



Recommendations from Philippines National Tripartite Preparatory Workshop

14th ASEAN Forum on Migrant Labour "Recovery and labour migration in the post pandemic future"

19 and 20 August 2021

Sub-theme 1: Protection of migrant workers during the COVID-19 pandemic – Current situation

I. Government measures, programs and adjustment on migration policies during COVID-19 pandemic

A. For the Philippines

1. Equip returning/repatriated migrant workers and their families with the basic knowledge of entrepreneurship and skills upgrading through capacity building programs and training to ensure their successful integration into society. For TESDA or NWPC to provide technical assistance on various productivity-enhancing technologies in order to make a significant impact on the workers and in business' performance as a whole.
2. OWWA, NRCO and TESDA and NWPC and ILO should coordinate with LGU PESOS/ Migrant Resource Centers, and the DOLE/OWWA office in charge of OASIS for profiles of repatriated OFWs (sex-disaggregated) indicating their livelihood needs and support programs (whether for capital, retooling/ upskilling/ type of training required like Online and basic computer literacy, software and hardware, capitalization, agricultural support, etc.); Concerned agencies must develop a time-bound targeted/ purposive training/ livelihood programs to be implemented to ensure that the program will be carried out and implemented.



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3. Continue the implementation of time-bound pilot programs that grant financial assistance and cash for work programs to returning/repatriated migrant workers. (Bayanihan 3)
4. Continue dissemination of timely, accurate information on the program and include information on how long the application process may take until it is approved and how long the processing until the actual release of financial aid is done. Fast track processing of backlog applications and fund releases both in the country and overseas.
5. Continue and facilitate workers' deployment to local and overseas employment based on the choice of the workers by active market development strategies and providing more access to decent jobs in light of the rising unemployment rate in the country.
6. POEA must continue to study labour market trends overseas to determine which sectors are in demand of migrant workers. This is to ensure skills-jobs matching of our OFWs. This will also inform and increase our leverage in bilateral negotiations for improved terms of living and working conditions for our OFWs under the "new" normal.
7. Expansion of negotiating mandate for the government to enable inclusion of medical repatriation, immigration status concerns of migrant workers such as changing of employer or visa status (from Sub-them 1.B.6) as one of the areas for BLA negotiations (This is more of justice/immigration concern, DOLE and POEA are on labour concerns).
8. For POEA to review the standard employment contract to add provisions to guarantee safe passage and safety of migrants and families during public health emergencies, wars and conflicts and similar occurrences.

B. For ASEAN

9. Provide migrant workers with access to COVID 19 vaccines in both origin and destination countries and issue them with the corresponding vaccination documentation at no cost to the worker.



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10. Raise awareness on the possible implications of job displacements for the immigration status of migrant workers in the countries of destination, such as visa cancellation and losing their legal status, and risk becoming undocumented migrants.
11. Deportation and/or detention must not be the immediate recourse for workers under this situation. Concerned agencies of origin and destination governments must agree on the protocols such as transfer to new employers (since the migrants are needed in countries of destination) to ensure that the burden is not on the workers.
12. Foster cooperation among the ASEAN Member States for initiatives to harmonize migration policies to include migrant workers and their families in social and health protection programs.
13. Review and revisit the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers' provisions on free access to healthcare which may be applicable in pandemic situations to include COVID-19 tests, COVID-19 vaccines, and treatment when infected and quarantine facilities at no cost to the workers.

II. Current and emerging vulnerabilities of migrant workers in light of the pandemic and existing mechanisms in assisting and protecting workers onsite.

A. For the Philippines

14. Enhance dispute settlement mechanism to address grievances, claims and labour disputes of repatriated workers who have lost their jobs as a result of the pandemic and by also developing online/ virtual mechanisms for redress; expedite resolution of cases.
15. Ensure access to consular services and assistance to nationals either online or through alternative platforms and facilitate the repatriation of affected migrant workers.
16. Ensure the existence of a program for OFWs with HIV and disseminate the information to affected OFWs and their families. (ARV)



17. Review and improve existing bilateral labour agreements between PH and ASEAN member countries on catastrophic events such as pandemics
18. Review of PH labour code on the possible amendments on requirements to join labour unions
19. As a State Party to all ILO fundamental Conventions and the UN Migrant Workers Convention, and cognizant of an increasing number of migrant workers in the Philippines, amend Section 269 of the Labor Code to (a) allow foreign workers in the Philippines to form or join trade unions; (b) delete the reciprocity provision as this deters OFWs from exercising the same in countries of destination, and replace with "migrant workers" all reference to "aliens" in the labour code (omnibus amendment)

B. For ASEAN

20. Encourage destination countries of nationals from the ASEAN Member States to consider the situation of all migrant workers during the pandemic by providing them health protection services, including those with irregular status that may be considered for regularization.
21. Recognize and support the operations of Migrant Worker Resource Centers (MRCs) among governments of member states of ASEAN and mobilize for referrals of cases and providing immediate assistance
22. Ratify ILO Conventions 189, 190 and other ILO Core Conventions
23. Implement fully the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers; Support the AICHR in efforts to implement Article 4 of the Asean Human Rights Declaration to complement efforts of the Asean Committee on Migrant Workers
24. Conduct an assessment of the progress of implementation of various recommendations issued in all AFMLs, especially in these times of the pandemic



III. Preparedness of migrant workers through pre-departure information, including medical and quarantine requirements, health promotion, continuity of care, and disease prevention measures.

A. For the Philippines

25. Provide country-specific information on health protocols, requirements, measures, promotion, etc., in all kinds of web-based platforms for the benefit of all migrant workers.
26. Make available and disseminate the OFW Handbook per RA11227 widely.
27. Ensure that relevant information on the health and safety of OFWs in the time of pandemics and public emergencies is included in the Handbook.
28. Ensure the constant availability of psychological/counselling services for migrant workers and their families to ensure good mental health. OWWA should map out where these services are and ensuring accessibility.

IV. Migrant workers' access to preventive measures, testing and vaccines in relation to placement and deployment under the new normal

A. For the Philippines

29. Ensure that all COVID-19-related costs (including but not limited to testing and quarantine costs) are borne by employers and/or recruitment agencies.

B. For ASEAN

30. Ensure access of migrant workers to health services (not just COVID) and education provided by receiving countries



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V. Responses on the plight of migrant workers in precarious job sectors (lower-skilled workers, plantation workers, women workers, construction workers, agricultural workers, fishing workers, LGBTQ+ workers etc.).

A. For the Philippines

31. Identify and strengthen existing services provided to low skilled migrant workers and ensure their access to such services, including those pertaining to mental health.
32. Identify and strengthen services for the protection of lower-skilled workers, including campaigns against illegal recruitment and human trafficking and its presence online, to inform and warn aspiring and returning migrant workers about bogus job orders, unlicensed recruiters, and potential identity theft and other forms of abuse. (Continuation from 13th AFML)

B. For ASEAN

33. Examine migrant workers' conditions through the conduct of salvo inspections/visits and phone calls by relevant government agencies of destination countries to minimize abuse of migrant workers particularly domestic workers.
34. Enhance relevant labour laws and social protection programs.

VI. Measures being done in order to protect women migrant workers and those in the LGBTQ+ community (e.g. protection against violence, social protection, job security)

A. For the Philippines

35. Strengthen Coordination between the Philippine Commission on Women and its counterpart in ASEAN; between PCW and the Commission on Human Rights (CHR)



36. Empower women, migrant workers through knowledge, information and skills development.
37. Continue efforts and programs to mainstream human a=rights and gender-responsive framework in developing programs and services through capacity building programs for duty bearers --national agencies and those at the local government units as well as civil society organizations and migrant associations

B. For ASEAN

38. Raise awareness on the importance of migrant workers' contribution to the economy of the destination country.
39. Recognize domestic workers just like any other workers who have rights that must be respected.
40. Make the ASEAN Commission on Women and Children visible in concerns of migrant workers; Invoking ASEAN's collective commitment to CEDAW and CRC-- to develop an ASEAN-wide mechanism within the ACWC and together with ACMW to implement provisions of CEDAW GR26 on low-waged women migrant workers

C. For ASEAN and the Philippines

41. Enhance labour migration data collection through a comprehensive and harmonized system that includes information on gender, occupations and destination, among others.
42. Provide rights-based and gender-sensitive, and responsive programs and services among relevant government agencies of ASEAN Member States.
43. Ensure the accessibility and availability of information and services provided by relevant government agencies for all migrant workers regardless of status and gender.



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VII. Participation and responses of recruitment industries, host countries and foreign employers in protecting migrant workers

A. For the Philippines

44. Compel recruitment agencies to regularly monitor and report to the government the conditions and status of their deployed workers.
45. Intensify the campaign against human trafficking and illegal recruitment during the pre- and post-pandemic situations.
46. Conduct training programmes on safe, fair and ethical recruitment for the recruitment sector and other relevant stakeholders like migrant organizations, local government, CSOs and Trade Unions
47. Ratify ILO 181. Amend pertinent provisions in the Labor Code to effect the progressive realization of provisions of C181
48. Popularise ILO's Guidelines on fair recruitment, IOM's IRIs Ethical Recruitment initiatives through the Decent Work Advisory Committee members
49. For POEA to revive the PAIR program from LGUs/ PESOs and MRCs in the campaign Against Illegal recruitment and trafficking at the communities

B. For ASEAN

50. Ensure that migrant workers are provided with a copy of the employment contract, which must contain minimum provisions and entitlements to wages, leaves, medical, termination and repatriation, among others.
51. Promote safe, fair and ethical recruitment while addressing the adverse drivers of migration in countries of origin and destination.



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52. Promote the "employer-pays" principle of recruitment costs,
53. Conduct training programmes on safe, fair and ethical recruitment for the recruitment sector and relevant stakeholders in ASEAN;

Sub- Theme 2: Recovery and the Post Pandemic Future

I. Government measures in assisting repatriated/ returning migrant workers, including reintegration.

A. For the Philippines

54. Ensure pragmatic, feasible, efficient and accessible inter-agency assistance programs for repatriated or returning migrant workers accessible through an online portal. Migrant workers must be able to avail of simple, fast and transparent services.
55. Promote and adopt ASEAN best practices in addressing the needs of migrant workers.
56. Provide financial assistance to returning migrant workers.
57. Explore the provision of windows of investment and business development opportunities such as entrepreneurship for migrant workers and their families.
58. Roll out a more robust public employment program
59. Conduct regular/continuous profiling of returning/repatriated OFWs to enable stakeholders to identify and provide appropriate intervention and enhance their financial literacy.
60. Fully implement the Comprehensive OFW reintegration programs



B. For ASEAN

61. Make quarantine more productive by allowing access to work or training opportunities during the mandated quarantine periods.
62. Ensure the availability of information on labour market trends in schools and on various social media platforms

II. Gender-responsive measures to address identified concerns encountered by returning migrant workers.

A. For the Philippines

63. Endeavour to enhance women migrant workers' capacities through skill training and certification as their source of empowerment and protection.
64. Provide psycho-social and legal services to returning migrant workers, specifically those who suffered physical or emotional abuse or violence.
65. Provide for equal representation of women in the formulation of inclusive policy-making processes to protect women in vulnerable occupations.

B. For ASEAN

66. Include women migrant workers in program development, implementation and evaluation. Require equal representation and equitable opportunities in social dialogues
67. Mainstream gender equality in labour, migration and social protection policies and programs of stakeholders including government, private sector and civil society organizations



68. Include topics on gender and shared responsibility in all processes and programs for migrant workers.

III. Changes in overseas employment policies as short-term and medium-term recovery efforts.

A. For the Philippines

69. Facilitate deployment by removing red-tape and make processing easier, simpler, faster and transparent.

70. Enhance information drive on overseas employment conditions to adequately prepare migrant workers and allow them to make informed and intelligent decisions

71. POEA to revisit the HSW policy reform package with a view to make it more relevant and effective under the "new" normal in terms of upholding the rights and dignity of women migrant domestic workers.

72. POEA to issue a Governing board resolution to direct all parties concerned to refer to migrant domestic workers as migrant domestic workers, NOT helpers. This is also in compliance with our voluntary commitment to ILO C189 on decent work for domestic workers.

73. POEA to revisit the rules and regulations on overseas employment (land and sea-based) to ensure greater protection for migrants and that these are effective and relevant to the needs of the times.

B. For ASEAN

74. Strengthen ASEAN Member States' relevant government agencies on labour migration.

75. Actively promote fair and ethical recruitment practices



76. Encourage ASEAN Member States to cover and include all migrant workers in the development of national mental health programs and policies to address stigmatization, depression, and long-term effects of work-related and gender-based abuses

77. For ASEAN countries of destination to conduct orientation programs to staff and personnel of embassy/consulate/labour offices on laws, policies and programs relevant to migrant workers (Labor and social laws, immigration laws).

IV. Improving migrant workers working conditions, benefits and wages under the new normal.

A. For the Philippines

78. Strengthen reintegration programs for returning workers to promote tech-based entrepreneurship and skills development suited for digital transformation in the Fourth Industrial Revolution

B. For ASEAN

79. Forge new or enhance existing bilateral agreements and MOUs to guarantee wage protection of migrant workers and include them in destination/host countries' labour standards enforcement program, promote equal pay for work of equal value and ensure safety and protection of the migrant worker against COVID or any emerging health concerns including support for additional medical and quarantine requirements.

80. Ensure access to justice, legal remedy and social services. Strengthen social protection for migrant workers in home and destination countries, including social security and unemployment benefits.

81. Ensure that employers and workplaces follow OSH and WHO safety guidelines- ensure proper ventilation of workplaces



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V. Upskilling and Reskilling of workers

A. For the Philippines

82. Design skills training and certification programs that are responsive to the actual needs of the workers and labour market; implement such programs using a practical approach while focusing on directing resources where they are actually needed, and properly disseminate information on the availability of such programs to include accessibility and flexibility arrangements when workers avail themselves of said training and certification programs.
83. Conduct inventory of skills acquired by migrants and repatriated migrants for possible skills matching for local and overseas jobs.
84. Recognize skills acquired in countries of destination and provide opportunities in the same field/sector for those returning to the Philippines.

B. For ASEAN

85. Promote awareness of skill requirements of the 4th Industrial Revolution and recent trends that require new skills and expertise.

The meeting was held online on 19 and 21 August 2021.