THE CUTTING EDGE OF MIGRATION POLICYMAKING: EXAMPLES OF INNOVATIVE PRACTICE

“Systematizing Safe Labour Migration Policies and Procedures: The Philippine Experience”

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PHILIPPINE OVERSEAS EMPLOYMENT PROGRAM

- Almost 40 years old
- Defined structure: legal, administrative, & policy
- Strong policy base
- Recognized leadership
- Trailblazer
PHILIPPINE OVERSEAS EMPLOYMENT PROGRAM

- Dynamic; not static
- Can influence policies
- Long standing relationships with host governments / foreign employers
- OWWA’s distinctive presence
  (not dependent on government – e.g. repatriation in time of crisis)
LEGAL STRUCTURE

- Philippine Constitution of 1987
- Philippine Labor Code
- Republic Act 10022 (2010)
- POEA Rules and Regulations Governing Overseas Employment
- OWWA Omnibus Policies
**Administrative Structure**

- Government agencies have their respective mandates/roles in the OE program.

- Lead government institutions – the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA).
ADMINISTRATIVE STRUCTURE

- DEPARTMENT OF LABOUR AND EMPLOYMENT
  - Philippine Overseas Employment Administration — regulatory agency; licensing of manpower agencies; accreditation of foreign employers; approval of manpower requests; blacklisting of foreign employers;
  - Overseas Workers Welfare Administration — welfare agency; welfare fund management; programs and services; pre-departure education; language training
ADMINISTRATIVE STRUCTURE

• National Reintegration Center for OFWs - return and reintegration of migrant workers

• Technical Education and Skills Development Authority - training, assessment and certification of skills/competencies

• International Labour Affairs Bureau – labour attaché corps
ADMINISTRATIVE STRUCTURE

- DEPARTMENT OF FOREIGN AFFAIRS / OFFICE OF THE UNDERSECRETARY FOR MIGRANT AFFAIRS/ASSISTANCE TO NATIONAL UNIT – attends to concerns of overseas Filipinos

- DEPARTMENT OF HEALTH – accreditation and regulation of medical clinics; assistance to returning OFWs with mental illness;
  
  - Philippine Health Insurance Corporation – administers health program for Filipino nationals, including OFWs
ADMINISTRATIVE STRUCTURE

- COMMISSION ON HIGHER EDUCATION – equivalency standards

- COMMISSION ON FILIPINOS OVERSEAS – documentation and pre-departure orientation of Filipino emigrants;

- DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT – welfare assistance to returning distressed migrant workers; counseling
ADMINISTRATIVE STRUCTURE

- DEPARTMENT OF JUSTICE – illegal recruitment and human trafficking
  • Bureau of Immigration – exit documentation at the airports and seaports

- DEPARTMENT OF FINANCE/BUREAU OF CUSTOMS - travel tax exemption; exemption from duties on goods of non-commercial value of migrant workers;

- SOCIAL SECURITY SYSTEM – portability of social insurance benefits
POLICY STRUCTURE

- EXECUTIVE BRANCH - Labor migration policies are crafted by the individual government agencies according to their mandate; lead migration agencies have policy-making bodies
Policy Structure

- Migration Policy development is lodged with:
  - **POEA** – *Governing Board (5); tripartite body, composed of representatives from the government, management/private sector and OFW sector; chaired by the Secretary of Labor and Employment*
  - **OWWA** – *Board of Trustees (12); tripartite body*
  - **TESDA** – *Board composed of representatives from the different industry Boards*
Policy Structure

- **Legislative Branch** – House of Senate (Committee on Labor and Human Resource Development) and House of Representatives (Committee on Overseas Migrant Workers Affairs) craft/enact laws to further strengthen the standards of protection and welfare promotion;
MAJOR MIGRATION POLICIES

- Only individuals or groups licensed by the Government can recruit manpower for overseas employment;
- Joint and solidary liability of foreign employer and Philippine recruitment agency;
- One month placement fee for landbased workers; no placement fee for seafarers;
MAJOR MIGRATION POLICIES

- Membership fee of US 25 dollars per OFW hired for 2 years
- Reform package for Household service workers
- Mandatory PDOS
- Mandatory pre-employment medical exam
- Mandatory assessment and certification of skills
INPUTS TO POLICIES

- Ratified International Conventions – corresponding laws are enacted or policies are formulated based on the ratified instrument
- Bilateral Agreements
- Consultation with Advocates – NGOs, academe, etc.
- Consultation with OFW Family Circles
- Consultation with overseas Filipino communities
CHALLENGES

- POLICY EVALUATION OR ASSESSMENT
- DEARTH OF POLICY RESEARCH
- HARMONIZED POLICIES
- INSTITUTIONALIZED PROTOCOLS OF COOPERATION
- OVERSIGHT BODY TO ENSURE COHERENCE OF POLICIES
THANK YOU.