

Our Manifesto on Building Resilient Communities for Migrants and Families by Promoting Safe, Fair and Ethical Recruitment

Introduction

The Covid-19 pandemic rages on more than a year since it was declared a global pandemic in March 2020 by the World Health Organization (WHO). Because of the pandemic, more than a million Filipinos overseas have lost their jobs and returned to the country. Thousands remain stranded in various destinations awaiting flights that would bring them home. Meanwhile, 48% or almost half of those who have returned,¹ are starting to plan anew for eventual remigration as they remain unemployed and without income several months after their repatriation.

Last year's deployment was down by 75%, the lowest in the last 3 decades. Despite this, remittances only slightly dropped by 0.8%² as migrants find ways to send financial support to their families in the Philippines—whether this means taking up additional jobs to augment decreasing income or even using savings intended for emergencies or future reintegration.

A study by the International Organization for Migration (IOM) also revealed that 60% of the returned migrants surveyed were deployed through recruitment agencies. Moreover, male migrants and sea-based migrants were likely to go through recruitment agencies although female migrants and land-based migrants have higher prevalence of being charged recruitment fees and costs at higher rates³.

The appearance of a number of variants of the Covid-19 virus constantly threatens the health and safety of people in general. But there is a need to open up and allow movements of goods, products and people across borders. With greater risk of infection, additional health protocols and tighter border security measures, which generally entail costs and put migrants at greater risk of discrimination and in the receiving end of exclusionary policies, are put in place.

Desperate for jobs, OFWs can easily fall prey to unscrupulous recruitment agencies and may end up trafficked and exploited as bonded labor.

Coming Together of Relevant Stakeholders, United in Building Resilient Migrant Communities Through Safe, Fair and Ethical Recruitment.

On August 26-27, 2021, relevant stakeholders from Luzon, Visayas and Mindanao (composed of 32 community-based migrant organizations, 6 civil society organizations, 4 trade union, 19 local government units and 6 organizations and networks of human resource providers) came together for a 2-day consultation on safe, fair and ethical recruitment.⁴ They shared information

¹ 48% of repatriated overseas Filipinos surveyed by the International Organization for Migration (IOM) stated their desire to remigrate. <https://dtm.iom.int/reports/philippines-%E2%80%93-covid-19-impact-assessment-returned-overseas-filipino-workers-may-2021>. May 2021.

² <https://businessmirror.com.ph/2021/02/16/remittances-down-only-slightly-in-2020/>. 2020 remittances contracted slightly by US\$230 million from 2019 figure of US\$30.13B.

³ <https://dtm.iom.int/reports/philippines-%E2%80%93-covid-19-impact-assessment-returned-overseas-filipino-workers-may-2021>

⁴ The multistakeholder consultation was convened by Center for Migrant Advocacy and Migrant Forum in Asia, with support from International Organization for Migration

on the extent of the impact of the Covid-19 pandemic on the OFWs and their families in their respective communities. The government and civil society were quick to respond to immediate needs such as *Ayuda (cash and food packs, small start-up capital)*. On-site, repatriation was facilitated with medical referrals and information drives about programs and services of government. The stakeholders also discussed ways forward, such as: addressing urgent concerns on livelihood and reintegration, access to basic services, social protection including access to justice for unclaimed wages and other benefits, sustainability of assistance and prospects for remigration under the “new” normal and the role of the stakeholders in promoting safe, fair and ethical recruitment.

The consultation provided spaces too for representatives of organizations and networks of human resource providers to share the work they do, the impact of the pandemic on them, the challenges they face and how they can work together with the other stakeholders.

The consultation revisited the guiding principles and policies on safe, fair and ethical recruitment as set forth and agreed on by social partners of the International Labor Organization, advocated by IOM through the IRIS-Ethical recruitment initiatives and promulgated by the Philippine Overseas Employment Administration (POEA).

United in building resilient communities for migrants and their families, we issue this manifesto of commitment:

Structural Challenges and Gaps.

1. The inability/failure of government to address the problems of poverty, joblessness and low wages has compelled men and women to seek work overseas. Additionally, natural calamities such as typhoons, earthquakes increase the vulnerability of an already impoverished population and the risks of exploitation by recruitment agencies. It is a fact that unscrupulous recruiters flock to evacuation and resettlement centers. From a temporary, stop-gap measure, labor migration after four decades has become a resilient feature of our economy.
2. There is a huge deficit in the enjoyment of migrants’ human and labor rights, which is made worse by the Covid-19 pandemic. The impact is deep, wide and far-reaching.
3. Continuous deployment out of necessity to many countries across the globe will be a constant red flag whenever conflicts, disasters and pandemics strike. Government’s immediate response to such catastrophes to bring to safety our people will always entail huge human and material resources. In the long term, this is not sustainable.
4. Weak monitoring and enforcement of policies, programs and services for women migrant workers which results to perpetuation of gender-stereotyping and violence against women migrants.
5. Poor coordination between national and local governments and other relevant stakeholders at the community, in the suburbs and those outside mega Manila resulting to serious gaps in information flow and access to and availment of programs and services by migrants from these areas.

6. Inability to leverage the high steady demand for migrant workers in the medical, health and care sectors in countries of destination to negotiate better terms of employment for these workers and to advocate for better protection and shared responsibility for the rights and well being of migrants and their families. Instead, their mobility and quest for decent jobs beyond our shores are restricted without evidence-based justifications. We have seen this happen many times with the most recent restrictions implemented at the height of the COVID-19 pandemic.
7. Government's lengthy time to process and verify documents for overseas employment; regulatory policies not thoroughly and properly monitored and enforced can unwittingly direct job seekers to unscrupulous recruiters and traffickers who already thrive online in maximizing the unregulated social media platforms.

To address these long standing and recurring structural problems, gaps and challenges, we make the following declaration:

1. Migrant workers are agents of development. They contribute significantly to the economic development of the Philippines and more so to countries of destination; Migrant remittances have kept afloat our economy, created job opportunities, livelihoods to cater to various needs of migrants and families at all stages of migration, and of course, ensuring the well being of migrant families.
2. Migrant workers are human beings. They have basic human rights and labor rights that do not disappear just because they cross international borders; The Philippine governments and governments of destination countries as duty bearers, must ensure that these fundamental rights are not denied to migrant workers.
3. Labor is not a commodity and those who toil are human beings. Moreover, migrant workers like other workers, generally, must not pay to secure jobs. Recruitment fees and related costs must be borne by the employers.
4. Labor migration is a global phenomenon. Migrant workers respond to labor shortages in the countries of destination. The increasing population of the elderly demands for care workers-- jobs that locals shun because care work is difficult, dirty and low-paying.
5. Labor migration is a multifaceted socio-economic international issue that requires a whole of government, whole of society approach, is rights-based, people-centered, culturally-sensitive, and gender-responsive.
6. Local governments and community-based migrant organizations are relevant stakeholders in promoting and ensuring the rights and dignity of migrant workers and their families.
7. Private recruitment agencies or human resource providers for overseas employment are relevant stakeholders in overseas employment. Governments are duty-bound to

regulate and monitor their activities in accordance with internationally-accepted principles and standards on safe, fair and ethical recruitment as espoused by the ILO and IOM.

Specifically, we commit to work together on the following:

1. Conduct Jobs Fairs in Communities -- LGUs through PESOs shall only allow the participation of Human Resource Providers who do not have derogatory records with POEA, for the past 3 months, prior to the holding of the Jobs Fairs.
2. Conduct information and education campaigns in the community on migrants' rights, safe, fair and ethical recruitment and policies of countries of destination, in partnership with other institutions. For POEA and OWWA to accredit and capacitate LGUs/ PESOs to conduct PMOS, PEOS and PDOS.

The Migrant Recruitment Advisor (MRA) accompanied by HANSA for reporting of recruitment violations initiated by trade unions and Migrant Forum in Asia shall be promoted in the LGUs and communities.

3. Campaign Against Illegal Recruitment and Trafficking in Persons -- To strengthen community campaigns by reviving the "Best Partner in Anti-Recruitment Program Award (BEST PAIR Award) given to partner LGUs. The areas for cooperation will include sharing of up-to-date policies on recruitment, information on status of organizations of human resource providers, health and other protocols in countries of destination, studies on labor market trends and skills required.
4. With support from DOLE/ POEA, to set up a consultative council for OFWs, akin to the OLTCC (Overseas Land-based Tripartite Consultative Council) at the provincial/ regional level composed of social partners of migrant organizations, LGUs/PESOs/ MRCs/ OHDs, regional/provincial offices of National agencies, CSOs, trade unions and organizations of human resource providers that undertake recruitment activities in the provinces/regions; the Council Secretariat will be the PESO in order to closely monitor the activities of the Council.
5. Government must effectively regulate, implement, monitor the recruitment and deployment activities of human resource providers; to ensure adherence to the law, these regulatory policies including those for Household Service Workers must be reviewed periodically, in consultation with relevant stakeholders to ensure that the policies are sound and rationale while ensuring that the process for migrants is simple, fast, not expensive and friendly. This way, it will achieve the desired goal of promoting safe, fair and ethical recruitment that will guarantee that workers do not end up in debt bondage and forced labor situation.
6. Code of Ethics for Human Resource Providers --Associations and networks of human resource providers can develop their own code of ethics that is aligned with the ILO's Guiding Principles on Safe and Ethical Recruitment and the IOM's IRIS- Ethic

Recruitment Initiatives. This is an effective way to advocate principled recruitment within their own ranks. Government can incentivize such initiatives.

7. Shared responsibilities with Countries of Destination-- Advocacy for safe, fair and ethical recruitment must also be directed at countries of destination who are in need of migrant workers to fill in voids from acute shortage of local workers and for workers in the care sector. Policies for employers to cover recruitment costs and related costs to bring in the migrant workers must be put in place and enforced effectively. Decent work conditions for migrants including rights at work, safe and healthy workplaces, effective and accessible redress mechanism, decent housing and accommodation, right to social protection and social dialogue must be afforded to migrant workers.

POEA should include ethical guidelines for foreign employers and foreign human resource providers including whitelisting and black listing as necessary. Furthermore, POEA should make an issuance to automatically apply the policies for non-fee charging of countries of destination where these policies are already enshrined in their labor and social laws.

Our Embassies/ Consulates and Labor Offices overseas must continue to forge bilateral labor and social agreements that can enhance protection for our migrant workers .

Relevant stakeholders should sustain links and forge constructive partnerships with the private sector and association of employers that adhere to the 'employer-pays' model of recruitment. The cost of recruitment has exponentially increased for many migrant workers during the COVID-19 pandemic and we need to ensure that workers are not burdened by the additional costs brought about by the pandemic.

The Philippine government should utilize and maximise consultative forums like the Abu Dhabi Dialogue and Colombo Process and regional intergovernmental forums like the ASEAN (Association of Southeast Asian Nations) and SAARC (South Asian Association for Regional Cooperation) to sustain this advocacy.

8. Sustain advocacy with the national government to effectively address the adverse drivers of migration from the Philippines. One of the responsibilities of government is to ensure redistribution of wealth. There is a need to reboot the Philippine economy to release wealth creating resources to be freed up from the clutches of oligarchs, such as land. Implement programs and services that effectively support farmers and encourage local manufacturing that create local jobs.

For viable and productive reintegration of OFWs, the government must give preferential treatment to OFW-initiated/capitalized enterprises in terms of access to low-interest capital, accessible technology and infrastructure support to agriculture and manufacturing.

9. It will soon be 50 years of overseas employment program and the government has not stemmed the brain and boon hemorrhage of the country. On the contrary, instead of developing a sustainable economy that can absorb most of its workers and sufficiently support most of its people, it has created an elaborate bureaucracy for export of labor.

It cannot be business-as-usual. There must be a rebooting of the overseas employment program. We are not against labor migration but not at the cost of dignity, lives and sense of decency.

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