

PART VII

**PROTECTING  
THE RIGHTS,  
PROMOTING  
THE WELFARE,  
AND EXPANDING  
OPPORTUNITIES  
FOR OVERSEAS  
FILIPINOS**



# 21

Protecting  
the Rights,  
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for Overseas  
Filipinos





# Protecting the Rights, Promoting the Welfare, and Expanding Opportunities for Overseas Filipinos

International migration has been a significant aspect in the economic and social dynamics of the Philippines over the last four decades. In recent years, about two million Filipinos leave every year to temporarily work overseas, mainly in the Middle East and Asia. Another 80-90 thousand choose to permanently transfer to another country, mainly to the USA and Canada. Filipinos overseas send annual remittances equivalent to about 10 percent of the Philippine Gross Domestic Product (GDP).<sup>1</sup>

With the outbreak of COVID-19, governments across the world have imposed lockdowns, disrupting economic activities and employment, including that of migrants. The pursuit of a healthy and resilient Philippines should consider the particular challenges faced by overseas Filipinos (OFs) in order to protect their rights, promote their welfare, and sustain their contribution to the country's development. The government will continuously support and assist repatriated and displaced OFs and seek to address the increased vulnerability of those who remain abroad. For those who have decided to return to the Philippines permanently, their successful socioeconomic reintegration will be prioritized. Financial inclusion initiatives for OFs and their families will also be strengthened.

## Assessment and Challenges

**Assessment:** The first half of the Plan period has seen significant developments in international migration and development. An internationally-agreed framework for comprehensive international cooperation on migration was established; access to government services was made easier for

overseas Filipino workers (OFWs) through the additional One-Stop Service Centers for OFWs (OSSCO) and OFW Helpdesks; onsite training and competency assessments were conducted; measures to enhance the security and safety of OFs were introduced; government initiatives

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<sup>1</sup> World Bank, *Migration and Remittances*, September 26, 2019.

enabling safe, efficient, and reliable fund transfers have contributed to the decline in remittance cost; and financial inclusion initiatives have channeled more remittances into savings and investment.

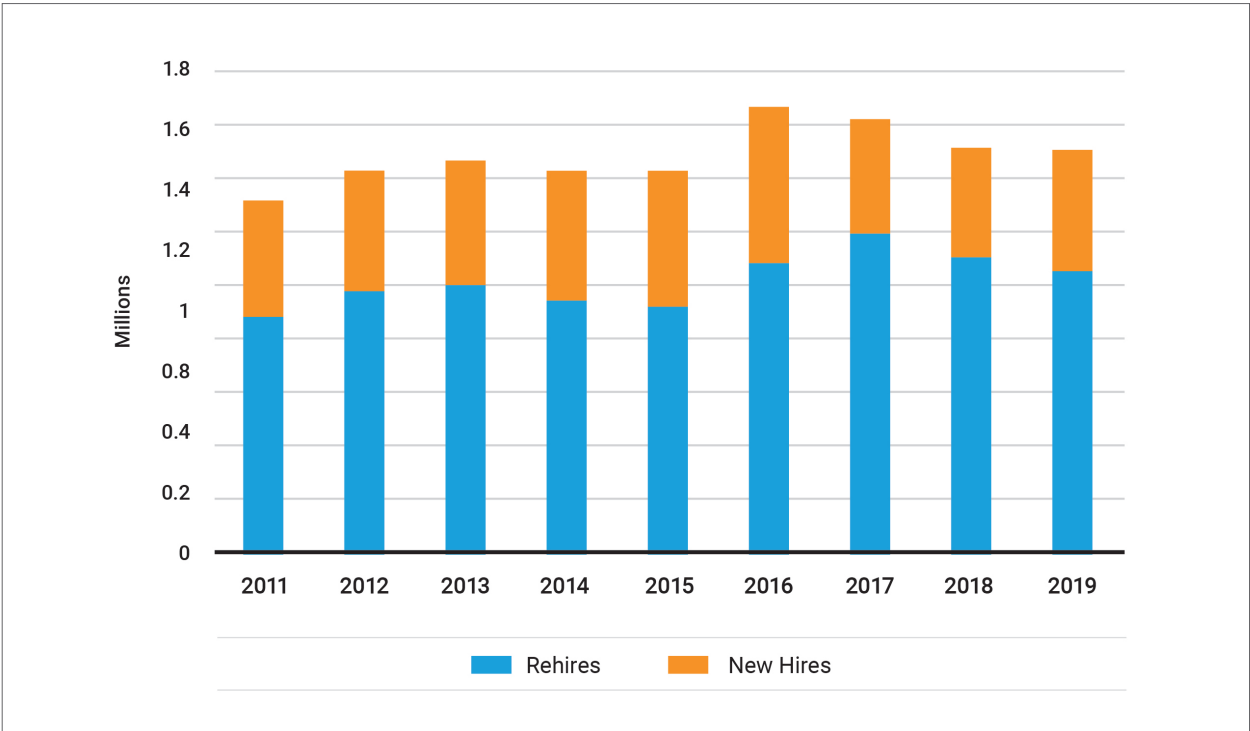
The Universal Healthcare Act, Social Welfare Attaché Act, Handbook for OFWs Act, and the Social Security Act of 2018 were enacted to enhance the social protection afforded to OFWs. The first National Migration Survey was also conducted in 2018 to address the need for baseline data on the international mobility of Filipinos.

However, the pandemic has displaced migrant workers, including OFWs. As of early August 2020, the Department of Labor and Employment (DOLE) has received close to 600,000 applications for cash assistance from onsite and repatriated OFWs. Almost 230,000 returning overseas Filipinos (ROFs) have arrived, of which over 120,000 had been repatriated by the Department of Foreign Affairs (DFA). In addition, there are almost 9,800 confirmed COVID-19 cases (and more than 700 deaths) among OFWs based

on DFA data. Among the ROFs, 4,904 were confirmed COVID-19 cases, among whom five have passed away.

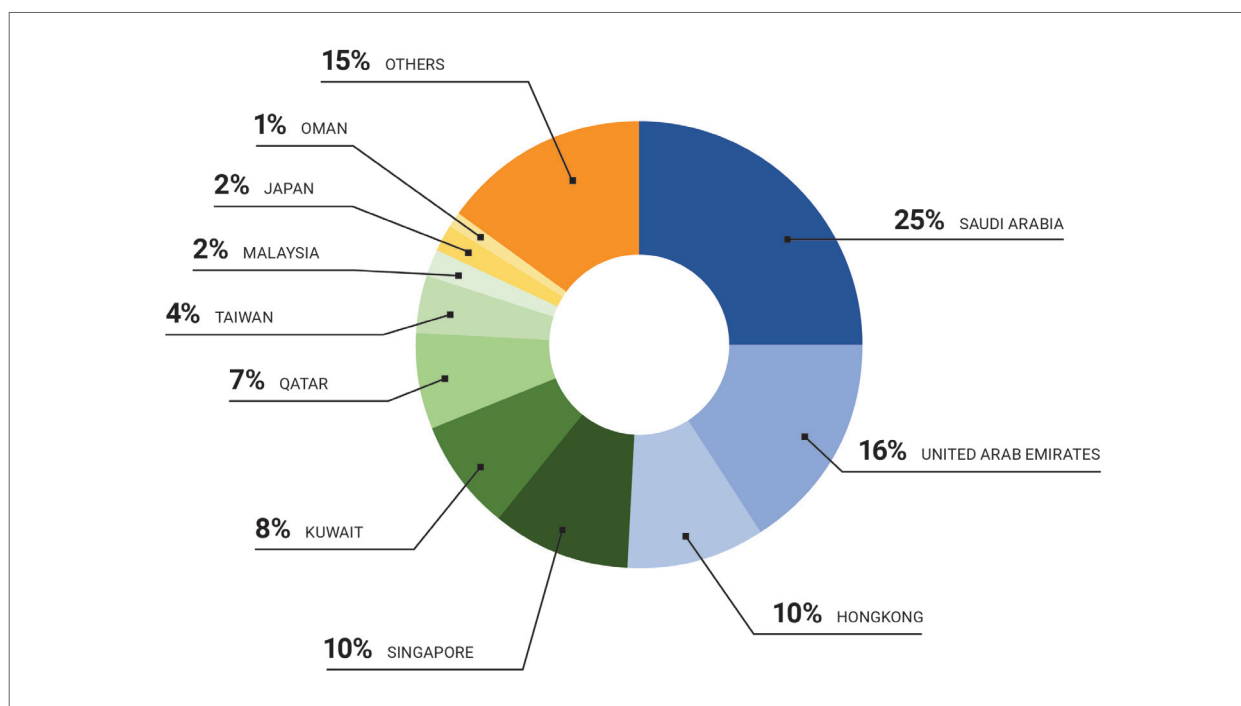
**Challenges:** With the pandemic and the subsequent global recession, the unprecedented volume of OFs intending to return and those who have already returned will put pressure on the capacities of OF-serving agencies in providing assistance and reintegration programs. Returning OFWs will face a weak labor market in the country amidst social distancing measures and an economic slowdown. Meanwhile, those who will choose to continue to stay abroad face increased vulnerabilities as the pandemic transforms economies, resulting in shifts in labor demand, aggravated by inadequate social protection. Demand for workers in the healthcare sector and manufacturing of essential goods is expected to remain strong, while it may decline in other sectors such as tourism and retail. Furthermore, the impact of lower remittances will be felt by many Filipino households.

Figure 21.1 Overseas Filipino Worker (OFW) Deployment, Land-based, 2011-2019



Source: Philippine Overseas Employment Administration (POEA)

Figure 21.2 OFW Deployment by Destination Country, 2019



Source: POEA

## Targets

Table 21.1 Updated Plan Targets to Protect the Rights, Promote the Welfare, and Expand Opportunities for Overseas Filipinos to Contribute to the Country's Development

INDICATOR	BASELINE VALUE (YEAR)	TARGETS			
		2020	2021	2022	END OF PLAN
Sector Outcome: Protect the rights, promote the welfare, and expand opportunities for overseas Filipinos to contribute to the country's development					
Percent of documented OFs to total OFs increased	92.3 (2019)	Increasing <sup>h</sup>	Increasing <sup>h</sup>	Increasing <sup>h</sup>	Increasing <sup>h</sup>
Philippine ranking on the US index on trafficking in persons maintained*	Tier 1 (2019)	Tier 1	Tier 1	Tier 1	Tier 1
Percent share of active to total members of Overseas Workers Welfare Administration (OWWA) increased (%)**	28.9 (2016)	25.0	25.0	25.0	25.0
Voter turnout increased (%)*	31.3 (2016)	N/A	N/A	40.0	40.0

INDICATOR	BASELINE VALUE (YEAR)	TARGETS			
		2020	2021	2022	END OF PLAN
International remittance costs as a proportion of the amount remitted reduced (%)	4.7 (2016)	<4.0	<3.5	<3.0	<3.0
Percent of returnees successfully engaged in an income generating activity <sup>''</sup>	103.2 (2019)	100.0	100.0	100.0	100.0

Notes: <sup>\*</sup> new indicator; <sup>''</sup> revised indicator; <sup>h</sup> –increasing from previous year; tbc – to be confirmed

## Strategic Framework

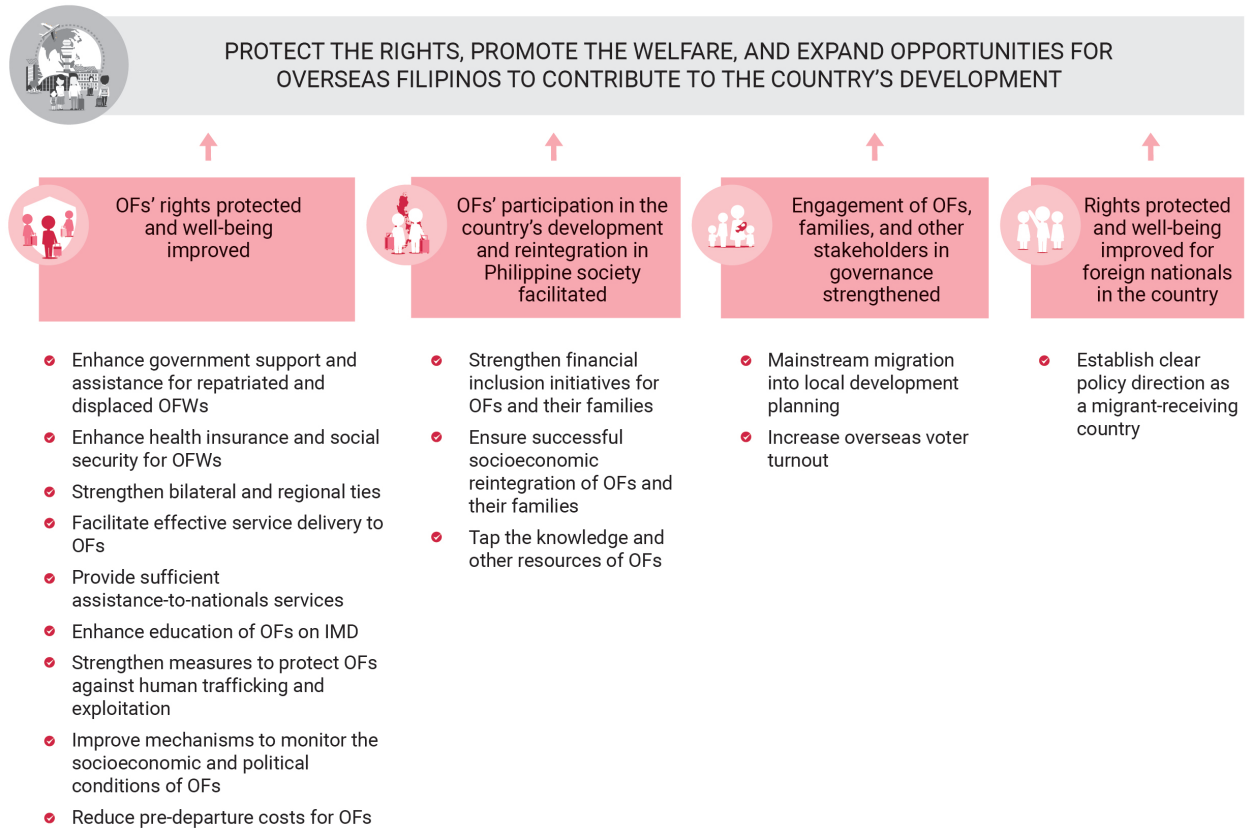
During the formulation of the Philippine Development Plan (PDP) 2017-2022, international migration and development (IMD) issues were mainstreamed in nine out of the 15 main chapters. These are the chapters dealing with governance, justice, culture, industry and services, human capital development, reducing vulnerabilities, science and technology, financial inclusion, and security and safety. This reflects the crosscutting nature of migration and the need for a whole-of-government approach.

For this updated PDP, this chapter has been added to ensure greater coherence and comprehensiveness in discussing issues, relevant indicators, and strategies in relation to migration and development, towards a healthy and resilient Philippines. In line with this, new indicators to better monitor the government's progress on improving migration governance and harnessing the full benefits of migration towards sustainable development have been identified.

The framework used in 2017 focused on protecting the rights and improving the well-being of OFs, whether here or abroad, strengthening their engagement in governance, and facilitating their participation in the country's development and reintegration. For this update, the framework has been enhanced in line with the new normal and the commitments under the Global Compact for Safe, Orderly, and Regular Migration (GCM). Thus, the enhanced framework seeks to cover all dimensions of migration, as well as both OFs and foreign nationals in the Philippines.



**Figure 21.3 Updated Plan Targets to Protect the Rights, Promote the Welfare, and Expand Opportunities for Overseas Filipinos to Contribute to the Country's Development**



## Strategies

In line with the enhanced framework on migration, the following strategies have been expanded to ensure that the Chapter's objectives will be pursued accordingly.

### Protecting OFs' rights and improving their well-being

**Enhance government support and assistance for repatriated and displaced OFWs.** With the unprecedented volume of repatriates and displaced migrant workers, the government must ensure that all affected OFs, especially OFWs, are provided adequate assistance to overcome the crisis.

The absorptive capacity of OF-serving agencies will be improved by streamlining agencies' operations and enhancing their workforce utilization to cater to OFs' needs better.

Moreover, the government will explore hiring repatriated OFs as healthcare workers, contact tracers, personnel for the Build, Build, Build (BBB) projects, the Philippine Identification System (PhilSys), and Community-Based Monitoring System (CBMS), among others. Along with these initiatives, the government will intensify the retooling and skills upgrading programs for displaced and repatriated OFWs (especially for telecommuting and e-commerce-friendly jobs) to keep them competitive whether in the domestic or international labor markets.

Concurrently, the government will facilitate the movement of OFWs, especially essential workers needed by the global economy, without compromising the needs of the local economy. The government will also explore options to support the recovery of the recruitment industry.

**Enhance health insurance and social security for OFWs.** Given the unprecedented volume of migrants needing assistance due to the pandemic, the operating funds of migrant-serving agencies will be augmented to facilitate welfare and health-related (including mental health) programs and emergency response at posts.

Information campaigns on the importance and benefits of health insurance and social security for OFWs and their families will be intensified. Among others, such information shall be incorporated into orientation seminars across all stages of migration. With the urgent need for convenient and contactless transactions, e-payment services for the Philippine Health Insurance Corporation (PhilHealth) and the Social Security System (SSS) will be continuously enhanced and expanded. Payment schemes for PhilHealth premiums for departing OFWs will be enhanced to enable more flexible payment terms.

**Strengthen bilateral and regional ties.** Negotiation of bilateral labor agreements (BLAs) with migrant-receiving countries will be intensified, especially with those practicing the *Kafala* system. BLAs with stringent welfare and protection provisions, social security agreements, and emergency response protocols will be pursued, while the inclusion of health insurance in BLAs and in the standard employment contract will be explored. BLAs will give particular attention to vulnerable groups, such as household service workers (*see Chapter 10*). Programmed bilateral labor agreements for review in 2020 include those with Morocco, Russia, Thailand, Seychelles, Micronesia, Suriname, Romania, Saudi Arabia, Trinidad and

Tobago, Portugal, Canada, Taiwan, Solomon Islands, and Switzerland, as well as a Memoranda of Agreement/Understanding on labor cooperation with Seychelles, Micronesia, and Turkey. The joint conduct of post-arrival orientation seminar (PAOS) will be explored in bilateral labor negotiations. Further, the government will continue its negotiations to create pathways to regularization for qualified but undocumented OFs.

The Social Security Act of 2018 (Republic Act [RA] 11199) also mandates the negotiation of BLAs with host countries which do not cover OFWs under their social security schemes, particularly for pension entitlement. In line with RA 11199, the requirement for foreign employers of land-based OFWs to pay SSS contributions, similar to foreign principals of sea-based OFWs, and portability of social security entitlements and earned benefits will be included in the bilateral labor agreements and their implementing administrative arrangements.

**Facilitate effective service delivery to OFs.** Deploying mobile government representative offices overseas will improve the provision of basic services to OFs. To help empower the OFs onsite, scholarships, training assistance, and competency assessments shall be provided. The Technical Education and Skills Development Authority's (TESDA) Onsite Assessment program and the Professional Regulation Commission's (PRC) Special Professional Licensure Examinations will be expanded. Moreover, government transactions that cater to OFs will be simplified. This includes the full roll out of online transactions at the Philippine Overseas Employment Administration (POEA)<sup>2</sup>. Further, the government will provide online platforms for psychosocial intervention and psychological first aid to bring together trained professionals to address the psychological needs of OFs. As an organized and well-defined database on international migration would help facilitate effective service delivery, expediting the operationalization of the international migration statistics framework is necessary. To ensure

<sup>2</sup> This includes e-Registration of OFWs and Seafarers; *Balik Manggagawa* (BM) Online; POEA Online Processing System and further developing Online Direct Hire; Online Continuing Agency Education Program (CAEP); and Online Licensing and Legal Assistance.

comparability, the data collection, processing, and methodologies of migrant-serving agencies will be aligned with the framework. This will also contribute to the operationalization of the Shared Government Information System on Migration. An integrated inter-agency referral and case tracking system will also be introduced (*see Chapter 5*).

**Provide sufficient assistance-to-nationals (ATNs) services.** Additional plantilla positions and Foreign Service Posts (FSPs), especially in high-risk countries and in countries with high levels of undocumented OFs, will be prioritized. In addition, agencies' capacity to provide assistance to undocumented Filipino migrants who wish to be repatriated will be strengthened. Proper documentation before the deployment of OFWs will strengthen protection and lessen the risk of OFWs becoming undocumented (*see Chapter 18*).

Enhance the capability of migrant-serving agencies and consular officers on crisis preparedness and contingency planning. All Philippine FSPs will be enjoined to regularly update their respective contingency plans. The One-Country Team Approach, where overseas representatives of various government agencies act together under the leadership of the Head of Post, will be strictly observed. The Overseas Preparedness Response Team (OPRT) will ensure that coordination with relevant agencies is sustained and rapid response and relief measures are implemented efficiently (*see Chapter 18*).

**Enhance education of OFs on IMD.** The pre-employment, pre-departure, and post-arrival orientation seminars will be improved in terms of conduct and content. Enriching the orientation seminar modules to include cultural diversity, benefits and costs of migration, economic and financial literacy, and overseas voting and reintegration would better prepare OFs throughout the migration cycle. Pre-migration orientation seminars that include not only the prospective migrants but also the families left behind will also be implemented. Content will be standardized across agencies conducting the orientation

seminars. Further, local governments will be integrated as service providers in the conduct of pre-migration education training.

Exploring other modes of dissemination will also help enhance information delivery. The online presence of existing programs such as the *BaLinkBayan* may be expanded to reach a larger audience (*see Chapters 5 and 15*). The conduct of mobile Pre-departure Orientation Seminars (PDOS) in more areas as well as the expansion of the Community Education Program and Peer Counseling Program of the Commission on Filipinos Overseas (CFO) would help prospective emigrants make informed decisions on working or settling abroad. The Handbook for OFWs (RA 11227) will be completed and regularly distributed to serve as an important reference for migrants. Further, embassies will continue to strengthen regular engagement of Filipinos abroad by institutionalizing cultural initiatives (*see Chapter 7*).

**Strengthen measures to protect OFs against human trafficking and exploitation.** Trafficking and illegal recruitment schemes will be abated with effective use of technology-enabled platforms for information dissemination. There is also a need to capacitate more local government units (LGUs) to invest in anti-trafficking interventions. This includes seminars for duty bearers and stakeholders at the grassroots level on how, when, and where to report violations and other related laws. The Inter-Agency Council Against Trafficking's (IACAT) referral and feedback system among duty bearers and stakeholders will be improved. Service directories will be regularly updated and effective referral pathways for essential services (including healthcare, policing and justice services, psychosocial support, reporting and complaints mechanisms, and other necessary support) will be made available and accessible to all OFs. Moreover, coordination among local and international law enforcement agencies will be strengthened. The government will continue to explore ways to cooperate with other countries on combatting trafficking in persons (*see Chapter 18*).

### **Improve mechanisms to monitor the socioeconomic and political conditions of OFs.**

Existing mechanisms to monitor the conditions of OFs, such as ATN Mappings and connections with Filipino communities will be complemented by mechanisms to facilitate regular gatherings to enable embassies to check the status of OFs, particularly OFWs, on a regular basis (*see Chapters 5 and 18*). The OPRT will also conduct threat and environmental scanning regularly.

**Reduce pre-departure costs for OFs.** Technology-enabled platforms such as online payment systems will be enhanced to address the issue of requiring payments in bulk. The burden of paying for placement and training fees will be removed from the OFW in observance of the “employer pays principle” in the recruitment process. To ensure that OFWs are not charged more than the regulations allow, recruitment agencies will be strictly monitored.

## **Facilitating OFs' participation in the country's development and reintegration in Philippine society**

**Strengthen financial inclusion initiatives for OFs and their families.** Faster, safer, and cheaper transfer of remittances will be promoted by advocating the use of technology-based banking such as internet banking and mobile payment applications. To complement the reduction in costs, access to information on financial services must be enhanced through a multi-agency effort to create a centralized portal related to various financial transactions. In addition, economic and financial literacy programs catering specifically to OFs and their families, will continue to be expanded while highlighting financial planning and management. This will include the *Pinansyal na Talino at Kaalaman (PiTaKa)* Program of the Bangko Sentral ng Pilipinas (BSP) and the OWWA, information on existing government-managed

schemes, such as the SSS provident fund program, and the recently-launched digital services of the Overseas Filipino Bank among others. Furthermore, access to financial products and services will be supported by the full operationalization of the *PhilSys* which will address issues on lack of identity documents for opening bank accounts and verifying financial transactions.

**Ensure successful socioeconomic reintegration of OFs and their families.** The government will facilitate the smooth reintegration of Filipino migrants into Philippine society. The Comprehensive OFW Reintegration Program will be implemented fully and continuously to realize its objectives: (a) incorporation of a gender-responsive reintegration preparedness program in all phases of migration, involving both OFWs and their families left behind; (b) initiation of reintegration pathways for different OFW segments, particularly domestic workers, less-skilled workers, sea-based workers, and professionals; and (c) convergence of initiatives and harmonization of reintegration programs and services of all government agencies and organizations to ensure a comprehensive approach to reintegration.

The budget for the loan guarantee fund of the OWWA for the Enterprise Development and Loan Program (EDLP), which is administered by the agency in partnership with the Land Bank of the Philippines (LANDBANK) and the Development Bank of the Philippines (DBP), will be increased. All financial and livelihood assistance initiatives, including grants and loans, will be promoted to reach a greater number of returning Filipinos. For those seeking local employment, the government will strengthen employment facilitation services through proactive job matching, competency assessment, and certification. The convergence of the DOLE's enhanced National Skills Registration Program, the National Reintegration Center for OFWs, and OFW Skills Registry will facilitate matching of employers and employees based on the former's needs and the latter's background and skills.

### **Tap the knowledge and other resources of OFs.**

Mechanisms through which overseas-based experts are able to share their knowledge and specializations with the academe, industry, and government will be strengthened. Likewise, institutional linkages will be fostered through Filipino professionals and experts abroad to induce more collaborations in research and development and capacity-building activities. The potential of OF remittances will be effectively harnessed and channeled into productive investments, through localization of the *BaLinkBayan* Portal and replication of the Overseas Filipino Remittances for Development<sup>3</sup> (OFReD) project.

## **Strengthening engagement of OFs, families, and other stakeholders in governance**

**Mainstream migration into local development planning.** The government will facilitate the inclusion of programs/projects for repatriated OFWs in the Rehabilitation and Recovery Plans of LGUs. Committees, subcommittees, or councils on IMD will be created in key regions to provide a proper venue to discuss migration issues at the local level. It is necessary to include migrant representatives in these committees to ensure that migrants' concerns are addressed and to harness their full potential in contributing to local development.

**Increase overseas voter turnout.** More strategic locations of overseas registration centers abroad will be explored. Massive information campaigns, especially through social media, to encourage OFs to register and vote will be also pursued.

## **Protecting the rights and improving the well-being of foreign nationals in the country**

**Establish clear policy direction as a migrant-receiving country.** The swift passage of amendments to the Philippine Immigration Act of 1940, to enhance the control and regulation of the entry of foreign citizens into the Philippines is a crucial step towards improving immigration policy and management. While work permit issuance by different agencies was harmonized through Joint Memorandum Circular No. 001, s. 2019, the government will look into the eventual transition to a single provider of all work permits for foreign nationals. Moreover, in accordance with the GCM, the security and safety of foreign nationals in the Philippines will be ensured by providing them with basic services, protecting them against discrimination, and upholding due process of law in cases of litigation. Foremost, the government will uphold international treaties on the rights of migrants and guarantee that foreign nationals in the Philippines are not denied basic services on the basis of their status as migrants. The legal framework for the protection of asylum seekers, refugees, and stateless persons, including children, will be developed, including institutionalization of their access to social services.

<sup>3</sup> The OF-RED project was launched by the United Nations Development Programme and the Western Union Foundation and implemented by the CFO.



# Legislative Agenda

For the rest of the Plan period, the following legislative agenda will be pursued:

*Table 21.2 Legislative Agenda to Protect the Rights, Promote the Welfare, and Expand Opportunities for Overseas Filipinos to Contribute to the Country’s Development*

LEGISLATIVE AGENDA	RATIONALE
<b>Subsector Outcome 1: OFs' rights protected and well-being improved</b>	
Magna Carta of Filipino Seafarers	This will provide the legislative framework on the implementation of the standards set by international conventions and agreements, such as the Maritime Labor Convention 2006 on the working and living conditions and occupational safety and health, among others, for seafarers.
<b>Subsector Outcome 4: Rights protected and well-being improved for foreign nationals in the country</b>	
Amendments to the Philippine Immigration Act of 1940	The proposed amendments aim to strengthen legal and institutional framework, border control at ports of entry, and regulation and registration of foreign nationals within the country.
Amendment to Articles 40, 41, and 42 of Presidential Decree No. 442 or the Labor Code of the Philippines	This will enhance the country's labor market test, taking into account best practices in other countries.