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Philippine Statement

By

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**SESSION I: INNOVATIVE APPROACHES TO DECREASING THE COSTS OF
MIGRATION FOR DEVELOPMENT: LAUNCH OF THE PUBLIC-PRIVATE ALLIANCE
ON FAIR AND ETHICAL RECRUITMENT**

The Philippine government wishes to congratulate the International Organization for Migration (IOM) for the launch of the “Public-Private Alliance on Fair and Ethical Recruitment” through its initiative, the “International Recruitment Integrity System or IRIS”. We believe that IRIS is a pioneering initiative in leveling up the standards of practice in global recruitment of human resources, whether through recruitment intermediaries or in-house recruitment facilities of corporations, by offering a voluntary accreditation and monitoring mechanism in the selection and hiring process for employers and recruitment agencies.

The globalization and integration of economies continue to build the challenge for the private sector to advance their conduct of business into a state where the credibility and efficiency of their services are only as good as the integrity in the way they recruit, hire and maintain their human resources. In a world where jobs and skills are matched across boundaries, recruitment agencies are inevitably bound by a code of conduct whereby they should earn the trust of both employers and workers. Without such virtue, set backs in competitive hiring will ensue and jeopardize efficiencies in resource management and service delivery.

The Philippines continues to be confronted by regulatory challenges, first and foremost, because the portfolio of our labour market exposure (e.g., more than 200 countries of destination) is so vast and heterogeneous, migrant presence is large and our recruitment industry is likewise big (approximately 1,200 agencies). Countless multi-sector concerns, advocacies and pressures make it even more challenging. This is amidst a continuously evolving market and new challenges, both from the supply and demand part of the equation and amidst the typical difficulties of updating laws and regulations towards a more market-driven relevance.

The Philippine government sees IRIS as a very timely option for those who could face up with its challenge. Because of the dynamic behaviour of the global labour market, laws and regulations in origin countries governing migrant worker recruitment can be outpaced by developments, noting that legislative processes take time. As this happens, the recruitment industry would tend to raise concern on the

need to adjust regulations or deregulate. State authorities will then need concrete options to allow deregulation of labour migration governance.

We see IRIS as a system that must be actively explored by the employers and private recruitment agencies. It can be likened to the ISO quality management system which the Philippine Overseas Employment Administration (POEA) has progressively adopted itself since 2002. It encourages adoption of quality management system and ISO-certification by the recruitment agencies it regulates. A number of professional recruitment agencies in the Philippines have also submitted to the merits of the ISO system in their respective companies. These have resulted in transactional efficiency, transparency and overall quality services. The ISO has also effectively eliminated the informal manpower broker and fixers trade system within the premises of ISO-certified institutions. The elimination of these layers has drastically cut down on the costs and risks in obtaining migrant employment abroad.

The Philippines has been a strong advocate of ethical recruitment among its recruitment agencies. The POEA's system for recognition of exemplary performance of recruitment agencies and imposition of penalties for erring agencies contribute to the promotion of ethical recruitment by the private recruitment agencies.

Conditioned on the bigger goal of reducing the costs of migration, IRIS espouses "no placement fee policy", recognizably consistent with ILO Convention No. 181, the Private Employment Agency Convention. This condition is voluntarily adhered to in the Philippines by a group of reputable recruitment agencies called the Association for Professionalism in Overseas Employment or ASPROE who ensure that the foreign employers they serve fairly remunerate their professional services. There is potential to cultivate terms of cooperation with ASPROE and their respective employers and principals as well as other foreign employers of Overseas Filipino Workers (OFWs) who have earned awards of recognition from the Philippine government.

The POEA has also adopted a "no placement fee policy" to all destination countries which prohibit such charges to the migrant workers, to vulnerable workers like domestic workers and to Filipino seafarers working on board foreign flag vessels. Skilled workers and professionals who are in high demand are likewise effectively able to avoid being charged placement fee, and for the rest, the POEA officially set a ceiling of one-month salary for placement fee.

Despite our comprehensive and highly systematized system for managing migration, Filipino migrant workers still experience recruitment malpractices, illegal recruitment and human trafficking, contract violations by employers, particularly low skilled workers and domestic workers, mostly women, who are not usually covered by the laws of major countries of destination. The Philippine migration management continues to face the challenge of ensuring full compliance of licensed recruitment agencies with the regulations that govern their recruitment activities. Some OFWs in major labor markets of OFWs continue to be faced with problems of recruitment malpractices (e.g. illegal exaction and excessive charging of recruitment fees) by Philippine recruitment agencies and their counterparts in the countries of destination

The Philippine government at large promotes Public Private Partnership (PPP) in governance and development partnership, thus the spirit of the PPA on Fair and

Ethical Recruitment is consistent with our national direction. While the primary responsibility of regulation of labor recruitment remains with governments, the private sector (employers and recruiters) and civil society have an important role to play in the pursuit of ethical recruitment and other fundamental principles espoused in international instruments, given the many difficulties being encountered in the enforcement of regulations. These stakeholders have already been helping the government in the implementation of information and education programs for migrants and employers. The value of strategic partnerships with stakeholders in the migration area such as the countries of destination, the private sector, international organizations and civil society at the local, national and international community cannot be overemphasized.

The Philippines seeks strategic partnerships with regulatory bodies and enforcement agencies in countries of destination, usually through bilateral agreements, to address unlawful or unethical recruitment practices as well as promote the observance of fair standards of work that lead to more productivity and more concrete developmental contributions both to countries of origin and destination.

The private recruitment sector is also encouraged to practice self-regulation by policing their ranks. While our private recruitment sector has forged a Code on Ethical Recruitment, it is necessary to develop mechanisms to monitor adherence to these voluntary codes of practice to ensure effectiveness.

Likewise, the adoption of multilateral framework such as regional or global voluntary codes of ethical recruitment practices (e.g the UK and WHO Code on International Recruitment of Health Professionals), in addition to ratification of international instruments, are good steps towards improving enforcement of regulations on international recruitment practices for labor mobility. Other IOs such as the WHO has underscored the need to promote a continuing policy debate on effective mechanisms for international recruitment of health personnel and foster the commitment of member states and stakeholders on the implementation of the WHO Global Code of Practice on the international recruitment of health personnel.

The Philippines therefore highly welcomes this innovative approach of IOM that will supplement the efforts of countries of origin and destination in addressing the challenge of more effective regulation and monitoring of private recruitment agencies and employers towards better management of migration, of human resources and protection of migrant workers. The establishment of a voluntary accreditation and monitoring process for international labor recruitment, an internet information portal and capacity building programs will contribute towards increased integrity and transparency of the international recruitment and maximize the gains of labor migration.

IRIS has now come as a choice, a very promising one.

