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Philippines National Recommendations for the 13th ASEAN Forum on Migrant Labour

04 November 2020

Supporting migrant workers during the pandemic for a Cohesive and Responsive ASEAN Community

Sub-theme 1: Impact of COVID-19 on migrant workers and responses in ASEAN

I. Government measures to assist and protect migrant workers during COVID-19

1. Advance the immediate ratification of Convention 181 on wage theft.
2. Initiate the process towards ratification of ILO C190 on violence and harassment in the world of work convention
3. Set up travel bubbles for the safe travel of migrant workers.
4. Adjust migration regulations to protect migrants.
 - AMS may agree on a protocol during health emergencies not to deport, detain or arrest migrant workers with irregular status coming forward for screening, testing or treatment measures to control the spread of COVID-19.
5. Classify remittance service providers as essential services that are permitted to operate despite transmission control measures to support the recovery of remittances and regulate remittance service charges to a minimum.
6. Guarantee continued payment of wages or salaries or continued income assistance to migrant workers who have contracted Covid-19 and were quarantined or isolated for at least 2 weeks.
7. Guarantee access to affordable health and medical services, free COVID 19 testing and treatment, as well as social protection, which may include unemployment, health and medical insurance benefit, to all migrant workers regardless of their status. The portability of social security systems among AMS must also be explored.



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8. Government to provide needed accommodation for necessary quarantine period and swab testing for migrant workers.
9. Include migrant workers in income support schemes available to local workers.
10. Relief and humanitarian programs in the countries of destination should be inclusive of migrants and their families, regardless of legal status
11. Strengthen cooperation and support amongst AMS to ensure effective distribution of emergency relief packages.
 - Missions and Host governments to facilitate access of CSOs to communities of migrants, to deliver relief aid without fear of any repercussions;
 - FIREWALLS should be agreed upon to ensure unhampered distribution of aid (firewall: the divide between humanitarian and immigration concerns).
12. Covid-19 hotlines for assistance in countries of destination must be available and accessible to migrant workers and families.
13. Support disaggregated data collection (by sex, job sector, type of migrant, and other factors) and gender analysis to understand the gendered impacts of the pandemic amongst migrants.
14. Review, revisit and adjust the current reintegration program in consultation with stakeholders, specifically with the labor unions and migrant workers' organizations. Additional budget for the reintegration program should be considered.

II. Assistance for stranded migrant workers during COVID-19

1. Ensure protection against human trafficking/trafficking in persons.
2. Ensure the protection of migrant workers from gender-based violence which has increased in the wake of COVID-19.
3. Promote the psychological health and well-being of migrant workers.
4. Employer-provided housing should comply with health and safety standards and enable physical distancing.



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5. Ensure provision of cash assistance migrant workers' daily needs and a decent and safe housing facility.
6. Inclusive relief and humanitarian programs in the countries of destination should be inclusive of migrants and their families, REGARDLESS OF legal status.
 - Relief should include food, shelter, transportation and access to repatriation.
7. Strengthen cooperation and support amongst AMS to ensure effective distribution of emergency relief packages.
 - Missions and Host governments to facilitate access of CSOs to communities of migrants, regardless of legal status, to deliver relief aid. FIREWALLS should be agreed upon to ensure unhampered distribution of aid.
8. Ensure availability of Covid-19 hotlines, social media and other online platforms for assistance in countries of destination that are accessible to migrant workers and families.
9. Ensure service directories are updated and referral pathways for essential services (including healthcare, policing and justice services, psychosocial support, reporting and complaints mechanisms, and other necessary support) are available and accessible to migrant workers, especially to women migrant workers, regardless of their migration status; take into consideration the mobility and community restrictions in the reporting and monitoring mechanisms on gender-based violence.
10. Ensure that returning migrant workers are reintegrated into the labor force of their home countries.

III. Humanitarian aid and legal support to migrant workers affected by COVID-19

1. Support or endorse the global campaign for justice against wage theft (earned wages for worked performed)
2. Study the setting up of an ASEAN-wide referral and documentation mechanism for violations of human rights and migrants rights (like a migrants rights observatory, akin to that of the CHR's) that can recommend policy changes based on cases to be documented.
3. Provide access to free legal consultation and language interpretation services when necessary.



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4. Consider raising the legal implications of job displacement on the validity of workers' immigration (i.e. visa cancellation, accruing of unlawful presence, and barring for re-entry) and possible bilateral negotiations for the granting of grace periods so that migrant workers could secure another employer or another visa status

IV. Recruitment agencies' responses to COVID-19 impacts on migrant workers

1. Cover for the costs of recruitment or migration from pre-deployment, including those that have been added in response to Covid-19 crisis.
2. Encourage job retention, flexible and remote arrangement, renewal and extension of contracts
3. Terminated and finished contract workers should have the same amount of placement fee for their new employment
4. Recruitment agencies should make sure that they are monitoring the situation of the workers especially in their first three months of deployment.
5. Broker fee mechanisms of agencies should be reviewed together with the workers.

Sub-theme 2: Inclusive and Responsive Labor Migration Policy for Future Preparedness in ASEAN

The online consultation meeting analysed the lessons learned during the pandemic in relation to the employment of migrant workers during the pandemic. Based on this experience, the online meeting aims to define how labour migration governance needs to be strengthened in ASEAN to improve resilience for future a crisis, disaster or pandemic.

Of particular focus were on improving housing and wages; extending social services/ assistance/social security to migrant workers; emergency and pandemic preparedness planning; access to up-skilling and re-skilling programs; and developing guidelines for labour migration management in the new normal.



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The discussion yielded the following recommendations:

I. Disaster Preparedness Planning

1. Effective implementation of the ASEAN Guidelines on Disaster-Responsive Social Protection to Increase Resilience.
2. Effective coordination and comprehensive promotion of programs relating to COVID/pandemic response.
3. Develop a gender inclusive crisis preparedness and gender response plan for migrant workers including support to stranded regular and irregular migrant workers and safe return to home communities.
4. Disseminate information and awareness raising in the migrant language through methods that are accessible to all migrant workers, ensuring a “firewall” between information services and immigration enforcement.
5. ASEAN Member States’ respective Disaster Risks Reduction Management plans must also be inclusive of migrants and families.
6. Ensure that all migrant workers –women, men, and persons of diverse gender identities – are included in the social protection programs and national and local crisis response plans of the countries of destination to the full protection of the labor law, with access to the same treatments as nationals across all sectors of work, and in line with international standards.
7. For all these to happen, budget allocation should be provided.

II. Placement of Migrant Workers in the New Normal

1. Include in the ALMM/SLOM/ACMW agenda the issue of placement of migrant workers including the attendant costs under the new normal to arrive at a consensus.
2. Develop and promote a transparent e-recruitment system at the national but will be accessible as shared information with other ASEAN Member states
3. Intensify campaigns against illegal recruitment and human trafficking, including its presence online, to inform and warn aspiring and returning migrant workers about bogus job orders, unlicensed recruiters, and potential identity theft.



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4. Modules on Pre-Employment and Pre-Departure orientation seminars should be reviewed by the stakeholders especially with the trade unions and migrant workers' organizations.
5. Bilateral agreements should be reviewed by the stakeholders. For future bilateral agreements, we need to make sure that this should be processed among migrant workers' organizations and unions. We need to make sure that migrant workers can fully exercise their trade union and workers' rights.

III. Extending Social Protection to Migrant Workers

1. Promote equal treatment and benefits of migrant workers for health and social protection (e.g., address legislative barriers/enact or reform needed laws, establish portability arrangements, anti-discrimination measures, measures for promoting compliance to social security laws).
2. Promote equal treatment and benefits of migrant workers for health and social protection (e.g., address legislative barriers/enact or reform needed laws, establish portability arrangements, anti-discrimination measures, measures for promoting compliance to social security laws).
3. Extend social protection and support for migrant worker enable portability of social security benefits while avoiding double payment.
4. Retirement benefits for migrant workers should be established as well as unemployment insurance.
5. Ensure coverage of workers in the informal sectors or jobs, factory work, fishing, agriculture and domestic work. Social protection has been in huge deficit for migrant workers especially for the bigger number of them in low-waged occupations bordering on informality because they are not covered by labor and social laws and in fact, not defined as workers.
6. Harmonize the social security programs of ASEAN member States, include social protection 'post-covid' in the ACMW agenda, and to request update from the ASEAN Social Security Association on status of initiative.
7. Consider Debt-for-remittance swap – to make up for drop in remittance (as World Bank estimates a 20% drop in remittance globally (US\$110B). In the Philippines, 12.4% of our GAA goes to debt servicing, only 3.7% lower than GAA for general



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public services) –savings can be allocated for reintegration and recovery programs for OFWs and families

IV. Improving Housing and Wages

1. Provide decent housing and higher wages to all, including migrant workers.
2. Feasibility study for low-cost housing for migrant workers is produced.
3. Determine adequate protection in times of emergencies, such as pandemics, including housing that allows for physical distancing, preventing delayed payment of services, and if repatriation is necessary, provision of testing (i.e. COVID-19) and means to travel back home.

V. Access to up-skilling and re-skilling Programs

1. Fast-track the finalization of the Declaration on Human Resources Development for the Changing World of Work and its Action Plan.
2. Take stock/an inventory of skills training programs that may be availed free of charge by migrants during 14-day quarantine.
3. There should be a research/study on the needed upskilling and re-skilling for migrant workers. This can be done through a series of consultations among migrant workers in destination and sending countries.

VI. Access to Gender Responsive Reintegration

1. Countries of origin should provide gender responsive reintegration services including but not limited to: skills trainings, entrepreneurship training, psycho-social counseling, access to financial services (soft loans and grants), access to market and other services. This will enable men and women migrant workers to take affirmative action to provide more job options and business opportunities especially to repatriated women migrant workers in their home countries; to redistribute unpaid care work in the household so women workers can join the labor force and engage in paid work.

The meeting was held online on 04 November 2020.