeting venues of migrants. In the absence of an MWRC, the Labour Attaché coordinates with existing service providers such as shelters, medical institutions, legal groups, counsellors or psychologists, etc. so that when need arises, the government is readily able to provide assistance.

• Labour Attachés can help coordinate with or organise migrant workers as part of the strategy on diaspora engagement and social inclusion. Engaging with and if possible, organising migrants, have been analysed to be one of the effective tools in creating cohesion and camaraderie among migrants, which is important when they are out of their origin country, as the organisation serve as a “second family” for the migrant workers. The organisation can also serve as a platform for them to engage with the government, to advocate or negotiate for better protection and services for their members, and to share their experiences and get support from other members. When the organisation
evolve and expand, they are also important in supporting their origin country on development projects or diaspora philanthropy through their financial and social remittances, skills and competencies, knowledge and networks.

**What needs to be prepared:**

- **Budgetary requirements** – In addition to the regular salary for the Labour Attachés, other remunerations will include housing, transportation, educational and representation allowance during their stay abroad. The amount varies on the rank/status/grade of the Labour Attachés, their family status in relation to the educational allowance for children, the cost of living of the destination country, the scope and extent of work and opportunities, etc. These will be separate budget allocation in addition to the welfare or assistance-to-nationals fund that will provide direct assistance and services to the migrants.

- **Selection and appointment process** – The general practice is that Labour Attachés are appointed from qualified and competent ranks in the civil service. Some countries have either or both written and oral examinations in the selection process while in other countries, the experience and expertise are considered as priority criteria. The most common qualifications are having degrees or experience in law and economics, and comprehensive knowledge on government structure and operations. Either the President/Chief Executive or the Minister appoints the Labour Attachés.

- **Manual of operations** – This will set the standards, rules and guidelines in the overall set-up and operation of the labour Attachés – from selection, appointment and promotion to performance and monitoring of their functions, duties and responsibilities. Among others, it includes: sample bilateral labour or social security agreements, procedures and requirements for case management, templates for monthly or annual technical and financial reports, and code of conduct and ethics.

- **Capacity building** – Newly-appointed Labour Attachés will undergo an intensive training prior to departure on all areas related to migration that will guide them in the performance of their functions. Follow-up trainings will be conducted, preferably on an annual basis, to strengthen their capacities and knowledge, especially in the case of Afghanistan, where the Overseas Labour Office is new. The annual training also serves as platform to monitor their performance, identify lessons learned and innovations from their experiences, address issues and challenges, and expand labour market options.

In the event that Labour Attaches cannot be appointed due to several factors, foremost of which is the budgetary issue, the alternative is to assign a specific consul or officer from among those already within the Embassies or Consulates to perform the duties and responsibilities attached to a Labour Attaché.
Criteria in rationalising the appointment of Afghanistan Labour Attachés:

• Number of overseas Afghans in the area, including the stock, flow and trends (to include countries and areas where Labour Attachés will be located as well as areas of jurisdiction); akin to the set-up of Afghan Embassies or Consulates, one Labour Attaché may cover more than one country. In countries, however, where there are also large number of Afghans, more than one Labour Attaché may be appointed in one country.

• Profile and demographics of overseas Afghans, including their immigration status (based on the general practice and context that the higher the number of labour or irregular migrants in a country, the higher is the number of government representatives needed to support them, compared to when there are more emigrants or permanent residents or highly skilled migrants in a country).

• Number, nature and complexity of the cases involving Afghans.

• Current and future labour market trends and opportunities, including the existing and potential bilateral or multilateral labour and social security agreements with the host governments.

• Current and future activities and opportunities related to diaspora or migrants/migrant organisations’ contribution to national and local development, as well as the amount of remittances from the overseas Afghans.
PART II.
MANUAL OF OPERATIONS, POLICIES AND GUIDELINES
FOR THE LABOUR ATTACHÉS\(^2\) OF AFGHANISTAN

Draft\(^3\)

Pursuant to the provisions of Afghanistan labour laws, this Manual of Operations, Policies and Guidelines for the Labour Attaché of Afghanistan is hereby promulgated.

Title I
Organisation, Functions and Responsibilities of the Labour Attaché

Section __. The Ministry of Labour and Social Affairs, in coordination with relevant Ministries such as the Ministry of Foreign Affairs, shall set-up the Office of Labour Attaché and appoint Labour Attachés in major destination countries of Afghans or in the absence of a Labour Attaché, assign a Consular Official to perform the functions and responsibilities of the Labour Attaché.

Section __: The Labour Attaché. The Labour Attaché serves as MOLSA’s\(^4\) overseas operating arm in the implementation of the labour policies and programmes for the protection of the rights and promote of the welfare and interests of migrant workers from Afghanistan.

Section __. Functions and Responsibilities. The Labour Attaché shall have the following functions and responsibilities:

\(^2\) In other countries, the office within the authorised Ministry mandated to supervise Labour or Community Welfare Attaché is called Overseas Labour Office. For purposes of this document, OLO or Overseas Labour Office is used as the general term which may also refer to the Labour Wing, Division or Unit or Office of Labour Attaché or Community Welfare Attaché or other similar terms used within the specific Silk Routes Countries. Once formalised with the SRC, some phrases or words may be changed to suit the needs and contexts of the specific SRC where it will be applied.

\(^3\) The Manual of Operations, Guidelines and Procedures for the Labour Attachés of Afghanistan is an evolving document that will be revised and expanded when Labour Attachés are officially appointed or when Consular Officials within Afghanistan Embassies and Consulates are specifically assigned on labour migration and perform the tasks, duties and responsibilities of a Labour Attaché.

\(^4\) Acronyms such as MOLSA, MOLE, OLO, MWRC, etc. will be changed accordingly to suit the context within the specific SRC.
A. OVERSEAS EMPLOYMENT OF AFGHANS

1. Assessment of human resource situation in the country and other areas of posting, employment impact of economic plans and current employment opportunities, categories of human resource in short supply and demand, and proposals for the promotion of employment of Afghans.

2. Collection, scrutiny analysis and processing of foreign employment market data and supply of relevant material.

3. Maintenance of liaison with foreign governments in matters of recruitment of Afghans in various categories. Also monitor the policies of the host countries for foreign workers and keep the Ministry and its relevant agencies or divisions informed about.

4. Establish and maintain close contacts with the foreign firms who are in need of human resources for their ventures working in different countries.

5. Reporting to MOLSA any irregular activity and malpractice by licensed overseas employment promoters/private recruitment agencies.


7. Confirmation of demand from the employer referred by relevant agencies.

8. Reply inquiries of foreign employers regarding recruitment procedure, minimum wage rate of Afghan human resource in different categories and list of recruitment agencies.

9. Supply information about quotations for contacts, award of contracts with complete address; fax number, phone number of contractors and value of the project etc.

10. Motivating people to work for social and economic stability / national reconstruction through maximisation of remittances and investment back to Afghanistan.

11. Creating an awareness among Afghan migrant workers of the benefits of remitting their hard-earned money through legal channels instead of unscrupulous individual.

12. Keeps the MOLSA and other relevant government agencies informed of the current wage rate prevalent in the country of their posting.

Licensed overseas employment promoters/private recruitment agencies can be used in this document interchangeably. They can also be referred to as placement or manning agencies.
B. WELFARE OF OVERSEAS AFGHANS

13. Study the given problems for formulating, suggestions, guidelines programs regarding typical issues.

14. Meeting Afghan workers individually and collectively with a view to ascertain their problems.

15. Rendering help to resolve difficulties and disputes between the employers and the workers, recovery of dues compensation/social security refund and insurance, etc.

16. Enforcement of terms and conditions in foreign service agreements or employment contracts\(^6\) of Afghans employed through recruitment agencies.

17. Assisting Afghan workers in securing the benefits of conditions of work and employment under local labour laws and UN and ILO Conventions and Recommendations ratified by them.

18. Handling of cases of illegal emigrants and suggesting measures to curb illegal emigration.

19. Helping Afghans to initiate action, to organise/ conduct voluntary self-help programs.

Section __. Terms and selection. The Labour Attachés are selected for an initial tenure of three (3) years, extendable by another three (3) years on the basis of performance. In order to bring transparency into the selection process, a written and oral (interview) tests are conducted by MOLSA or an authorised representative.

The candidates, qualifying the written and oral tests, are shortlisted by the MOLSA or an authorised representative and the shortlisted candidates are further interviewed by the Minister. The assignment and deployment of Labour Attachés and staff shall be approved and signed by the Minister.

The final approval is accorded by the Chief Executive or his/her authorised representative.

Section __: Labour Attachés’ Personnel and Organisational Structure.

a. Labour Attachés are designated by the Minister to lead the emigration programmes of MOLSA in host countries of migrant workers.

b. The Labour Attachés are assisted by, when applicable, Technical Support Staff, Administrative Staff, and Local Hires (e.g. interpreters and drivers hired at Post).

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\(^6\) Foreign service agreements or employment contracts can be used in this document inter-changeably. They can also be referred to as standard terms of employment.
c. In case of emergency or incapacity of the Labour Attaché, the next ranking officer shall automatically act as the Officer-in-Charge (OIC) until the Minister designates a regular or acting Labour Attaché. In case where the next ranking officer is an Administrative Staff, he/she shall automatically acts as OIC in so far as administrative matters are concerned. No verification function and disbursement of funds shall be undertaken by the Administrative Staff unless written authorisation is issued by the Minister.

Section __. Relationship with the Head of Post/Mission. The Minister shall have the primary authority over the Labour Attachés and staff but the Head of Mission (Ambassador, Charge d’Affaires or Consul General, as may be applicable) shall exercise administrative supervision over them during their tour of duty.

Section __. One Country Team Approach. MOLSA subscribes to the One Country Team Approach under the leadership of the Ambassador or the Head of Mission. Under the Country Team Approach, all Labour Attachés and staff, regardless of their mother agencies shall, on a per country basis, act as one country team with a mission under the leadership of the Ambassador.

Section __. Main function. The Labour Attachés shall primarily handle all matters arising out of employer-employee relationship including, but not limited to the following:

a. Violation of work contracts, conditions of employment such as non-payment or underpayment of wages and other benefits, illegal dismissal and other similar cases
b. Violation of rules and regulations on overseas employment or labour migration
c. Provision of temporary shelter
d. Medical and hospital assistance
e. Repatriation of workers
f. Human trafficking for labour exploitation, trafficking in persons, illegal recruitment and allied cases
g. Other requests for assistance such as para-legal assistance, and non-performance of family obligations

In cases involving criminal or police matters and procedures, Labour Attachés shall render assistance at the initial contact with the concerned worker but it shall endorse said cases to the authorised Consular Officer of the embassy/consulate/mission if available (e.g. assistance-to-nationals officer or consul).

Section __. Authority of the Labour Attachés. The Labour Attachés shall have authority over all Labour Attaché staff and shall have direct supervision and control over the operation and management of the Labour Attachés including the Migrant Workers Resource Centres or similar
structures, if available in the destination country. The Labour Attachés shall likewise exercise supervision and control in the implementation of Labour Attaché programmes and effective supervision of other related programmes and services for migrant workers provided for by ....

The Labour Attachés shall conduct an annual planning exercise at Post prior to the submission of the Post’s Integrated Physical and Financial Plan (IPFP) or work plan to MOLSA or whichever is applicable for Afghanistan.

The Labour Attachés shall implement the approved IPFP of the MOLSA.

All Labour Attachés and staff shall adopt and use a single office letterhead in the Post in all its communication.

Section __. One MOLSA Overseas Operations System. All Labour Attachés and staff shall strictly conform to the one-MOLSA Overseas Operations System or whichever is applicable for Afghanistan.

Section __. Guiding Principles. The Labour Attachés shall provide maximum services to migrant workers to protect their rights and promote their welfare and interests. In pursuit of this mandate, the Labour Attachés shall focus on the following key areas, namely: employment protection and facilitation, provision of welfare services and skills enhancement and other training programmes, employment promotion and market development, and linkages with the host government, relevant foreign embassies and consulates, international organisations, the migrant workers’ community and non-governmental institutions in the Post.

All relevant modes of assistance in the handling of cases shall be explored to afford full protection to the workers’ rights, preserve or restore the harmonious relationships between the workers and the employers, respect the laws of the host country, and enhance the reputation of the Labour Attachés as a centre of care and excellence.

Section __. Market development. The Labour Attachés shall provide MOLSA with regular labour market information or profiles, employment situation updates, quarterly market intelligence reports, and other related information. The Labour Attachés may pursue discussion on bilateral and multilateral labour issues and concerns with the host government, foreign embassies concerned, and international organisations.

The Labour Attachés shall likewise promote the image and competencies of Afghan human resources and their skills, competencies and qualifications to individual and corporate employers, chambers of commerce and industry, association of employment agencies and to appropriate agencies in the host-country.

Section __. Reports and Reporting System. All transactions at the Labour Attachés shall be recorded and stored using the MOLSA intranet or other program or information system that may be developed.
The following reports must be submitted: [check/reference with the regular reports and submission required from government agencies]

<table>
<thead>
<tr>
<th>Title of reports</th>
<th>Details of the report</th>
<th>Deadline for submission</th>
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<tr>
<td>Integrated Physical and Financial Plan</td>
<td>A document detailing the Labour Attachés’ outputs for a specific fiscal year, indicating therein the numerical targets and output indicators and accompanied by a detailed operational expenditure requirement</td>
<td>Every 15th day of December covering the plan for the next year</td>
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<tr>
<td>Annual Narrative Accomplishment Report</td>
<td>Annual accomplishment report</td>
<td>Every 30th of January for reports covering the preceding year</td>
</tr>
<tr>
<td>Monthly Statistical Performance Reporting System</td>
<td>Reflects the Labour Attachés’ monthly accomplishments on core programs in numerical form</td>
<td>Every 7th day of the month following the reporting period</td>
</tr>
<tr>
<td>Monthly Report on the MWRC Operations (if available; can be integrated in the Monthly Statistical Performance Reporting System)</td>
<td>Reports to include activities in the Centre, total number of wards admitted and discharged, nature of cases, etc.</td>
<td>Every 7th day of the month following the reporting period</td>
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<tr>
<td>Country Labour Market Profile</td>
<td>A detailed analysis of the host country’s labour market development as well as laws and policies affecting the entry of continued presence of foreign workers, including the country’s projected demand for foreign skilled or professional workers</td>
<td>Every of 30th of June and December</td>
</tr>
<tr>
<td>Exceptional or Flash Report as may be required by the MOLSA</td>
<td>Includes news reports or advisory, reports on urgent and emergency situation, policy changes in host countries, etc.</td>
<td>As often as necessary</td>
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The Labour Attachés and staff shall use a uniform prescribed reporting format by the MOLSA. [see annexes for reporting templates]
Title II
Labour Documentation Functions

A. VERIFICATION GUIDELINES AND PROCEDURES

Section __. Verification of Employment Documents

a. Verification, as one of the primary functions of the Labour Attachés, refers to the procedure being conducted or applied by the Labour Attachés to ensure that all employment rights, benefits and welfare of migrant workers at the worksite are duly protected. The Labour Attachés shall also ensure that the employment contracts of the migrant workers are consistent with the prevailing employment laws, standards and practices in both the origin and destination countries and that the documentary requirements for overseas employment are complied with.

b. The Labour Attachés shall verify overseas employment documents presented by prospective employer/principal/employment agency in the host country and or conduct onsite verification, if necessary, to establish the existence of the employer/principal, its ability to hire workers at the prescribed rates and at desirable working conditions consistent with the standards prescribed by MOLSA and with the labour laws and regulations in the country of employment.

Section __. Documentary Requirements for Verification. Verification shall cover documents relating to overseas employment, such as:

a. Individual/master contract of employment which incorporates the minimum provisions of employment contract as follows:

1. Guaranteed wages for regular work hours and overtime pay, which shall not be lower than the prescribed minimum wage in the host country or not lower than the appropriate minimum wage standards set forth in bilateral agreement or international convention, if applicable, or not lower than the minimum wage in the country whichever is the highest. The contract should specify the basic salary, which much be exclusive of allowances and fixed overtime pay.

2. Duration of contract which shall be for a definite period not exceeding three (3) years, subject to renewal.

3. Place of work or jobsite. Transfer of worker to another country shall not be allowed, except for justifiable circumstances and upon the concurrence of the deploying agency and the Labour Attachés, and provided further that the project/jobsite of reassignment is accredited/registered with the Labour Attachés and its location/
country is certified compliant as required under MOLSA Labour Law, rules, regulations and related issuances. Any such transfer of worker shall be reported to the Labour Attachés.

4. Commencement or effectivity of the contract which shall be upon departure from hire.

5. Free of transportation from and back to the point of hire, or offsetting benefit.

6. Free food and accommodation, or monetary equivalent, the amount of which should be commensurate with the cost of living in the host country, or offsetting benefit.

7. Just/valid/authorised causes for termination of the contract by the employer and by the worker and taking into consideration the customs, traditions, mores, practices, company policies and labour laws and social legislations of the host country.

8. In case of death, repatriation of worker’s remains and shipment of his belongings at the expense of the employer.

9. Compulsory insurance with minimum coverage as required by law at no cost to the worker.

b. Special power of attorney or any other equivalent document issued by the principal or employer, or recruitment agreement or service agreement specifically authorising the licensed agency to recruit for and its behalf. In case of foreign employment agency, a Special Power of Attorney or any equivalent document authorising it to recruit workers from overseas in behalf of the foreign employer.

c. Human resource request/job order indicating the number of vacancies, skills categories and salary per skill category. In the case of foreign placement agency, human resource request must be supported by a request from direct employer to the foreign placement agency to hire such workers.

d. Valid business license, registration or equivalent document. In case of foreign placement agency, the business license or registration certificate must show that it is licensed to operate as such by the host country.

e. Employer’s profile to include information on business activities, number of years of operation, volume of current labour force, and others.

f. Other documents as may be required.

The Labour Attachés shall likewise verify the documentary requirements for the MOLSA verification of foreign principals and agencies and may require the submission of other documents as may be necessary.
Section __. Criteria for Verification. The Labour Attachés shall be guided by the following criteria, among others, in the conduct of verification:

a. Legal personality of the employer/principal
b. Financial capability of the employer/principal
c. Viability of the projects
d. Consistency of the terms and conditions of employment with the MOLSA rules and regulations
e. Compliance with the laws of host country which are for the benefit of the migrant workers
f. Result of the onsite inspection conducted for new companies hiring migrant workers for the first time
g. MOLSA regulations on the pre-qualification of foreign principal or employer

Section __. Verification Procedures and Processes

a. The employer/human resource/recruitment agency/worker shall submit the employment-related documents for verification to the Labour Attachés, together with the other documents per checklist [see separate document for the checklist]
b. As much as possible, the above employment documents shall be standardised by the Labour Attachés to facilitate the processing/review/verification, subject to requirements of both sending and receiving countries.
c. The Administrative Staff processes the documents to check completeness of the requirements, including the employer’s or the latter’s authorised representative’s signature on each and every page of the document; assesses and collects the verification fees and issues the corresponding official receipt or O.R. The Administrative Staff writes the OR number and date on the stamp mark on the documents, attached the original OR to the documents and endorses the same to the Labour Attachés for verification.
d. The Labour Attachés verify the correctness of the charges/fees and verifies based on established criteria and guidelines set forth in the preceding section.
e. The Labour Attachés may interview the employer/authorised agency representative/ worker, then affix their signature in the space provided on the stamp marks on the employment documents if in order. In case the job order or human resource request is for 10 or more workers (depending on the volume or documents for processing), the same may undergo the routine onsite verification, especially for companies hiring migrant workers for the first time.
f. The Labour Attachés release the original documents to the employer/authorised agency representative or to the staff in charge of releasing the documents. The duplicate copies of the documents shall be returned to the Administrative Staff.

g. The Administrative Staff prepares the matrix on employment documents processed for the day, which shall include, among others, the nature of documents, the name of the employer and the workers being hired, the positions, OR number, and the amount paid and provides copy to MOLSA.

h. Verification shall be completed within 24 hours from the day of submission of documents, particularly if the employer/principal is of good standing. If the employer/principal is new or has unsatisfactory record and on-site inspection is deemed necessary, verification may be completed, when feasible, not later than five (5) days from submission of complete documents and result of onsite inspection.

i. If the documents are found to be incomplete based on the checklist of requirements, or that the same need further verification, the Labour Attachés shall inform the employer/principal of the status of the verification and may return the documents to the employer/principal concerned.

j. The employer/agency/representative shall submit the verified employment documents to the Consular Office for authentication and pays the corresponding fees to the finance officer/cashier (Administrative Staff) at the Embassy/Consulate.

k. The employer/agency representative shall forward the employment documents to the MOLSA for processing of the necessary exit pass, after the worker’s completion of the visa, medical clearance, pre-departure briefings, cultural and language briefings, as the case may be, or other requirements.

Section __. Schedule of Verification Fees. Immediately after assessment/evaluation of the overseas employment documents, the duly designated collecting officer (Administrative Staff) shall assess and collect from the employer/principal or his/her duly designated representatives, the following service fees:

a. USD 10 or its equivalent in local currency for each of the following documents relating to the hiring of an individual worker, namely: job order/human resource request, individual employment contract, special power of attorney or other similar documents.

b. USD 30 or its equivalent in local currency for each of the following documents relating to the hiring of more than one worker: master employment contract, special power of attorney, job order/human resource request, service/manning agreements or other similar documents.

The Minister may, in the interest of service, adjust the amount of the service fees/charges, subject to existing laws and rules.
Section __. Deferral of Action on Verification. The Labour Attachés may defer action on the verification of recruitment documents of foreign employer, foreign placement agencies or FPA and private recruitment agencies or PRA in Afghanistan in case of non-compliance by the latter of their contractual obligations to migrant workers and failure to cooperate and provide the necessary assistance in the repatriation of their workers.

B. ACCREDITATION OF FOREIGN PLACEMENT AGENCY (FPA) AND EMPLOYERS BY LABOUR ATTACHÉS

Section __. Requirements for Accreditation/Verification of FPA and Employers. Only complete documentary requirements shall be received by the Labour Attachés for evaluation.

   a. Foreign placement agency

      1. Special power of attorney, recruitment agreement or service agreement
      2. Job order of the FPA to the Private Recruitment Agency (PRA) in Afghanistan, if applicable, indicating the positions, the number of positions required and the salary per position
      3. Job order of the direct employer to the FPA, indicating the number of positions required and salary per position
      4. Business license to engage in placement or recruitment activity of the FPA as well as business license or equivalent document of the direct employer
      5. Master employment contract from the direct employer, signed on all pages by the employer or his authorised representative
      6. Contingency plans as may be applicable
      7. Letter of undertaking from both the FPA and the direct employer stating that they:

         a. Shall assume joint and solidary liability with the PRA for all claims and liabilities which may arise in connection with the employment of workers, including but not limited to payment of wages, death and disability compensation, and repatriation.
         b. Shall guarantee compliance with its contractual obligation as approved by Labour Attachés and processed by MOLSA.
         c. Shall provide for the best terms and conditions of employment.
         d. Shall repatriate its hired and deployed workers and personal belongings when the need arises.
         e. Shall assist and cooperate with the Labour Attachés, MOLSA and their PRA on all matters affecting their hired and deployed workers

7 The terms foreign employer, foreign placement agencies or FPA and private recruitment agencies or PRA can be used interchangeably in this document.
b. Direct employer

1. Special power of attorney, recruitment agreement or service agreement
2. Job order of the FPA to the Private Recruitment Agency (PRA) indicating the positions, the number of positions required and the salary per position
3. Copy of valid commercial registration/business license of the employer
4. Master employment contract signed on all pages by the employers or his authorised representative
5. Letter of undertaking from the employer as provided for above
6. Contingency plans as may be applicable

c. Additional requirement for staffing or outsourcing company acting as employer of the workers

1. List of names and address of the principal’s/company’s clients
2. Other documents

Section ___. Requirements/conditions for dual/multiple accreditation

a. For direct employer. A direct employer (not FPA) may be accredited to a maximum of 3 recruitment agencies upon compliance with the following:

1. All requirements cited in Section 17
2. Undertaking by the employer that it will comply with the obligations to the other agency as agreed upon between them and evidenced in their respective recruitment/service agreements
3. No diminution in the compensation package for projects in the same jobsite
4. New job order for at least 50 workers
5. List of deployed workers under Jos previously approved with the other PRAs

b. For foreign placement agency (FPA). An FPA may be accredited to a maximum of two (2) recruitment agencies upon compliance with the following:

1. No diminution of compensation package
2. New job order for at least 50 workers
3. Minimum deployment of 50 workers for the first agency within a period of one year immediately preceding the request for dual accreditation
Section __. Cancel or transfer of accreditation. The accreditation of FPA/employer may be cancelled and transferred to another agency subject to the following:

a. Submission by the FPA/employer of an affidavit of an affidavit or verified letter revoking its appointment and accreditation with an existing PRA and transferring the same to a new one.

b. No diminution in the compensation package previously approved by the Labour Attachés.

c. Undertaking by the transferee agency that it shall assume full and complete responsibility for all the contractual obligations of the principal to its workers originally recruited and processed by the former agency.

d. Notice to existing agencies. The Labour Attachés shall notify the existing agencies of the request for cancellation and transfer of accreditation by a principal/employer. The PRAs shall be given three (3) days from receipt of notice within which to submit comments on the requests for cancellation or transfer of accreditation or its principal/employer.

Section __. Grounds for temporary suspension of Labour Attachés’ verification and accreditation of Foreign Employers/Principals. The Labour Attachés may suspend the verification of employment documents and accreditation of an FPA/employer, which shall have the effect of suspending all its documentary processing with the Labour Attachés and MOLSA on the following grounds:

a. Unjustified failure to repatriate/assist its distressed workers

b. There is a reasonable ground to believe that continued accreditation would lead to the continued exploitation of any or all of its workers and applicants, or pose imminent danger to the lives and safety of its workers.

c. There is a prima facie evidence of flagrant violations and non-compliance of the employer with its contractual obligations to its hired workers.

d. When there is a hired worker/complainant who is either a minor or below the prescribed minimum age.

e. In case of misrepresentation and submission of fraudulent documents.

The Labour Attachés shall implement the above suspension by issuing a notice of temporary suspension to the concerned FPA/employer.

The temporary suspension of accreditation shall be lifted immediately upon satisfactory settlement of worker’s claim / compliance with the conditions for lifting the suspension of document verification and principal / employer accreditation. For this purpose, Labour Attachés shall issue a certificate of reinstatement / revalidation of FPAs or employer’s accreditation.
Section __. Validity of accreditation. Labour Attachés accreditation shall apply to new applications for FPA/employer accreditation, including renewal of expired accreditation / registration. Said accreditation shall be valid for a period of four (4) years of direct employers, and two (2) years for foreign placement agencies unless suspended, sooner revoked or cancelled by the Labour Attachés, for violation of the Labour Attachés’ or MOLSA’s rules and regulations.

Temporary suspension of accreditation shall not in any way interrupt the period of validity of accreditation but shall have the effect of suspending the documentary processing of FPA/employer.

All existing accreditation registered at the MOLSA shall be in force until their expiration period unless suspended, revoked or cancelled.

Labour Attachés shall immediately inform MOLSA of any suspension, revocation or cancellation of employer or principal accreditation, and vice versa, for reflection in their respective database. Such suspension, revocation or cancellation of accreditation initiated by either Labour Attachés or MOLSA shall be effective in both offices.

Section __. Issuance of Certification of Accreditation by the Labour Attachés and Registration by the MOLSA. The Labour Attachés shall issue a certificate of accreditation within a period of five (5) days upon completion of the verification process.

Certificates of accreditation issued by the Labour Attachés, together with the supporting documents, shall be submitted to MOLSA.

The Certificate of Accreditation and Renewal of Accreditation of FPAs and employers shall follow the prescribed format. [see separate documents for the format]

Section __. Cancellation or Revocation of Accreditation. The Labour Attachés and/or MOLSA shall moto proprio revoke or cancel the accreditation of FPA or employer on any of the following grounds:

a. Expiration of the principal’s business license or cessation of business or recruitment activity for a minimum period of 1 year.

b. Upon written mutual agreement by the FPA, PRA and employer to pre-terminate the agreement.

c. False documentation or misrepresentation in connection with the application for accreditation.

d. Final judgment in a disciplinary action against the FPA/employer by the MOLSA

e. Failure to comply with the undertaking submitted as requirement for accreditation.
Section __. Procedure for the Revocation or Cancellation of Accreditation by the Labour Attachés. The following are the procedures to be followed:

a. Upon determination of the existence of any of the foregoing grounds for revocation or cancelation of accreditation, the Labour Attachés shall verify, communicate with and require the concerned FPA/employer and PRA to submit their comments within a period of five (5) days from receipt of Labour Attachés’ notice.

b. Upon receipt of the comments, the Labour Attachés shall evaluate the merits of the response of the FPA, employer and PRA. The failure of the concerned parties to comment within the prescribed period to respond shall be construed as a waiver and the Labour Attachés shall immediately proceed with the investigation based on the available records.

c. After evaluation of the comments and the available documents, the Labour Attachés shall render a decision. In case of revocation or cancellation of accreditation, the Labour Attachés shall notify immediately in writing the concerned parties in the MOLSA. The moto proprio revocation/cancellation of the accreditation by the Labour Attachés shall be subject to review by the MOLSA.

Section __. Request for Re-accreditation of Revoked or Cancelled Accreditation. Request for re-accreditation of revoked or cancelled accreditation shall be treated as new applications for accreditation and shall comply with the requirements stated in this Manual.

The accreditation of a principal shall be automatically cancelled when the penalty of the cancellation or suspension of 12 months or more has been imposed by MOLSA against the license of the agency.

In case of failure of conciliation, the aggrieved party may file a complaint with the Ombudsman, court or other authorised agencies in Afghanistan in accordance with the procedures prescribed by the Rules.

Section __. Processing of professional, skilled, semi and low skilled workers as name hires. Employers who wish to employ professionals, skilled, semi and low skilled workers without the participation or assistance by a local licensed agency may request MOLSA to process their employment as name or direct hires subject to the following limitations:

a. Employment contracts shall be individually verified by the Labour Attachés.

b. Maximum of 10 name or direct hires shall be allowed for every employer.

c. Employers shall secure the prescribed insurance for the worker.

d. Registration and pre-departure training of hired workers shall be required.
C. OVERSEAS EMPLOYMENT CERTIFICATE (OEC) AND MEMBERSHIP IN THE WELFARE FUND: GUIDELINES AND PROCEDURES

Section __. Issuance of Overseas Employment Certificates (OECs) for Migrant Workers. All departing migrant workers, whether new hires or returning workers, are required to secure an OEC which shall serve as exit clearance for the migrant workers at the immigration counters in airports. Workers on leave may secure their OECs either at MOLSA or authorised office before departure or at the office of the Labour Attachés before leaving the worksite or destination country.

Section __. Who are required to get an OEC. The following persons are required to secure an OEC:

a. A newly hired migrant worker regardless of the country of destination, immigration status, length of contract, skills category, and nature of employment or profile of employer.

b. A migrant worker who is returning to the same employer, either through a new or renewed contract.

c. A migrant worker who changed employer in the same jobsite provide he/she can show proof of his/her new employment contract duly verified by Labour Attachés.

d. Undocumented/irregular workers like tourists, dependents, students and businessmen who became migrant workers and have partially served their duly verified employment contracts.

e. A migrant worker who will transfer to another jobsite/country with the same employer, provided that the worker shall subsequently have another contract to be verified by the Labour Attachés in the receiving post.

Section __. Persons not required to get an OEC. The following persons should not be issued OECs:

a. Dependents of migrant workers

b. Students

c. Businessmen

d. Tourists

e. Dependents/relatives of Embassy or Consulate staff including their household who are not migrant workers and are holding diplomatic or official passports

f. Others who are not considered as overseas contract workers, including members of the religious and missionary organisations
Section __. Documentary requirements for OEC issuance. Applicant migrant worker shall fill up the information sheet and submit or present the following documentary requirements:

a. Duly accomplished information sheet [see separate form/template]
b. Valid passport
c. Valid re-entry visa, work permit or any equivalent document
d. Copy of valid employment contract or any proof of existing employment
e. Proof of valid membership to the workers welfare fund or insurance or other social protection schemes

Section __. Evaluation of documents and payment of fees. The Labour Attachés shall evaluate the documents submitted and ascertain if the applicant migrant worker is indeed a worker on leave. The Labour Attachés shall likewise check if the membership to the workers welfare fund or insurance or other social protection schemes is still valid. If the documents are found to be in order, the migrant worker shall pay the corresponding fee or its equivalent in other currencies to the designated collecting officer (Administrative Staff).

Section __. Validity of OECs. A single OEC issued to a migrant worker is valid within the period corresponding to the work contract of the migrant worker. If the migrant worker secures an extension of his/her contract or acquires a new one within the same employer, the OEC shall be renewed and valid within the time frame of the renewed or new contract with the same employer.

Section __. Welfare Fund membership, issues and guidelines. In line with MOLSA's commitment to promote the welfare of the migrant workers, the following workers may register under the on-site membership programme with MOLSA's Welfare Fund [or similar programme]:

a. Migrant workers who have renewed or shall renew their employment contracts onsite.
b. Migrant workers who have acquired dual or triple citizenship.
   
   1. Documentary requirements. The following documents are required for Welfare Fund membership onsite:
      
      a. Valid passport and work permit
      b. Any documentary proof of employment such as employment contract, certificate of employment, company ID, payslip, etc.
      c. Duly filled-up declaration of intention for membership to Welfare Fund [see separate form/template]
      d. Valid passport and sworn petition for reacquisition of citizenship and oath of allegiance [in view of applicable laws on dual or triple citizenship]

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8 This section will be deleted should there be no Welfare Fund or similar programme established in Afghanistan at the time of the approval of this Manual. As an alternative, this section can be rephrased to indicate that Afghanistan, through MOLSA, shall set up a Welfare Fund with corresponding rules, processes and requirements in subsequent sections.
2. Membership and renewal fees. The Welfare Fund contribution shall be USD 20 or its equivalent in local currency, per contract per person. Upon payment, the OR and certificate of membership coverage shall be issued to the worker. All payments shall be made to the Administrative Staff.

Section __. OEC and Welfare Fund membership application process.

a. The Administrative Staff reviews the submitted documents and assesses, collects and issues the corresponding ORs for the payments.

b. The Administrative Staff issues the OEC and Welfare Fund card with the following information:
   1. Name of the worker
   2. Position of the worker in the company/employer
   3. Passport number
   4. Worksite or destination
   5. Date of OEC and Welfare Fund issuance and period of validity

c. The Administrative Staff releases the following processed documents to the migrant workers:
   1. Passport
   2. Original ORs
   3. Original and 2 other copies of the OEC for the following:
      a. Worker’s copy
      b. One copy is presented to the immigration at the airport when the migrant worker departs
      c. One copy is provided to the employer or recruitment agency
   4. Original Welfare Fund certificate

d. The Administrative Staff concerned prepares separate cash receipt register for the collections, deposit said collection in the respective bank accounts and remits the monthly connection on the last day of the month.

e. The MOLSA may issue additional guidelines on the processing of OEC and Welfare Fund and the collection of corresponding fees as may be necessary.
Title III
Services to Migrant Workers

PART A. WELFARE ASSISTANCE TO MIGRANT WORKERS

Section ___. Workers assistance. The Labour Attachés shall handle complaints and dispute cases which are inherently labour in character or arising out of employer-employee relations, such as those involving salaries and wages, violation of other terms and conditions of the employment contracts, termination, and others. The Labour Attachés shall provide the migrant workers and their families with all the assistance they need in the enforcement of contractual obligations by employers/agencies. The Labour Attachés shall make proper representations with the employer/principal and the agency as the case may be, through conciliation meetings or conferences for the purpose of enforcing contractual obligations concerning migrant workers. Assistance may also be rendered in cases of medical problems, non-performance of family obligations, ascertaining whereabouts, runaways, and other similar grievances. If necessary, the Labour Attachés shall closely coordinate with, and refer to the Embassy’s assistance-to-nationals section or appropriate officer/consul, all matters involving sexual offenses, physical injuries/abuses, and other criminal violations committed against the workers with the end view of more fully protection workers’ rights.

Section ___. Basic Assistance and Services

a. Counselling. Right information and proper guidance shall be dispensed through counselling by the Labour Attachés at the initial contact with the worker, particularly in handling grievances from work and cultural adjustments.

b. Conciliation and legal advice. The Labour Attachés shall exhaust all available remedies to amicably settle all disputes and shall invite parties to conciliation meetings/proceedings. In the event that the conciliation may no longer be possible and the workers’ complaint requires submission to the labour arbitration process in the host country, the Labour Attachés shall assist the workers in all stages of proceedings and provide legal advice as may be feasible.

c. Medical and hospital assistance, representation and onsite visitations. The Labour Attachés shall provide medical or hospital referral and assistance to workers who are physically, mentally and/or emotionally ill. Likewise, representations with local authorities and visits at the workplace, campsites, hospitals and prisons, whenever possible, shall be undertaken.

d. Provision of temporary shelter to workers in distress. In countries where there is a Migrant Workers Resource Centre, a temporary shelter shall be provided by Labour
Attachés to migrant workers in distress subject to certain admission rules and criteria. Female migrant workers shall be prioritised in the provision of temporary shelter within the Centre.

e. Skills training, capability building and reintegration services. The Labour Attachés shall conduct a continuing program toward skills training and upgrading, capability-building seminars, and reintegration preparedness program for migrant workers.

f. Special operations. The Labour Attachés, in coordination with Head of Mission, shall undertake relief and rescue operations to assist migrant workers in distress and during crises. For this purpose, the Labour Attachés shall endeavour to establish contacts and liaison with local authorities and support groups for information gathering and cooperative relationships.

PART B. CASE HANDLING AND MANAGEMENT

Section ___. Basic procedures on receiving complaints and request for assistance. For work-related complaints and ends upon settlement/resolution of the case at the level of the Labour Attachés or upon referral of the case to the competent authority.

For criminal/police cases, such as sexual abuse, physical injuries, accident, death, drugs and alcohol and immigration/deportation cases, the procedure commences from the initial interview of complainant or alleged victim and ends up upon the referral of the complaint to the assistance-to-nationals section at Post.

Rescue, provision of shelter, reintegration and other after-care assistance to victims may be provided as the need arises, while the case is pending. Referral to other relevant agencies may also be done. A process flow on case management is attached. [see separate document for the case management flow]

a. Walk-in clients

1. The Labour Attachés shall perform the following:
   a. Initially interview and assess the needs of the persons requesting assistance
   b. Assist the complainant in accomplishing a form [see separate form/template]
   c. Review the accuracy and completeness of the information and ensure that the complainant signed the form

2. The Labour Attachés shall assess the nature of the complaint or request based on the information provided by the client and shall ascertain the latter’s immediate needs and desired relief or action.
3. The Labour Attachés shall inform or apprise the requesting party of the settlement procedures, including possible options and remedies available in response to his request, and take the necessary action peculiar to the nature of the request for assistance.

4. The Labour Attachés shall inform the MOLSA of action taken and updates of the case.

b. Complaints through phone calls/SMS/Mails/Referrals

1. For complaints or requests emanating from phone calls or SMS (text), any Labour Attachés' staff who received the calls or SMS shall accomplish the form immediately, act with dispatch and inform/provide feedback to the requesting party of action within 48 hours, copy furnished MOLSA.

2. The Labour Attachés shall acknowledge receipt of mailed and referred request for assistance, and act with dispatch and inform/provide feedback to the requesting party of action taken within 48 hours, copy furnished the MOLSA.

c. Specific action peculiar to household service workers, other vulnerable workers and workers in distress

1. Contract violation

Whenever requests for assistance are received, the Labour Attachés shall respond with dispatch. Addressing the complaint shall preferably be done in coordination with the host country’s competent authority.

The Labour Attachés shall provide right information and proper guidance, through counselling, at the initial contact with the worker, particularly in handling grievances from work and/or cultural adjustments. The Labour Attachés shall ensure that the worker is informed of her/his rights and options available in the resolution of her/his complaint/problem.

The Labour Attachés shall make representation and may call on the employer, agencies, or entities concerned to conciliation meetings/proceedings, for the purpose of settling the complaints or problems brought to its attention.

When a resolution is reached, the Labour Attachés may assist the parties in drawing up a settlement agreement which shall be signed by the parties and attested to by Labour Attachés.

When initial conciliation/negotiation with the employer fails, the Labour Attachés shall ask the FPA and PRA to cooperate in getting the employer to honour her/his ob-
ligation under the employment contract. It shall remind the FPA and PRA of their joint and solidary obligation to settle the case.

If the FPA fails to cooperate in the resolution of the case, the Labour Attachés shall submit a detailed report, and recommend to the government the disqualification of the employer and FPA, and the suspension of license or suspension of documentary processing of the PRA. The detailed report shall include sworn statements and other relevant documents. Written statements or affidavits may subsequently be required from the complainant. The sworn statement, affidavit or complaint must be made in writing by the complainant, under oath, and must contain the names and addresses of the complainant, as well as the respondents, specific acts or omissions constituting the alleged offense, place and date where the offense was committed, and the relief being sought. All supporting documents must be attached to the complaint whenever possible.

The Labour Attachés may defer action on the verification of recruitment documents, until the cause for such deferment has been satisfactorily addressed.

The Labour Attachés shall continue to exhaust all available remedies to amicably resolve the issues/complaints. But in the event that conciliation may no longer be possible and the worker decides to pursue her/his case onsite, the Labour Attachés shall advise the worker on the rules, requirements and procedures in the host country. It shall assist the worker in filing the case at the appropriate agency and shall continue to render assistance and monitor the case until its final resolution.

In cases where there is an absconding complaint filed by the employer against the worker, the Labour Attachés shall make representations with the local authorities, on behalf of the worker, such as the Immigration Office, when the worker’s immediate presentation or personal appearance is legally required for the resolution of the complaint/case.

In cases where the worker can no longer legally stay in the host country during the pendency of the case, or opts to return to the country before the resolution of the case, the worker may be required to execute a Special Power of Attorney authorising the Post to pursue her/his claims, where such authorisation or substitution is allowed under the laws of the host country.

During the pendency of the case, the Labour Attachés shall require the insurance company thru the PRA to provide the appropriate benefits due to the worker in accordance with the law.

In case the worker requests transfer to another employer, and such is allowed or permitted by the law of the host country, the Labour Attachés shall provide the necessary assistance.
If the Labour Attachés sees the need to provide psycho-social intervention, such as stress debriefing and counselling, it may request the assistance of the social welfare or counselling officers, or refer them to social service providers or support networks.

2. Medical Treatment

The Labour Attachés shall provide referral assistance for the medical treatment of physically or mentally-ill workers. If the worker left the accommodation/employer’s residence, and is under the Labour Attachés custody, the Labour Attachés shall require the cooperation of the FPA/PRA in addressing the medical needs of the worker, as part of its obligation under the joint and several liability rule.

In case of need for immediate hospitalisation, the Labour Attachés shall refer the worker to an appropriate hospital or medical institution. For emergency cases, the Labour Attachés shall call the host government’s emergency assistance, if available.

If the client needs continuing medical treatment/hospitalisation or specialised medical equipment, the Labour Attachés shall request the employer or the FPA to shoulder the medical expenses, as the case may be. If the financial support is not provided, the Labour Attachés shall link up with other networks and other sources for assistance. The Labour Attachés shall notify directly the next-of-kin regarding the condition of the worker.

If the client needs surgical operation, a medical certificate attesting to the need to undergo such shall be secured from the attending physician and the next-of-kin shall be notified. A written permission from the next-of-kin allowing the performance of the surgery shall be secured. In emergency cases that require immediate operation, the doctor’s judgment call or decision shall prevail.

The Labour Attachés shall closely monitor the worker’s condition. If it is necessary to file a case based on the medical findings, the Labour Attachés shall coordinate with the relevant Consular Officer within the Post who shall then report to the police authority.

The Labour Attachés shall monitor the case/condition of the client and provide regular report to government agencies and next-of-kin.

If it is necessary to file a case based on the medical findings, the Labour Attachés shall coordinate with the Consular Officer within the Post who shall then report to the police authority.
3. Confined migrant workers

Upon receipt of information that a migrant worker has been admitted to a hospital, the Labour Attachés shall call the hospital immediately to inquire about the patient’s condition.

The Labour Attachés shall visit the worker in the hospital at the earliest opportunity and thereafter monitor the patient’s health condition.

The Labour Attachés shall coordinate with the worker’s next-of-kin on-site or in the Afghanistan to report/provide update on the condition of the worker.

If worker is abandoned by employer, the Labour Attachés shall inform the FPA and/or the PRA about the condition of the worker.

If hospitalisation requires intervention of Embassy/Consulate, the Labour Attachés shall inform the Consular Officer and/or the Head of Mission at once

4. Rescue operation

The Labour Attachés, in consultation with the Head of Mission, shall undertake rescue operations to assist a migrant worker who is at risk or whose life is in danger subject to host country’s regulations. For this purpose, the Labour Attachés shall endeavour to establish contacts and liaison with local authorities and support groups for information gathering and cooperative relationships.

5. Provision of temporary shelter

Upon discharge of the client from the medical institutions or during pendency of the case if needed, the Labour Attachés shall facilitate accommodation of the migrant worker at the MWRC or alternative housing centres for temporary shelters.

In the absence of the MWRC, Labour Attachés shall refer them to government housing centres, NGOs, religious institutions, FPA or other support groups and service providers.

6. Psycho-social intervention for distressed migrant workers

The Labour Attachés, in coordination with concerned professionals, shall provide psycho-social intervention such as stress debriefing and counselling distressed migrant workers.
7. Repatriation

If repatriation assistance is needed, for the return of the migrant worker to the country or in case of death or shipment of remains, the Labour Attachés shall facilitate with employer, foreign placement agency, private recruitment agency, assistance to nationals officer and host country, local authorities, arrangement and provision of return ticket, airport assistance and other special requirements whenever needed.

8. Recording and reporting of complaints/cases

The Labour Attachés shall maintain a system of recording and reporting of all complaints and cases filed with the Post. It shall designate from among its staff a records officer cum docket officer who shall have the following responsibilities:

a. Receive, encode requests for assistance and maintain the database and case records or files.
b. Prepare reports on cases and other special reports as may be required.
c. Prepare a short list of critical or very important cases for immediate attention and monitoring.
d. Generate other information or data for planning and policy formulation.

9. Reporting of critical or high profile cases

The Labour Attachés shall submit flash reports to MOLSA, which shall contain, among others, the names of migrant workers, contact details of their next of kin in the country, the nature of the case, the initial action taken, and the recommendation of the Post.

PART C. POLICIES AND GUIDELINES FOR REPATRIATION

Section __. Repatriation of Workers. The repatriation of migrant workers and other migrants in distress shall be made with utmost consideration for their safety and well-being, guided by existing laws and regulations, and taking into account relevant rules and policies of the host government.

a. Repatriation of Regular / Documented Workers

1.1. Primary Responsibility for Repatriation. The repatriation of a migrant or her/his remains, and the transport of her/his personal effects shall be the primary responsibility of the principal, employer, or local agency that deployed the worker abroad.

1.2. Responsibility for Repatriation Costs. The primary responsibility to repatriate entails the obligation on the part of the principal or agency to advance the repatriation and other attendant costs, including plane fare, deployment cost of the principal, and immi-
gration fines and penalties, without a prior determination of the cause of the termination of the worker’s employment. However, after the worker has returned to the country, the principal or local agency may recover the cost of repatriation from the worker, if the termination of employment was due solely to the worker’s fault.

1.3. Responsibility for Obtaining Exit Visa/Permit. In case there is a need to secure an exit visa for the repatriation of the worker, the employer or principal shall be primarily responsible for securing the exit visa at no cost to the worker and shall have fifteen (15) days from notice to secure such exit visa/permit. The PRA involved in the worker’s recruitment, processing, and/or deployment shall coordinate with the principal or employer in securing the visa.

1.4. Sanction Against Failure to Obtain Exit Visa/Permit. If the principal and/or agency fails to secure the exit visa/permit within a period of 15 days from receipt of government notice, the government shall suspend the documentary processing of the agency, or impose sanctions as it may deem necessary.

1.5. Repatriation in Certain Circumstances. The following worker’s situations shall also be compelling reasons for the Labour Attachés to undertake immediate repatriation of migrants:

- There is danger to life and limb of the migrant
- Stranded migrant has neither a supportive employer who could be identified/located, nor a chance to be legally employed by a new employer

1.6. Request for Repatriation Tickets. All requests for repatriation tickets from employers, FPA, PRAs, and other legitimate sources shall be approved by the Labour Attachés. The Labour Attachés shall always prioritise the repatriation of Centre wards and the resolution of their respective complaints and cases.

1.7. Repatriation Team. The Labour Attachés shall officially designate an organic staff as head of the repatriation team which shall accompany to the airport all Centre wards for repatriation.

b. Repatriation of Irregular / Undocumented Migrants

If subject is irregular/undocumented, the concerned Post shall request authority from government to extend assistance for her/his repatriation and for the transport of her/his personal effects, chargeable against the assistance-to-nationals fund or the welfare fund. Post shall certify that it has exhausted all the available remedies, including possible sources of funding prior to making such request.
c. Repatriation of Medically-Ill Migrants

Repatriation under medical supervision shall be undertaken by the insurance provider at such time that the regular/docu-mented worker is medically cleared for travel by the attending physician and the commercial carrier.

In cases when it is more expeditient to repatriate the medically-ill worker through arrangements made by the Labour Attachés, the Labour Attachés shall see to it that proper medical clearances are secured before the repatriation of medically-ill worker, and that only trained paramedic and/or licensed medical personnel, shall be allowed to accompany/escort said medically-ill worker in her/his flight to point of destination.

For medical repatriation of irregular/undocumented migrant, the authorised Consular Official within the Post shall likewise secure proper medical clearances from the attending physician and the airline prior to repatriation. It shall also ensure that only trained paramedic and/or licensed medical personnel accompany the medically-ill migrant, if medical escort is required. Any officer or staff of Post shall be permitted to accompany the medically-ill migrant, if non-medical escort is allowed by the attending physician, provided that a written authority is obtained from the concerned mother agency.

d. Mandatory Repatriation of Underage Migrant Workers

Upon discovery or upon being informed of the presence of migrant worker whose actual age falls below the minimum age requirement for overseas employment, and upon reasonable verification of said information, the Labour Attachés shall immediately report the same to the Head of Post and recommend immediate repatriation.

e. Repatriation of Migrant Detainees

In cases when a migrant detainee has served her/his sentence in jail and her/his repatriation has been referred to the Embassy/Consulate, the authorised Consular Official within the Post shall facilitate her/his repatriation following existing rules and procedures. Post shall send a report to MOLSA, including her/his flights details, and the next-of-kin.

The cost of airfare for repatriation, immigration penalties, and other related expenses of a detained migrant, who has served her/his sentence and released from detention, after exhausting all possible remedies, may be charged against the assistance-to-nationals fund or welfare fund, in accordance with existing government rules and regulations.

f. Shipment of Human Remains

Labour Attachés or the authorised Consular Official within the Post shall facilitate and coordinate the shipment of the human remains, as well as the required documentation.
In case of death of documented workers, the insurance provider, through the employer/PRA, shall arrange and pay for the shipment costs of the worker’s remains. It shall also render any assistance necessary, including but not limited to, locating a local and licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing death certificate, purchasing the minimally necessary casket or air transport container, as well as retrieval of the remains from site of death and delivery to the receiving funeral home. The Labour Attachés shall ensure that arrangements for the early shipment of the human remains are undertaken by monitoring the required obligations of the insurance provider, employer, principal or agency. In Posts where there is no Labour Attachés, the authorised Consular Official within the Post shall coordinate with the employer and agency.

The authorised Consular Official within the Post shall handle the shipment of human remains in the case of irregular/undocumented migrant workers.

Section ___. Procedures for repatriation.

a. Procedures for Repatriation of Regular / Documented Workers

The Labour Attachés shall make the necessary negotiation, coordination and arrangements with the employer, FPA, PRA and local authorities for the exit requirements, repatriation ticket, airport/travel assistance, and other documents, whenever needed.

The Labour Attachés shall keep track of the status of all repatriation requests and shall submit a monthly report to the appropriate government agency. The report shall basically contain ticket and fund utilisation, names of repatriated workers, names of supportive and non-supportive employers and their agencies, best practices applied, if any, and other information relevant to enforcement and enhancement of the repatriation system.

1.1. If the employer/agency provides the ticket and all exit requirements, the rules and procedures are.... [check applicable judicial and other legal remedies in Afghanistan]

1.2. If the employer fails or refuses to cooperate for the repatriation of the worker, the rules and procedures are.... [check applicable judicial and other legal remedies in Afghanistan]

1.3. Where the principal/agency of the worker cannot be identified or located, or had ceased operations, and the worker is in need and without means, the rules and procedures are.... [check applicable judicial and other legal remedies in Afghanistan]

b. Procedures for Repatriation of Irregular / Undocumented Migrant. The concerned Post shall request authority from ..... [check applicable government agency in Afghanistan]
c. Procedures for Repatriation of Medically-Ill. As soon as the migrant worker is medically cleared for travel by the attending physician, Post shall facilitate arrangements for repatriation, in accordance with existing laws and repatriation policies, subject to host government rules.

d. Procedures for Repatriation of Underage Migrant Worker. All underage migrant worker shall be automatically repatriated. [check applicable government agency in Afghanistan]

e. Procedures for Repatriation of Human Remains. The concerned Post shall request authority from. [check applicable government agency in Afghanistan]

f. Procedures for Repatriation of Migrant Detainees. The concerned Post shall request authority from. [check applicable government agency in Afghanistan]

Title IV
Guidelines and Policies for Migrant Workers Resource Centre

Section ___. Establishment of the MWRC9. Migrant Workers Resource Centres (MWRC or Centre) shall be established in countries where there are large concentrations of Afghan migrant workers, or as may be determined by the MOLSA. It shall be established within the premises and under the administrative jurisdiction of the Embassy or Consulate.

Section ___. Services of the Centre. The Centre shall provide the following services:

a. Counselling and legal services;

b. Welfare assistance including the procurement of medical and hospitalisation services;

c. Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;

d. Registration of irregular/undocumented workers;

e. Implementation of government programs;

f. Human resource development, such as training and skills upgrading;

g. Gender-sensitive programs and activities to assist particular needs of migrant workers;

h. Orientation program for returning workers and other migrants;

i. Monitoring of the daily situations circumstances and activities affecting migrant workers;

9 This section will be deleted should there be no MWRC or similar programme established by the Afghanistan government in destination countries at the time of the approval of this Manual. As an alternative, this section can be rephrased to indicate that Afghanistan, through MOLSA, shall set up the MWRC with corresponding rules, processes and requirements in subsequent sections.
j. Ensuring that labour and social welfare laws in the receiving country are fairly applied to migrant workers; and

k. Conciliation of disputes arising from employer-employee relationship.

Section ___. Usage of the centre. The Centre shall be used for the following:

a. As a temporary shelter for migrant workers in distress who shall be admitted based on criteria for admission set forth;

b. To provide a multi-purpose hall for developmental activities, such as reintegration preparedness seminars, skills trainings, diaspora group meetings and other activities, which will benefit migrant workers and other nationals. Preferably, the shelter and multi-purpose hall shall be two separate facilities within the premises of the Centre. If there is limited space in the Centre, and the law of the host country permits, either one may be outside the Centre; and

c. For other purposes, as may be determined by the Head of Post and the Labour Attachés.

Section ___. Administration and operations of the centre

The Centre shall be managed by the Labour Attachés and assisted by the staff and authorised Consular Official within the Post.

To manage the daily operations and orderly maintenance of the Centre, the Labour Attachés shall:

a. Strictly enforce the House Rules and Regulations;

b. Monitor the status of wards using a prescribed Daily Report;

c. Coordinate with other authorised Consular Official within the Post on the provision of assistance for medical emergencies and illness of wards;

d. Assist in the implementation of social and developmental programs and activities for wards;

e. Prepare and submit a weekly custodial report of wards;

f. Prepare a monthly report on the Centre operations; and

g. Maintain the following logbooks:
   - Record of admission and discharge of wards;
   - Record of personnel and visitors entering and leaving the Centre; and
   - Record of arrival in and departure from the Centre of the wards.
Section ___. Management policy committee. A Management Policy Committee shall be formed at Post to promulgate policies, rules and regulations in addition to what has been set forth in this Manual, for the orderly operation and maintenance of the Centre. It shall be composed of the following:

Co-Chairpersons: Ambassador, Consul General or the Charge d’Affaires
Vice-Chairperson: Labour Attaché
Members: Authorised Consular Official
Administrative Staff

It shall meet monthly or whenever necessary, and shall ensure that these policies, rules and regulations are implemented.

Section ___. Criteria for admission. It shall be the duty of the Labour Attachés to assess the admissibility of an applicant to the Centre, taking into consideration the rules and policies on the admission of distressed migrants at the Centre. The criteria for admission are the following:

a. The applicant should be a female migrant in distress
b. She must have a pending or on-going employment contract-related problem
c. She must have left her accommodation and has nowhere else to go
d. Others

Those who have warrants shall be endorsed to…. [check applicable government agency in Afghanistan]

Those requiring medical assistance shall be referred to…. [check applicable government agency in Afghanistan]

Those who have been previously admitted then released and have returned shall be admitted if…..

A separate Centre for males shall be established, as may be allowed by the rules and regulations of the host government, and subject to availability of funds.

Section ___. Procedure for admission. The following admission procedure shall be observed at Post:

a. The applicant must fill out the required Application for Centre Admission, which contains both the general and country-specific rules and regulations of the Centre;
b. The Labour Attachés shall evaluate the application based on the established criteria for admission and house rules at Post, with the safety and well-being of the applicant and the rest of the Centre wards as primordial consideration. The Labour Attachés shall recommend approval/disapproval to the Head of Post or his authorised representative. Approval or denial of application must be communicated immediately to the applicant;

c. Upon approval of admission, the Labour Attachés shall immediately endorse the accomplished Application for Centre Admission [see separate form/template] to the Administrative Staff, who shall brief the new ward on Centre rules and regulations;

d. The new ward shall be made to sign his/her Conforme to the House Rules, indicating that she understands and will abide by the rules and regulations of the Centre, and that violation of these rules shall be a ground for disciplinary action and/or discharge from the Centre; and

e. The Labour Attachés, through the Administrative Staff, shall maintain a recording system which shall include the date and time of admission, brief statement of personal circumstances including health condition and special medical attention required, inventory of ward’s personal belongings at the time of admission, and the date and time of discharge from the Centre.

Section ___. Centre rules and regulations. To maintain order and discipline inside the Centre for the overall safety and security of the wards, and to enhance the operations of the Centre, the following general rules and regulations are prescribed:

a. An inventory of the ward’s belongings shall be accomplished upon admission as ward in the Centre;

b. To prevent the loss or damage of important personal belongings, occurrence of conflict among Centre wards, and the imprudent use of such personal effects, all appliances, gadgets and valuables of the ward shall be registered upon admission and turned over to the Administrative Staff for safekeeping. The inventory of turned-over belongings shall be signed by the ward for conformity. A copy of the inventory shall be provided to the ward, and another copy shall be kept among the records of the Administrative Staff, for reference when returning the belongings to the ward upon discharge. For this purpose, the Administrative Staff shall take adequate measures to secure the personal belongings of the wards entrusted to the Centre for safekeeping;

c. Upon their admission at the Centre, the wards shall be profiled accordingly, and the Centre shall facilitate necessary seminars and skills training/upgrading in preparation for their personal, social and economic reintegration when they return to Afghanistan;

d. The wards shall be prohibited from engaging in any work inside or outside the Centre, whether full time or part time, whether with or without remuneration, while under the custody of the Centre. Likewise, they shall not be allowed to work in the households of the Embassy/Consulate, and other officers and staff, or do personal errands for any of them, or for the Administrative Staff;
a. No ward shall be allowed/permitted to perform volunteer work in the offices of the Embassy/Consulate;

b. Only authorised Administrative Staff or Consular Official shall be allowed to reside at the Centre, if needed. No member of his/her family shall reside at the Centre;

c. The Labour Attachés shall conduct weekly dialogues with the Centre wards for purposes of case updating, and to address their needs and other concerns. Highlights of the meeting shall be reported to MOLSA and Head of Post;

d. The Centre shall always maintain a First Aid kit for their wards and personnel; and

e. Activities at the Centre shall be geared towards the enhancement of values and skills of the wards.

Section ___. Discharge of ward from the centre. Wards shall be discharged from the Centre upon resolution of their case, which may result in either their return to the employer, transfer to another employer, or repatriation to Afghanistan. If necessary for her safety and protection, a female ward may be discharged from the Centre only upon resolution of her case, or when her custody is legally required by the host government authority, or when she is bound to be repatriated to Afghanistan. Other wards may be discharged subject to the respective House Rules of each Post.

Section ___. Procedure for discharge. The following procedures in the discharge of ward from the Centre shall be observed at Post:

a. The ward for discharge shall present his/her belongings for inspection. She must take with him/her all her belongings upon departure from the Centre;

b. The Labour Attachés shall return all the personal belongings of the ward that were deposited to the Centre for safekeeping. The ward shall duly acknowledge the return thereof and shall sign the Discharge Form, which shall form part of his/her case file; and

c. A Discharge Report, indicating how the ward’s case was settled/terminated, shall be prepared and signed by the Labour Attaché or Administrative Staff, and shall form part of the ward’s record/file.

Section ___. Use of multi-purpose hall by the migrant community and NGOs. In countries where there exists a multi-purpose hall or community centre.... The hall or centre is usually bigger than the MWRC.....

The following are its uses:

a. Meetings and general assemblies

b. Cultural events
c. Capacity building
d. Information campaign
e. Temporary shelters
f. Trade fairs
g. Exhibits

Section __. Report on centre operations. The Coordinator shall submit to MOLSA and Head of Post, monthly reports on all matters relating to the Centre operations. The report shall include, but not limited to the following:

a. Registry of migrant workers in distress admitted to the Centre, date of admission and duration of stay at the Centre;
b. Case profiling to include nature and status of cases, names of deploying agencies, and employers / principals;
c. List of trainings, seminars, and other projects conducted by the Labour Attachés at the Centre and the number of participants who benefitted from these endeavours; and
d. Registry of groups or persons who used Centre facilities for their activity and the number of attendees/ participants.

Title V
Financial Management, Operations and Other Concerns

[check/reference with existing rules and guidelines and administrative processes adopted by the MOLSA]

Section __ General policies and principles

Section __ Standardisation of financial and administrative systems

Section __ Preparation and submission of integrated physical and financial plan

Section __ Disbursement of funds

Section __ Special cash advance

Section __ Official bank accounts to be maintained at Post

Section __ Liquidation of cash advances

Section __ Collection of Labour Attachés
Section __ Procedures in collection at Post and use of accountable forms

Section __ Bookkeeping, recording and reporting

Section __ Donations

Section __ Property Custodianship

Section __ Purchase and disposal of equipment including vehicle

Title VI
Personnel Policies, Entitlements and Benefits

[check/reference with existing rules and guidelines and administrative processes adopted by the MOLSA]

PART A. PERSONNEL POLICIES AND CONCERNS

Section __. Appointment of Labour Attachés. The Labour Attachés and staff shall be appoint-
ed by the Minister upon recommendation of the selection committee. All appointments to
Labour Attachés positions shall be made in accordance with the Civil Service Rules and Regu-
lations or other applicable guidelines. Only those who meet the qualification standards of the
position set by MOLSA and approved by the Civil Service Commission shall be considered for
appointment to Labour Attachés positions.

Section __. The Labour Attachés or staff should be an Afghan citizen at the time of his/her
appointment.

Section __. Terms and selection. The Labour Attachés are selected for an initial tenure of three
(3) years, extendable by another three (3) years on the basis of performance. In order to bring
transparency into the selection process, a written and oral (interview) tests are conducted by
MOLSA or an authorised representative.

The candidates, qualifying the written and oral tests, are shortlisted by the MOLSA or an au-
thorised representative and the shortlisted candidates are further interviewed by the Minister.

The final appointment is accorded by the Chief Executive or his/her authorised representative.

The assignment and deployment of Labour Attachés and staff shall be approved and signed
by the Minister.
Section __. The MOLSA selection committee. A MOLSA selection committee will be created to screen applicants and recommend to the Minister candidates for appointment to fill up vacancies in the Labour Attachés shall be composed of the following:

Chairpersons: Minister’s authorised representative (Deputy Minister or Director General)

Members: Director

Secretariat: Director

Section __. Pre-deployment training and immersion programme. Officials or employees selected for deployment for the first time shall undergo pre-deployment training and development programmes which include classroom instructions, immersion and on-the-job training on the following areas:

- a. Overseas employment program of the country
- b. All aspects of consular and diplomatic duties and responsibilities
- c. Treaties and agreements in force between the country and host counties, particularly those affecting migrant workers
- d. Administrative discipline and procedures
- e. Host country culture, immigration and employment laws and regulations

Those who will be re-deployed will undergo a refresher or briefing course as necessary.

Section __. Assignment order. All assignment orders shall be approved and signed by the Minister.

Section __. Deployment requirements. The MOLSA shall establish a system of assigning overseas labour personnel to ensure rational movement in accordance with the need to fill up vacant Posts which shall match the qualifications and experience of the Labour Attachés and staff.

Minimum qualifications shall include the following:

Education:
- Advanced university degree in international relations, law, development studies, economics, social or political science, migration studies or related field.

Experience:
- A minimum of five years relevant work experience at national or international level.
Knowledge, skills, abilities:

- Substantial knowledge of the migration situation from Afghanistan
- Good oral and written command of English, including the ability to prepare background papers, policy briefs, project reports and presentations
- Demonstrated diplomatic and political understanding as well as networking skills
- Excellent communication and interpersonal skills, adaptability and flexibility
- Good organisational skills including managing conflicting priorities and working with tight deadlines and demonstrated efficiency
- Ability to work effectively with colleagues from different cultural and professional backgrounds
- Previous experience with governmental and international organisations is an asset

No Labour Attachés or staff shall be considered for assignment overseas unless he/she has passed the psychological and medical examination, and has secured the necessary clearances as to money, property, and reportorial accountabilities.

Section __. No Labour Attachés and staff who is over 60 years of age shall be considered for foreign assignment.

Section __. Diplomatic status. When posted abroad in a diplomatic or consular mission, the Labour Attachés shall be accredited as diplomatic officers and shall be entitled to the use of diplomatic passports.

Section __. Acceptance. The MOLSA shall make the necessary transmittal request to the Ministry of Foreign Affairs to secure acceptance from the head of Post of the Labour Attachés and staff assigned.

Section __. Tour of duty. The tour of duty of regular Labour Attachés shall be for a period of 3 years commencing on the date of his/her arrival at the post, and may be extended to another 3 (three) years in the exigency of the service and subject to performance evaluation. After their tour of duty, the Labour Attachés shall serve back in Afghanistan for 2 years except when their early deployment is necessary in the exigency of the service.

Section __. Transfer during the tour of duty. Within the period of the tour of duty allowed under the Foreign Service Act [or related law], and in the exigency of service, Labour Attachés may be transferred to another Posts provided the remaining period is not less than one year. Notice of transfer shall be issued at least 3 months before the actual data of transfer.
Section __. Hardship posts. Hardship posts, as classified by the MOFA, are those located in countries: (1) wherein the living conditions are excessively difficult in view of inadequate educational, housing, sanitation and medical facilities; and (2) wherein the current situation poses hazards to the safety and well-being of foreign personnel.

The tour of duty of Labour Attachés assigned in hardship posts shall not exceed 3 years, after which they may be transferred to a non-hardship post unless they indicate preference to stay in that post for the duration of the normal tour of duty in accordance with the Foreign Service Act or other applicable laws.

Section __. End of tour of duty/routine recall. MOLSA shall notice a recall one year prior to the completion of the Labour Attachés tour of duty. Upon receipt of the notice, the Labour Attachés concerned shall accordingly prepare his/her departure from the post. They shall schedule their departure to enable them to report to MOLSA on the date specified in their recall order.

Section __. Non-scheduled or disciplinary recall. The Labour Attachés or staff may be recalled prior to end of tour of duty due to any of the following reasons:

a. When found liable for an administrative offense
b. Due to unsatisfactory performance
c. When under the emergency or extraordinary circumstances, regardless of length of service at the Post, the recall order shall be deemed to be effective immediately and the recalled officer or employee shall leave the Post for the MOLSA immediately from the date of his/her receipt of the order.

Section __. Performance management. The Labour Attachés shall observe the strategic performance management system ....

a. Evaluation from MOLSA, head of Post, staff
b. Performance reports
c. Feedbacks from clientele

Section __. Staff development training and periodic conference. The MOLSA shall design a continuing professional development programme for Labour Attachés and staff. To enhance the performance of the Labour Attachés, MOLSA shall conduct periodic conference that shall serve as a venue for the sharing of information, best practices and experiences on their respective posts, including problems encountered and solutions found to be effective. Policy and operation issues affecting the Labour Attachés and MWRC shall also be discussed.

The MOLSA shall likewise undertake programmes geared toward the professionalisation and career growth of the Labour Attachés including the upgrading of their salary grades and ranks.
or positions taking into account their qualifications, status and responsibilities in the posts, and assimilated rank in accordance with the Foreign Service Act.

Section __. Report and clearance requirement.

a. Outgoing officers shall be required to submit the following documents, among others, to MOLSA prior to leaving the Post:

1. Administration and operations of the Labour Attachés and MWRC
2. Status of programme implementation including welfare cases
3. Recommendations, suggestions, comments for the improvement of the operations of the Labour Attachés and MWRC
4. Activities of the migrant worker’s community

b. In the addition, the following requirements shall be secured and complied with by Labour Attachés before leaving the Post:

1. Clearances from money, property and reportorial accountabilities from concerned officers
2. Settlement of all bills received and due for payment before the end of the tour of duty. Non-compliance with this shall make the Labour Attachés personally liable or accountable and may be a valid reason to defer his/her redeployment.
3. Turn-over all pertinent documents and records in his/her possession as well as cases handled to the concerned officer at Post
4. Surrender diplomatic or residence ID, including those of their dependents to the Post

Section __. Failure to leave Post.

a. If the recalled Labour Attachés fails to leave Post within the prescribed period, payment of his/her allowances shall cease immediately upon expiration of the authorised period. He/she shall continue to receive the basic salary in the MOLSA.

b. MOLSA shall inform the officer in writing.

c. If after 30 days, the officer has not left the Post, the following actions shall be taken:

1. MOLSA shall request the MOFA to cancel the officer’s diplomatic or official passport, and instead a regular passport or travel document be issued valid only for direct return to the country.
2. MOFA shall inform the relevant authority in the host country for the termination of the officer’s tour of duty
3. MOLSA shall cause the filing of an administrative or criminal case against the officer, if necessary.

Section ___. Back to Afghanistan assignment.

a. Labour Attachés who have completed their tour of duty and have been recalled to Afghanistan may be assigned to the different offices of the MOLSA or other Ministries.

b. Labour Attachés shall report to MOLSA within 15 days upon arrival and conduct a de-briefing. Unjustified failure to comply with this provision may be a subject of administrative sanction.

PART B. ENTITLEMENTS AND BENEFITS OF LABOUR ATTACHÉS

[check/reference with existing government rules and regulations]

Section ___. Entitlements and benefits. The following benefits and entitlements, among others, shall be provided to the Labour Attachés as may be applicable:

a. Salaries
b. Cash gift and year-end bonus
c. Overseas allowance
d. Living quarters allowance: with or without family
e. Family allowance
f. Clothing allowance
g. Health care and medical services
h. Educational allowance
i. Home adjustment allowance
j. Relocation allowance
k. Representation allowance
l. Death benefits
Section __. Leave entitlement

a. Vacation leave
b. Maternity leave
c. Paternity leave
d. Special privilege leave
e. Forced/mandatory leave
f. Rehabilitation leave
g. Special leave benefit for women
h. Other leave

No Labour Attachés or staff shall leave the Post without receiving a written approval of his/her leave application by the Minister. Non-compliance with this provision shall be subject to disciplinary action.

Section __. Requirement prior to leave. The following guidelines shall govern the availment of leaves to be spent in Afghanistan or elsewhere:

a. All leaves shall be subject to the exigencies of service.

b. As a general rule, only one officer or staff may be allowed to go on leave at any given time.

c. The Labour Attachés shall ensure the continued operation of the Post and see to it that sufficient funds are made available for use by the Post.

Section __. Vacation leave. All leaves shall be.... [check/reference with existing government rules and regulations]

Section __. Leave forms.

Section __. Leaving post without approval.
Title VII
Administrative and Support Personnel

Section __. General guidelines. In line with the objective of strengthening the administrative capability of Labour Attachés abroad and enhance the efficient delivery of services to migrant workers, the Labour Attachés shall be assisted by administrative personnel, local hires and such other personnel as maybe assigned/designated.

Section __. Period of assignment. The period of assignment shall be for three (3) years.

Section __. Continuous rationalisation of the number of administrative personnel. The MOLSA, taking into account the recommendation of the Labour Attachés, shall determine the needs of the post for administrative support personnel based on, among others, welfare case management, workload, size of the migrant workers, and number of employment related documents processed and verified at post.

Section __. Entitlements of Administrative Staff. The entitlement of the Administrative Staff are as follows:

a. Regular salaries and allowances
b. Housing allowance
c. Roundtrip air fare and pre-travel expenses
d. Other benefits as may be determined by MOLSA

Section __. Commitment to service. Administrative staff shall, prior to his/her departure, sign a commitment to service and code of conduct.

Section __. Contract of service of local hire. The contract of service of local hire shall be for a period of one year renewable to another year but not exceeding 3 years, subject to performance evaluation and the exigency of service.

Section __. Performance evaluation. The performance evaluation shall be conducted in accordance with the rules of Civil Service by the Labour Attachés using a standard evaluation form provided by MOLSA.

Section __. Leave to be spent outside of Post. In the exigency of service, Administrative Staff are not allowed to leave their respective Posts within the three (3) years of duty. However, emergency leave may be considered subject to the approval of the Minister or authorised representative.
Section __. Leave to be spent at Post. The application for leave at Post shall be approved by the Labour Attachés. Prior recording and computation of leaves shall be done within the Post.

Section __. Recall. The Administrative Staff may be recalled by the MOLSA for an administrative offense, unsatisfactory performance, insubordination, or health and medical reasons. The Minister may also recall an Administrative Staff in the interest of the service and for grounds provided under this Manual.

The Administrative Staff may request for his/her recall to the MOLSA for personal or justifiable reasons, in which case, he/she shall shoulder the return travelling expenses.

The Administrative Staff shall return to his/her mother unit upon his/her return in Afghanistan.

Section __. Cause of termination of services of local hire. The just causes for the termination of services of local hire are those stipulated in their contract and other cases, including the following:

a. Post is phased-out, or merged with another Post
b. Non-renewal of contract
c. Redundancy
d. Insubordination or wilful neglect of duties

Section __. Prohibitions in contracting the services of local hire. All Labour Attachés are prohibited from engaging the services of local hire directly related to them or to other personnel of the Embassy or Consulate, including dependents and household members of the Labour Attachés and staff within the fourth degree of affinity or consanguinity. In addition, the following are likewise prohibited from being hired under a contract of service as local hire:

a. Those who have been previously dismissed from the service due to commission of an administrative offense
b. Those are covered under the rules of nepotism
c. Those who have reached the age of 60
d. Those with spouses/relatives within the 4th civil degree of affinity or consanguinity whose services are engaged in the same Post
Title VIII
Other Personnel and Administrative Policies

[check/reference with existing government rules and regulations in Afghanistan]

Section __. Office hours. All Labour Attachés and staff shall observe the official Embassy office hours in the Post and in accordance with local customs and climatic conditions provided for purposes of office attendance. Labour Attachés and staff shall render service for not less than 40 hours a week. The Labour Attachés may require any official or employee to work after office hours or on any other day as the exigencies of the service may require.

Section __. Records of attendance

Section __. Habitual absenteeism and tardiness and corresponding sanctions

Section __. Sick leave

Section __. Accumulation of leave credits

Section __. Monetisation of leave credits

Section __. Revalidation of official and diplomatic passports

Section __. Prescribed conduct. All Labour Attachés officers and staff shall at all times observe the Code of Conduct under Civil Service rules or other applicable regulations.

Section __. Illegal and prohibited acts. Notwithstanding the provisions of the Code of Conduct, the following shall be considered illegal and prohibited acts:

a. Illegal Acts

1. Taking advantage of one’s privileges and immunities provided by existing International Conventions in the entry, sale, distribution or any prohibited drugs and universally considered dangerous drugs and chemicals

2. Taking advantage of one’s privileges and immunities to engage in the prohibited exchange or currency or black marketing

3. Use of diplomatic pouch or consular bag for the shipment of prohibited or banned materials

4. Acquisition of an immigrant status in the host country, or other countries by the Labour Attachés or staff or any member of his/her family during his/her tour of duty

5. All other acts that are deemed illegal and subject to administrative discipline by appropriate laws, decrees, rules and regulation
b. Prohibited Acts. Aside from pertinent laws or rules on prohibited acts for public officers, the following are also considered prohibited acts:

1. No Labour Attachés or staff shall have personal pecuniary interest in any matter, in whatever capacity, which may affect or undermine the legal and proper performance of his/her regulatory functions. This includes, among others, maintaining a recruitment agency and/or acquiring shares of stocks therein, or engaging in business where the Labour Attachés is recommending or approving authority.

2. No Labour Attachés or staff or their relatives within the fourth degree of affinity or consanguinity shall engage directly or indirectly in recruitment business for migrant workers.

3. No family members of the Labour Attachés or staff shall take part in the day-to-day operations in the Labour Attachés, except when the presence of the spouse is necessary, such as in social occasions.

4. No Labour Attachés shall appoint or recommend for appointment any member of the his/her family within the fourth degree of affinity or consanguinity.

Section 114. Sanctions and penalties. The abovementioned illegal and prohibited acts shall be subject to existing rules and guidelines. [check/reference with existing government rules and regulations]

**Title IX**

**Crisis Management, Evacuation and Repatriation**

The Head of Post shall immediately extend assistance to migrants in case of war, rebellion, riots, natural disasters, pandemics and other public health emergencies, or other crises in the destination/host countries posing imminent danger to them.

Section __. Contingency plans. Posts shall prepare and regularly update, preferably every six (6) months, or as the need arises, their respective contingency plans, which shall include the evacuation of migrants to safety zones for temporary relocation, or until their repatriation to Afghanistan. The Contingency Plan shall contain, among others, the following items:

- Country profile;
- Political and security situation;
- Current political climate, including threats to political stability;
- Data and profile of the migrant community;
- Area coordinators, including their contact information;
• Details on the implementation of the contingency plan;
• Relocation and evacuates centres;
• Exit points and alternate evacuation routes;
• Composition and functions of the crises management and security committee, including contact information of post’s officials and personnel;
• Support network;
• Registration system;
• Resource inventory; and
• Budget requirements.

Section __. The crisis management and security committee, and the rapid response team. The Crisis Management and Security Committee (CMSC) shall be formed at Post, to be headed by the Ambassador or Consul General, or next highest ranking officer. The members are..... [check/reference with existing government rules and regulations]

The Rapid Response Team (RRT) shall be formed at Post, to be headed by..... The members are..... [check/reference with existing government rules and regulations]

The following are the roles and functions of the CMSC and RRT members during crises:

a. Assist in the updating and maintenance of a masterlist/database of all migrants in the host country;
b. Gather intelligence reports and provide ground-based, independent and credible assessment of the political and security situation in the host country;
c. Assist in the updating and implementation of evacuation plans for migrants; d. Assist in the negotiations with employers and recruitment agencies for the release of migrants; e. Assist in locating migrants and relocating them to a safer and more secure area or to Post’s halfway quarters; and
f. Recommend measures to the Overseas Preparedness and Response Team (OPRT) - RRT Team that would enhance the safety of migrants.

Section __. Crisis alert levels, travel advisories and ban on deployment. The Ministry of Foreign Affairs shall issue a travel advisory, which is a notice on the prevailing peace and order situation in a specific destination.
The Ministry of Foreign Affairs shall likewise impose or lift travel bans based on Crisis Alert Levels. In accordance with the established protocols on international relations, the following Crisis Alert Levels, with their respective indicators and deployment status, shall be adopted in this Manual:

**ALERT LEVEL 1 (Precautionary Phase)**

1. It is issued when there are valid signs of internal disturbance, instability, and/or external threat to the host country.
2. Migrants are alerted to take necessary precautions.

**ALERT LEVEL 2 (Restriction Phase)**

1. It is issued if there are threats to the life, security and property of migrants arising from internal disturbance, instability, and/or external threat.
2. Migrants are instructed to restrict non-essential movements, avoid public places, and prepare for evacuation.
3. Government only allows returning migrant workers, with existing employment contracts, or a group of migrant workers under special circumstances, to go back to their host country.

**ALERT LEVEL 3 (Voluntary Repatriation)**

1. It is issued when violent disturbances or external aggression occur in a limited area.
2. Migrants are enjoined to return to Afghanistan upon employers’ or government’s expense.
3. Government shall impose absolute deployment ban.

**ALERT LEVEL 4 (Mandatory Repatriation)**

1. It is issued when there is a large scale internal conflict or full blown external attack.
2. The government shall undertake mandatory evacuation procedures.
3. Likewise, government may impose crisis alert level in times of pandemics and other medical hazards.
Section __. Repatriation in times of civil unrest, war, natural disasters, and pandemics. The contingency plan developed by each Post shall include the procedures for the repatriation of migrants in times of civil unrest, war, natural disasters and pandemics. In cases of pandemics, the MOFA shall consult with the Ministry of Public Health and other relevant Ministries to ensure adherence to the International Health Regulation (IHR) protocol.

The Contingency Plan shall also include the respective roles and responsibilities of Foreign Service Personnel, as well as of the attachés/representatives of the different partner agencies at Post.

The official premises of the Post, including the Official Residence, may be used as a safe haven or relocation centre.

Posts shall undertake representations with the employer and/or concerned authorities of the host government to facilitate the repatriation of migrants, including the issuance of exit visas/pass and waiver or reduction of immigration penalties and other fees.

Title X
Budgetary Requirements and Sharing Of Resources

Section __. Budgetary requirements and cost-sharing. All budgetary requirements for the setting-up and operationalisation of Labour Attachés shall be integrated within the annual budget of the MOLSA under the General Appropriations Act. For the first year of its operation, a special fund from the Office of the Prime Minister in the amount of ___ shall be disbursed.

The following government agencies..... [can be Ministries of Public Health, Women’s Affairs, Economy] shall share in the operating expenses and human resource requirements of the MRC, as well as in the development and maintenance of the Shared Database System.

Section __. Share in the maintenance of the MWRC. The Ministry of ..... shall be responsible for the expenses for the rental and maintenance of the Centre, utilities and other provisions such as beddings, fixtures furniture, etc., necessary for the orderly operations of the Centre.

The Ministry of ..... shall share equally in the total cost for contracting professional security services for the Centre.

The Ministry of ..... shall share on a prorated basis, in the expenses for food of the Centre wards, depending on the nature of the case. They will also be responsible for the medical check-up and provision of basic medicines to their respective wards, inland transportation, as well as for the personal hygiene needs of the wards.
The expenses for the conduct of developmental activities such as honoraria of resource persons/trainers, and food of participants/attendees shall be shouldered by the office which initiated/organised the event.

**Title XI**

**Repealing Clause**

Section __. Repealing clause. The provisions of all MOLSA orders and issuances which are inconsistent with the provisions herein are hereby repealed, superseded, or modified accordingly.

Section __. Separability clause. If any provisions of this Manual is declared unconstitutional or invalid, other provisions not affected therein shall remain valid and binding.

Section __. Effectivity. This Manual shall take effect upon its posting in the MOLSA website and dissemination in all offices and agencies of MOLSA as well as Ministry of Foreign Affairs.
PART III.
CODE OF CONDUCT FOR THE LABOUR ATTACHÉ (OR CONSULAR OFFICIAL) OF AFGHANISTAN

Draft

In the interest of service and to further strengthen the Afghanistan Code of Conduct for Officials and Employees, a supplemental Code of Conduct for the Labour Attaché is hereby promulgated with the following legal bases:¹¹

1. Constitution
2. Labour Law
3. Administrative Law
4. Other applicable laws

I. RATIONALE

The Labour Attaché or LA, as the overseas operating arm of the Ministry of Labour and Social Affairs, is responsible for the administration and enforcement of policies and programs in relation to international labour affairs including applicable labour and employment laws. Specifically, it is tasked to ensure the promotion and protection of the welfare and interests of migrant workers including other overseas nationals. Its personnel, being the representatives of the MOLSA and its attached agencies, are expected to discharge those functions not only with the highest degree of excellence and professionalism but also with indubitable integrity. As such, their actions, whether performing official function or conducting themselves as private individuals in the host country, significantly impact on the overall image and credibility of the LA. Thus, they are there duty-bound to always uphold Afghanistan reputation overseas.

¹⁰ In other countries, the office within the authorised Ministry mandated to supervise Labour or Community Welfare Attaché is called Overseas Labour Office. For purposes of this document, OLO or Overseas Labour Office is used as the general term which may also refer to the Labour Wing, Division or Unit or Office of Labour Attaché or Community Welfare Attaché or other similar terms used within the specific Silk Routes Countries. Once formalised with the SRC, some phrases or words may be changed to suit the needs and contexts of the specific SRC where it will be applied.
¹¹ This Code of Conduct will also be harmonised with existing ethical or code of conduct applicable in general to government employees or for public service in Afghanistan, if available.
II. OBJECTIVES

1. To serve as guiding parameters of ethical behaviour that shall at all times be observed by all Labour Attaché personnel, being the representatives of the MOLSA and its attached agencies; and

2. To assist Labour Attaché personnel to adhere to the applicable laws, other rules and regulations and guidelines of the MOLSA and the Government of Afghanistan.

III. COVERAGE

This Code shall apply to all Labour Attaché officers and employees, including local hires.

IV. DEFINITION OF TERMS

1. “Chief of Mission” refers to the head of an embassy or other diplomatic missions of the Government of Afghanistan, or any person appointed by the President or Prime Minister to such position;

2. “MOLSA” means the Ministry of Labour and Social Affairs

3. “Employee” refers to organic employee of the MOLSA or its attached agencies engaged for the purpose of rendering support functions to the operations of the Labour Attachés;

4. “Gift” refers to a thing or a right to dispose of gratuitously, or any act or liberality, in favour of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favour from the Labour Attaché personnel.

5. “Local Hire” refers to the individuals whose services are engaged at Post by the MOLSA, through the Labour Attachés, for the purpose of rendering support functions to the operations of the Labour Attachés;

6. “MWRC” means the Migrant Workers Resource Centre;

7. “Officials” refers to Minister, Deputy Ministers, Directors, Director Generals, including heads of attached agencies;

8. “Migrant Worker” refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board
a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A person to be engaged in a remunerated activity refers to an applicant worker who has been promised or assured employment overseas;

9. “Minister” refers to the Minister of MOLSA;

10. “Overseas Labour Officer” refers to any of the following: Labor Attaché, Welfare Officer and any other officers who may be appointed or designated as such by the Minister; this could be existing Consular Official within the Embassies or Consulates who is specifically assigned, either in full capacity or as an additional task, on labour migration;

11. “OLOs” refers the Overseas Labour Office/s or in this document, to the Labour Attachés;

12. “OLO Personnel” refers to Labour Attaché or overseas labour officers, employees and local hires;

13. “Post” refers to area or country where Labour Attaché personnel are assigned;

14. “Relatives” refers to any and all persons related to the Labour Attaché personnel within the fourth civil degree of consanguinity or affinity;

V. CORE VALUES

The MOLSA is committed to uphold the highest standards of public service by promoting, as a way of life, among its personnel, including those in the Labour Attachés, the following core values:

Duty above all

- Commitment to public interest – Upholding public interest over and above personal interest.
- Responsiveness to the public – Extending prompt, courteous, and adequate service to the public.

Objectivity and Integrity

- Justness and Sincerity – Remaining true to the people at all times, not discriminating against anyone; and respecting the rights of others and refraining from doing acts contrary to law, morals, good customs, public policy, public order, public safety and public interest.
- Simple Living – leading modest lives appropriate to their position and income.
Loyalty

- Political neutrality – providing service to everyone without discrimination and regardless of party affiliation or preference; non-participation in any partisan political activity at the expense of public service.
- Commitment to Democracy – maintaining the principle of public accountability; committing to the democratic way of life and values; and upholding the Constitution of the Government of Afghanistan at all times.
- Nationalism and Patriotism – Being loyal to the Islamic Republic of Afghanistan, to its Constitution and to the Afghans and being obedient to all the laws, rules, regulations and other legal orders of duly constituted authorities.

Excellence

- Professionalism – Performing duties with the highest degree of excellence, professionalism, intelligence and skill.

VI. SPECIFIC RULES OF CONDUCT

Section 1. Responsiveness and Courtesy to the Public. Labour Attaché personnel shall be consistently polite and responsive to all clients, superiors, subordinates and co-workers. They shall, at all times, deliver services in accordance with the procedures and timeframe provided in our service standards as contained in the MOLSA's Citizen’s Charter, Labour Attaché Manual and/or other applicable work process manuals of the MOLSA.

Section 2. Impartiality. Labour Attaché personnel shall assist clients, specifically migrant workers, on all problems at all times and shall consistently demonstrate impartiality in dealing with them, regardless of their social standing, faiths and beliefs, religious affiliations, age, gender, marital status, ethnicity, health conditions or any other similar grounds.

Section 3. Privileged Communication. Labour Attaché personnel shall at all times, respect the privacy of their clients when dealing with their personal information. Such information are considered privileged and must be treated with utmost confidentiality.

Section 4. Personal Moral Behaviour. Labour Attaché personnel must not engage in any behaviour that would affect the performance of their duties including but not limited to alcoholism; use, transport or possession of illegal drugs and substance; engaging in illicit sexual activities; engaging in human trafficking; soliciting or accepting personal gifts or favours from recruitment agencies or their principals and clients; en-
gaging in usurious transactions; and patronising indecent establishments, gambling places and other recreational centres of similar category. They must likewise settle all their personal financial or just obligations.

Section 5. Simple Living. Labour Attaché personnel shall observe modest living appropriate to their rank in the Post. They shall at all times avoid ostentatious display of wealth in any form.

Section 6. Disclosure. Labour Attaché personnel shall accurately disclose to the Department all sources of income in their income tax returns, annual statement of assets, liabilities and net worth (SALN). They shall consistently observe procedures in filing SALN as prescribed by existing regulations in Afghanistan.

Section 7. Double Compensation. Labour Attaché personnel shall not receive additional or double compensation.

Section 8. Engaging in Business and Allied Transactions. Labour Attaché personnel including relatives within the 4th degree of consanguinity or affinity, shall not engage in any business, directly or indirectly, nor practice their profession in the host country. This includes engaging, directly or indirectly, in the business of recruitment of migrant workers.

Section 9. Use of Resources. Labour Attaché personnel shall use the post’s resources wisely and exercise powers responsibly and solely for official matters. These include also the observance of austerity measures and avoidance of misuse and non-use of human resources, government time, property and funds.

Section 10. Green Advocacy. Labour Attaché personnel shall promote Green Workplace Advocacy Program adopted by the MOLSA by observing proper disposal of garbage and avoid usage of plastics, styro-foam and other toxic materials. If the utilisation of such materials is inevitable, the same must be properly disposed of in accordance with existing health and safety rules and standards of their host country.

Section 11. Transmission Agents. Labour Attaché personnel shall not act as courier of gifts and other materials from persons or organisations outside of the Mission to any person or organisation or vice versa, unless authorised by the Minister.

Section 12. Possession of Prohibited or Banned Materials. Labour Attaché personnel shall not transport, use or have in his possession prohibited or banned materials.

Section 13. Membership in Social Organisation. Labour Attaché personnel shall refrain from joining social organisations at their Post if membership therein would identify them with any particular faction of the community.

Unless authorised by the Minister, Labour Attaché officers shall not employ any member of their family or household, even as casual employee. Officers shall not require any member of their office staff including MWRC wards to do household work in their homes. Dependents and household members of the Labour Attaché /Mission personnel shall not be hired as local hire personnel at the Labour Attaché.

Section 15. Residence in Host Countries or Other Countries. No Labour Attaché personnel shall apply for permanent residence in the country of assignment. Neither shall he or his spouse and minor children apply for citizenship in the Post for the duration of his/her tour of duty.

Section 16. Respect for Law and Culture at Post. Labour Attaché personnel must always respect the law and culture of the country where they are posted. They must comply with any guidelines issued by the Chief of Mission concerning compliance with the laws and regulations of the Post.

Section 17. Non- Participation in Political Activities. Labour Attaché personnel, including their family members and other household members residing with them, shall refrain from joining political activities in the Post. They shall also avoid expressing opinion, criticism or derogatory remarks, whether verbally or in writing, in public talks or social gatherings against their country of assignment, its people, their customs, traditions and institutions, or on questions that have political and policy implications unless authorised by the Chief of Mission and the MOLSA.

VII. PENALTIES AND SANCTIONS

Any violation of the provisions of this Code shall be subject to administrative sanctions under Civil Service Law and Rules, Citizen’s Charter, Administrative Law and other applicable laws.

VIII. INCENTIVES AND REWARDS SYSTEM

The Labour Attachés shall likewise be covered by the MOLSA Program on Awards and Incentives for Service Excellence [or other awards and incentives] as approved by the Civil Service Commission [or applicable agency].

IX. END OF EMPLOYMENT

Separation from the MOLSA can be voluntary or involuntary.
A. Voluntary Separation which can be through the following:

Transfer
If Labour Attaché seeks to transfer to another government office, he/she has to secure permission from the head of the department or agency at least thirty days prior to his/her transfer and cleared himself/herself from any financial, reportorial and property accountabilities.

Resignation
Labour Attaché’s resignation must be done in writing and submitted at least thirty days prior to his/her resignation date, and acted upon by the authorised officer. Labour Attaché’s resignation entitles him/her to collect payment for the money value of his/her accumulated leave and the privilege to be reinstated, provided he/she has cleared himself/herself from any financial, reportorial and property accountabilities.

Optional Retirement
If Labour Attaché complies with all the requirements prescribed by the retirement rules under ___, he/she may opt for optional retirement under ___ (employees below 60 years old but with at least 15 years of service in the government) [check/reference with existing regulations in Afghanistan].

B. Involuntary Separation

Labour Attaché can also be forced to leave the MOLSA and the grounds for involuntary separation are the following:

Compulsory Retirement
When Labour Attaché reaches the age of 60, retirement becomes automatic and compulsory.

Filing of Certificate of Candidacy
If Labour Attaché intends to run for public office, his/her employment with the MOLSA will cease as soon as he/she files his/her Certificate of Candidacy.

Abandonment of Office
When Labour Attaché accepts an appointment in another office or when he/she fails to report back to duty after the expiration of an authorised and approved leave of absence in a manner than can be considered as total and clearly indicating absolute relinquishment of the position, he/she hereby abandons his/her post in the Department and as such, he/she is dropped from the service.

Dismissal from the Service
Labour Attaché services may be terminated as a penalty for commission of grave offense subject to observance of due process.
X. SUSTAINABILITY OF IMPLEMENTATION AND AMENDMENTS

The Code and its implementation shall be regularly reviewed and monitored and its evaluation shall be conducted on an annual basis or upon directive by the Minister.

An orientation on this Code for existing and newly-appointed Labour Attaché personnel shall be held.

This Code shall be made available in the MOLSA website and each post shall be furnished a copy.

XI. EFFECTIVITY

This Order takes effect immediately upon its posting in the MOLSA Website and dissemination in all offices and agencies of the Department.