

MULTI-STAKEHOLDER NATIONAL ACTION PLAN AND ROADMAP ON MAINSTREAMING FAIR AND ETHICAL RECRUITMENT IN THE PHILIPPINES

I. CONTEXT AND BACKGROUND

A. National and international legal framework:

1. International Convention on the Rights of All Migrant Workers and Members of their Families
2. ILO Conventions: C-29 (Forced Labour Convention), C-97 (Migration for Employment Convention – Revised), C-143 (Migrant Workers (Supplementary Provisions) Convention), C-181 (Private Employment Agencies Convention), C-189 (Domestic Workers Convention); MLC 2006 (Maritime Labour Convention)
3. Labor Code of the Philippines
4. Migrant Workers Act (RA 8042, as amended by RA 10022)
5. Anti-Trafficking in Persons Act (RA 9208, as amended by RA 10364)
6. POEA Rules and Regulations
7. OWWA Charter (RA 10801)

This National Action Plan is grounded on all of these legal and policy frameworks, and seeks to foster closer alignment of the national framework with international standards on ethical recruitment, specifically the [Montreal Recommendations on Recruitment](#) and the [International Recruitment Integrity System \(IRIS\) Standard](#).

B. GCM commitments

Countries that have signed the Global Compact on Migration (GCM) have been encouraged to develop and adopt National Action Plans to reflect how they would implement their commitments. The Philippine government has prioritized Objectives 6 and 21 (under Thematic Area 4: Facilitating regular migration, decent work, and enhancing the positive development effects of human mobility) for immediate action.

In particular, GCM Objective 6 emphasizes fair and ethical recruitment.

Objective 6: *Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.*

C. Links to SDGs and PDP

Fair and Ethical Recruitment is linked to the Sustainable Development Goals through SDG 8 (Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all) as well as SDG 10 (Reduce inequality within and among countries). Specific targets include:

8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation [...];

8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination

of the worst forms of child labour, [...] and by 2025 end child labour in all its forms;

8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment; and

10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

Chapter 21 of the Philippine Development Plan (2017-2022) on “Protecting the rights, promoting the welfare and expanding opportunities for Overseas Filipinos” has four (4) main targets:

- (a) Protection of the rights and improved well-being of overseas Filipinos (OFs);
- (b) facilitation of the OFs’ participation in national development and their reintegration in society;
- (c) strengthening the participation of OFs, their families, and other stakeholders in governance; and
- (d) protection of the rights and improved well-being of foreign nationals in the country.

II. STRATEGIC OBJECTIVES

1. **Develop an incentives and accreditation framework** to rationalize and strengthen the existing registration and licensing/qualification system for overseas labor recruiters
2. **Develop a Code of Ethical Standards for Overseas Labor Recruitment** and encourage its adoption by private recruitment agencies (PRAs) and recruitment industry associations
3. **Develop and disseminate tools to support both regulatory bodies and PRAs in conducting self-assessments**, carrying out due diligence processes, and enhancing current policies and systems in line with international Ethical Recruitment standards
4. **Implement continuous capacity-building on Fair and Ethical Recruitment** principles and standards for all relevant stakeholders, including government agencies, CSOs, and the private sector
5. **Conduct a broad Information, Education and Communication (IEC) campaign** to raise awareness among OFWs on selecting ethical recruiters and reducing risks of illegal recruitment and trafficking in persons (TIP), and on their personal responsibility for ensuring their own safety and following applicable laws
6. **Improve existing mechanisms for the reporting, monitoring, and redress of migrant worker grievances**; identify and address gaps in OFWs’ access to these mechanisms
7. **Advocate for further policy or legislative measures to further institutionalize the Fair and Ethical Recruitment framework** within overall policy and business strategies on labor migration, including in strategic approaches for economic recovery from the impact of the COVID-19 pandemic

III. KEY RESULT AREAS AND INDICATORS

**This framework is intended for further development by the key stakeholders. Milestones included in the table reflect the progress made as of the time of the drafting of this Action Plan. Targets can be based on existing/forthcoming needs assessments and gap analyses.*

Objectives	Indicators/ milestones	Targets
A. An incentives and accreditation framework is developed which rationalizes and strengthens the existing registration and licensing system for PRAs	<ul style="list-style-type: none"> ▪ POEA has convened a TWG to work on the incentives system, and is conducting consultations/learning sessions on international standards and frameworks for fair and ethical recruitment. 	
B. A Code of Ethical Standards for Overseas Labor Recruitment is developed and adopted by PRAs and industry associations	<ul style="list-style-type: none"> ▪ The research study conducted by UP-CIFAL under ALTER, which maps out the alignment of Philippine recruitment policies and practices with international standards (IRIS and the Montreal Recommendations) can inform the identification of key areas for improvement. The report will be launched in December 2021. 	
C. Self-assessment and due diligence tools are developed, promoted, and made available to regulatory bodies and to the private sector	<ul style="list-style-type: none"> ▪ IOM, ILO, and other agencies are working to make various capacity-building and assessment frameworks/tools available to the local recruitment industry. 	
D. Capacity-building activities on Ethical Recruitment principles and standards are implemented for all stakeholders	<ul style="list-style-type: none"> ▪ Through various projects and initiatives by development partners, training activities on ethical recruitment are being conducted for government agencies, CSOs, and PRAs. 	
E. An information, education, and communication (IEC) campaign on fair and ethical recruitment and on workers' rights and responsibilities, targeting overseas Filipino workers (OFWs) and their families/communities, is initiated and supported by a broad range of stakeholders	<ul style="list-style-type: none"> ▪ The Ople Center has established the Ethical Recruitment Consultative Group to unite PRAs and CSOs in advocating for fair and ethical recruitment, and launched a National Advocacy Plan on Ethical Recruitment. ▪ CSOs' advocacy efforts are also supported by IOM's grassroots-based awareness-raising campaign on TiP risks focusing on 	

	BARMM communities, under the IMPACT project.	
F. Existing mechanisms for reporting, monitoring, and redress of worker grievances are reviewed and enhanced, and barriers to OFWs' access to the same are addressed	<ul style="list-style-type: none"> ▪ In July 2021, Ople Center launched a research study to map existing grievance mechanisms and provide recommendations for improvement. Further consultations on this will be conducted in 2021. ▪ Through the ALTER project, Ople Center and IOM are working on improving triage of inquiries/grievances received by IACAT and OWWA through their social media (Facebook) pages. 	
G. Further policy or legislative measures to support the institutionalization of Fair and Ethical Recruitment in the Philippine labor migration framework, including in strategic approaches for economic recovery in response to the COVID-19 pandemic, are identified and adopted	<ul style="list-style-type: none"> ▪ Advocacy groups have lobbied strongly for inclusion of a provision on ethical recruitment in the Bill creating the new Department on Overseas Filipinos 	

IV. 5-YEAR ROADMAP: ACTION POINTS FOR EACH SECTOR

**The specific activities below are based on inputs from stakeholders in government, civil society, and the recruitment industry. This list is not exhaustive and is open for further suggestions. A more detailed timeline for implementation of specific activities can be further decided upon.*

A. Government

1. Mainstream Fair and Ethical Recruitment in the mandate and operational framework of the new Department on Migrant Workers and Overseas Filipinos
2. Establish an incentives scheme for PRAs that practice and fully comply with ethical recruitment standards; mainstream Ethical Recruitment principles in current licensing standards (including PLOS and CAEP).
3. Support PRAs in the formulation and adoption of a Code of Ethical Standards for the industry, contextualized to the Philippine labor recruitment landscape and applicable to all migration corridors.
4. Mainstream fair and ethical recruitment principles in bilateral agreements (BLAs) with the governments of destination countries; enhance intercountry cooperation on employer education and private sector capacity-building.
5. Strengthen capacities of Philippine foreign service posts/POLOs to identify and respond to potential cases of trafficking, illegal recruitment, labour exploitation or other abuses.

6. Continuously improve OFWs' access to grievance and dispute resolution mechanisms, including through online/virtual channels, and by strengthening cooperation within and among agencies to facilitate efficient triage and referral.
7. In partnership with CSOs, conduct information dissemination campaigns on workers' rights and responsibilities, and access to remedies. These should complement and be aligned with existing mandatory worker orientation programs (e.g. PEOS, PDOS).
8. Sustain capacity-building efforts for agencies with key roles in the labor migrant's recruitment journey, including at regional and LGU level (PESOs). Among the key areas for improvement are: (a) data collection, processing, and analysis, aiming for full implementation of the provision in RA 8042 on the establishment of a shared government information system for migration; (b) document verification and processing; (c) worker monitoring and provision of legal assistance.
9. Ensure multi-stakeholder participation and consultative approaches in policy development; review outstanding gaps in current policy frameworks and adapt or innovate rights-based approaches that effectively respond to workers' needs and concerns, both in the Philippines and in the country of destination.
10. Expand the engagement to other government agencies with protection mandates, particularly those with key roles in the IACAT, to clarify and strengthen the link between ethical recruitment and anti-TiP/forced labor initiatives.

B. PRAs

1. Jointly adopt a Code of Ethical Standards; work on closer alignment of business practices and management systems with international Ethical Recruitment principles.
2. Participate in developing a set of SMART indicators for implementation of these ethical standards, aligned with the policy reforms also being initiated by government.
3. Collaborate with government stakeholders in establishing fair and realistic criteria for an incentives system for ethical recruiters and identifying best practices within the industry.
4. Engage actively in co-developing strategies, tools, and resources to support the private sector in maximizing ethical recruitment approaches for purposes of both human rights due diligence and business development.
5. Through capacity-building and strategic partnerships, strengthen the recruitment industry's role in raising workers' awareness of their rights and responsibilities and of the protection/assistance mechanisms at their disposal; and in emphasizing to partner-employers the importance of complying with applicable laws and policies, and observing ethical employment practices.

C. CSOs, NGOs, and trade unions

1. Advocate for a legislative measure or executive issuance to institutionalize the incentives and accreditation framework
2. Continue to lobby for further policy measures that support full mainstreaming of ethical recruitment principles into the Philippine labor migration framework (can include ratification of international conventions, establishment or activation of coordination mechanisms/networks).
3. Initiate and support IEC campaigns on workers' rights and responsibilities, ensuring that messaging is adapted to the context of target communities, migration corridors, and/or job categories.

4. Sustain dialogue with OFWs and their families and capacity-building for their own membership, with the aim of empowering the CSO sector to play crucial roles in facilitating referrals, access to assistance, and other forms of support to migrant workers and their families/communities; and representing and amplifying their concerns in dialogues with State and international bodies.
5. Contribute to updating the existing knowledge base through further research, policy inputs, and development of tools and resources to strengthen evidence-based planning and strategic interventions, both within the sector and through multi-stakeholder partnerships.
6. Support PRAs and government agencies in monitoring the private sector's compliance with POEA regulations, applicable laws, and Fair and Ethical Recruitment standards.

D. NEXT STEPS

- Convene a TWG for implementation and monitoring of the NAP (2022 onwards)
- Develop a Monitoring and Evaluation framework and Theory of Change based on the Strategic Objectives
- Continue to support the POEA-TWG's work on the incentives system