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# **THE GOVERNMENT’S EFFORTS TO STRENGTHEN MIGRANT WORKERS’ PROTECTION**

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**A. INTRODUCTION**

The Forum brings together stakeholders coming from Asia-Pacific countries to discuss governance issues on environment, migration, and peace and order. I congratulate the Eastern Regional Organization for Public Administration (EROPA) for conducting the Seminar in the Philippines which is also the venue of the 2<sup>nd</sup> Global Forum on Migration and Development that will take place more than a week from now. I am certain that the outputs of your seminar particularly on Migration, which is the topic that I will discuss, can find an important direct link to the output of the Global Forum.

There have been sustained initiatives among policy makers at the national, regional and international fora to focus attention on global labor mobility and its links with development goals. These initiatives stress that, indeed, action must be done toward ensuring the links between migration and development and that it can only be done where stakeholders work together in concerted action. Fora such as these are therefore seen as opportunities for convergence toward the attainment of migration and development goals especially for developing countries in the region.

**B. MIGRATION MANAGEMENT AND MIGRATION PROTECTION**

For the Philippines, as a labor-sending country, migration management has always been grounded on the goal to make labor migration work for the benefit of the migrant workers themselves, their families and society as a whole. Today, this goal has become more imperative particularly because migration for work has proven to have substantial

implications on growth and development in the country. Today, Overseas Filipino Workers (OFWs) are regarded as active development agents.

At any given time, there are 4 million Filipino contract workers in more than 190 countries around the globe, out of 8 million Filipinos living and working overseas with an annual remittance of US \$14B. We have one of the highest rates of out-migration in the world. Our State policy as early as the 1970s has been to promote and protect the rights and the welfare of Filipinos abroad. The underlying principle within which this State policy is pursued is the constitutional mandate to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

The State commits to maximize the benefits and minimize the costs of overseas employment through mechanisms for the orderly and systematic facilitation and documentation of workers, their employers and agents, and provision of adequate protection to address abuses and exploitation before, during and after employment. These protective mechanisms are embodied in the Labor Code of the Philippines, 1975, the Migrant Workers and Overseas Filipinos Act of 1995 or RA 8042 and various ministerial and administrative issuances. The State also commits to address recruitment malpractices through anti-illegal recruitment and anti-trafficking measures, both preventive and remedial.

Given more and better opportunities that come with increased mobility of workers, the State finds it reasonable to move away from demands for unskilled labor and for women domestic helpers by tightening the rules on their recruitment and minimize their vulnerability to abuse and exploitation. The Reform Package for protection and promotion of the welfare of Household Service Workers was cited in the Report on Anti-trafficking by the U.S. State Department as effective preventive measure to address the exploitative and abusive practices against women migrant workers. To address the problems of labor supply to receiving countries experiencing skills shortages, the Philippines has been consistent in addressing the brain gain issue by pursuing a policy of joint cooperation on human resource development and reintegration in our bilateral negotiations with emerging markets focusing on education and training and other human resource development initiatives.

These development-oriented policies reinforces those that have traditionally characterized the manner by which the Philippines manages migration flows, through a four-pronged strategy of regulation, protection, reintegration, and support to families.

**Regulation** involves a number of official interventions to facilitate not only the orderly outflow but also the return of the OFW. It balances workers' freedom of movement with the constitutional duty to restrain mobility when national interest and workers' welfare are at stake. The interventions include a licensing system for recruitment agents, accreditation system for employers and their agents, standards for recruitment fees, wages and working conditions, recruitment offenses and penalties, repatriation of workers, standard employment contracts and facilitation assistance of returning workers once the contract expires. Regulations also cover gender-sensitive measures that guarantee decent work and living condition to women OFWs. There is also a State policy requiring the allotment of seats for women sector representatives at the Governing Board of agencies involved in managing and regulating labor migration.

Regulations also seek to maintain a good supply of manpower for both local and overseas markets. For instance, a six-month notice instead of one month, is required prior to the deployment of skills or professions which are considered critical in supply such as airline pilots and mechanics. Recently, there are concerted efforts between government agencies handling the supply-side of the market and other stakeholders to review the supply and demand situation in certain local industries to ensure that the country will not suffer from the depletion of critical skills. Regulation also includes government response on crisis or emergency situations where the safety and protection of the lives and health of OFWs are in danger and where the State intervenes, imposing deployment ban which can be either partial or total in nature and scope.

**Protection** is afforded in all stages of the migration process. At pre-deployment stage, workers undergo mandatory country-specific pre-employment and pre-departure orientations as part of the "full disclosure" policy to inform workers of labor markets situations and realities, based on the premise that in a free and open society, information is the best weapon for protecting workers and promoting legal migration. The program has also been cited by the U. S. State Department Report on Anti-Trafficking as effective preventive measure designed to inform the workers about the available mechanisms to seek redress. Through the program, workers are also informed about the potential gains that they may achieve in terms of acquiring skills

and awareness on the need to save and invest their money on entrepreneurial and productive endeavors. Protection also requires the recruitment and deployment only of workers who are technically competent, medically fit to work, with no criminal records, and equipped with adequate coping mechanisms to easily adjust to the work and living environment in the host countries, like culture and language orientation, Protection also covers the enrollment of workers for health, life insurance, housing and social security before they leave for employment overseas.

On-site, protection includes the presence of a Philippine Labor Office (POLO) consisting of Labor attaches, welfare officers, doctors and social workers, and Filipino Workers' Resource Centers established to serve as half-way houses in embassies and consulates particularly in countries with big number of OFWs especially those dominated by Filipino women workers. In addition to quick responses in cases of maltreatment, abuse, contract violations, and repatriation, the Philippine Labor Office organize seminars, skills upgrading and investment counseling services that guide the workers in their employment options and investment decisions upon return to the Philippines.

**Reintegration** involves preparing the OFWs to become productive contributors to the domestic economy, either through employment or entrepreneurship, upon their return. OFWs are contract bound to return to the Philippines on a regular or occasional basis and host countries are encouraged to support this circular migration by providing mechanisms and channels that enable OFWs to move easily between the Philippines and the destination countries. Upon the migrants' return, they may avail of a reintegration package consisting of loans, counseling, training and retraining, and scholarships, responsive to the personal, economic and community reintegration needs of the returning workers. All on-going reintegration efforts seek to facilitate brain circulation among OFWs by providing the environment and support systems within which the returning migrant may utilize the knowledge and skills acquired overseas for productive endeavors in their home country. The premise for reintegration is that by facilitating the OFW's smooth return to Philippine society as evidenced by stronger family ties and sustained livelihoods, overseas employment no longer becomes the only recourse for families to have better lives and it simply becomes one of the options.

Supporting this reintegration program are measures with socio-economic and political impacts such as those that guarantee OFWs their property rights, rights to vote, and right to freely dispose of their remittances using safe and secured banking facilities available in host countries.

**Support for family** refers to assistance in ensuring the well-being of the OFW family as well as building their entrepreneurial capacity consistent with the ideal that eventually the OFWs and their families will no longer prefer overseas work as the only source of incomes. Programs in this area comprise a whole range of interventions that seek to keep family ties stronger despite the distance and to build capacities for sustained livelihood. There are community-based OFW Family Circles organized all over the country which acts as networks not only for social capital but also for entrepreneurial activities. Partnerships with the largest telecoms firms have been forged so that OFWs and their families would enjoy lower rates in phone calls and internet use while also offering them business opportunities in the ICT sector in the form of internet cafes owned and managed by OFW Family Circles. There are tie-ups with public and private companies including banks to facilitate the establishment of small and medium enterprises so that OFW families would have the proper guidance in the event that they engage in entrepreneurial activities. Scholarships and skills training are also available for the spouses and children of OFWs.

### **C. MIGRANT PROTECTION AT RECEIVING COUNTRY**

Alongside these sustained efforts to protect the welfare of OFWs and their families, the government believes that it is high time to move into the higher level of skills in traditional markets like the Middle East and to tap new and higher paying markets in Europe, the Americas, Asia Pacific where eligibility to become permanent residents and opportunity for family integration are opened to skilled workers and professionals. Work-to-reside or employment-based immigration schemes are welcomed protective measures for Filipinos on temporary contract arrangements who opt to bring their families with them and minimize the social costs attendant to long separation. Receiving states are now exhibiting openness to share the costs of human resource development of our workers, including cooperation to

promote and observe ethical recruitment practices on no recruitment costs charged to the workers but totally borne by the employers

Other complementary protective measures afforded to our workers by host countries, would be those provided by their national legislation such as the employment permit system hiring of Korea done on a government-to government hiring arrangement. In the Middle East, where deployment of OFWs have always been the highest, the Philippines, together with the Ministries of Labor of India, the United Arab Emirates and with technical support from the ILO, IOM and the Arab Labour Organization, has launched a pilot project on the administration of temporary contractual employment which aims to improve the quality of recruitment and pre-deployment; provide workers with appropriate working and living conditions and treatment; prepare workers for return at the end of their contract; and facilitate their return including assistance toward reintegration. The project aims to identify best practices in sending and receiving countries which will serve in drafting an Asian Regional multilateral framework for cooperation in the administration of temporary contract employment.

Earlier, we mentioned the role of bilateral labor agreements (BLAs) as mechanisms to provide protective measures for our workers in terms of measures to promote the principles of ethical recruitment, respect for human rights, and shared responsibility in human resource development through education and training. At the ASEAN regional level, we have made progress in engaging labor-receiving countries through the adoption of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the ASEAN Mutual Recognition Agreement on the nursing profession.

However, even as we forge ahead with these bilateral and multilateral negotiations with better and friendlier markets, we also remain conscious of the supply-side concerns. We recognize that for us to fully avail of the opportunities offered in these new and higher-end markets, we need to determine that there is an inexhaustible supply that ensures the continued viability of the country's migration program and which satisfies national needs for certain skills or professions. We need to lay down the groundwork for active labor market intelligence so that appropriate supply side interventions are in place to prepare our workers to avail of labor markets opportunities outside the country but at the same time ensure a steady supply, both in quality and quantity for the domestic economy.

The Government regularly undertakes an assessment of the country's labor supply through the conduct of National Manpower Summits and National Resource Conferences where labor supply is jointly assessed by government agencies in terms of the availability and quality particularly in sectors where the Philippines has the potential to establish niches in both the local and global markets. Toward these ends, foreign employers are encouraged to set up schools in the Philippines or tie-up with existing academic institutions and training centers for bridging courses, twinning arrangements, and mutual recognition of skills and professions to facilitate labor mobility in both domestic and international markets.

#### **D. CONCLUDING NOTES**

Our experience in managing contract migration has been lauded for having effectively facilitated movement of people amidst an environment of protection and welfare not only of the migrants but also their families. The country, however, cannot remain complacent. The call and the challenge to reap development gains from migration while minimizing the costs has grown stronger and stakeholders are acting now.

While we continue to recognize the substantial impact of migration, particularly remittances on our economy, we should pursue local economic development and support on-going investment policies seeking to develop the countryside, create jobs in key employment sectors, and build capacities toward poverty alleviation in the country.

While we have achieved many milestones in migration management, we need to recognize that much has yet to be done to enhance the positive and reduce the negative impacts of labor migration, through shared responsibility between labor sending and receiving countries in the areas of labor market information and public education to enable migrants to make well-informed choices and decisions.

We also would like to stress that while unilateral efforts have substantially contributed to the effectiveness of migration management in the Philippines, the very nature of migration makes it necessary for labor-sending countries to actively advocate for support strategies at the

receiving countries such as those on human resource development, ethical recruitment, and facilitation of return migration. Hence, we look forward to follow-through commitments secured through bilateral and multilateral arrangements to ensure the millions of migrant workers of good working and living conditions, competitive wages and benefits, legal protection from all forms of abuse and violence, and smooth return and reintegration into the home countries.

We are also pursuing support strategies from receiving countries to ensure that our OFWs acquire advanced knowledge and better skills that may not otherwise be gained back home. Receiving countries may also explore the possibility of facilitating remittance flows so that the migrant worker is allowed to save and invest for the future in the source country. Further, even as we have initiated mechanisms to cut communication costs, receiving countries can also work toward making communication channels between the migrant workers and the source country inexpensive and accessible. Since integration in the host country is a requisite for migrants to reap the gains from overseas work, receiving countries can establish programs or services that assist the migrant worker to adjust and adapt easily to the culture and lifestyle in the receiving country.

We also recognize that part of the equation in the migration for development nexus are the migrant workers themselves. With the environment for overseas work already enriched by support strategies from both the labor-sending and receiving countries, we believe that migrants themselves would have to be responsible for managing their effective migration. They should equip themselves with the right work ethics, the right knowledge and skills that will make them excellent and competitive workers. As many employers would say: “We screen for the right skills and hire for the right attitude.”

Ensuring the gains for the migrant workers, their families, their communities, at the source and destination countries is now at the core of migration management. Today's discourse is no longer whether or not we should send workers abroad. The reality of global integration simply denies us any option but to facilitate migration flows so that every actor in the migration process gains more than he or she loses. The Philippines faces this reality by seeing to it that once it deploys workers, they would be found in the right job, would have the right skills, receive the right pay, be a valuable asset to both the Philippines and host country, and ready and prepared for smooth reintegration when he or she decides to permanently return to the Philippines.

Thank you very much!