

**ASEAN REGIONAL CONFERENCE OF SENIOR OFFICIALS ON  
STRENGTHENING THE PROTECTION AND EMPOWERMENT  
OF WOMEN MIGRANT WORKERS**

**13-14 November 2014, Manila, Philippines**

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**KEYNOTE ADDRESS**

**Secretary Rosalinda Dimapilis-Baldoz**  
Department of Labor and Employment

1. **SECRETARY IMELDA NICOLAS**, Chairperson of the Commission on Filipinos Overseas (CFO),  
**MS. REMEDIOS RIKKEN**, Chairperson of the Philippine Commission on Women,  
**DTN. PADUKA HAJAH INTAN bte HAJI MOHD KASSIM**, Chairperson of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children, **DIRECTOR LAWRENCE JEFF JOHNSON**, Director of the ILO Country Office in the Philippines, and, the delegates from our ASEAN neighbors, good morning. Allow me to join our speakers in welcoming the conference delegates from ASEAN member states and other countries to the Philippines.
2. I also take this opportunity to congratulate the **ASEAN Commission for the Promotion and Protection of the Rights of Women and Children and the Philippine Commission on Women** for organizing such an important event as part of the ASEAN Socio-Cultural Community Blueprint. Our heartfelt gratitude also goes to the ILO Triangle Project<sup>1</sup> for supporting this Conference in consonance with its advocacies on protection of migrant workers.

**THE CHALLENGES THAT COME WITH ASEAN INTEGRATION**

3. We are convened today at a time when ASEAN Members States are gearing up for integration under the ASEAN Economic Community by December 2015. We are looking ahead to what may be both exciting and challenging times in the region. We do so in recognition of the fact that ASEAN Economic Integration by 2015 may lead either to potential employment gains or employment losses for each of our countries, depending on the readiness of our policies and programs. As much as it offers prospects for economic acceleration, ASEAN integration may also heighten labor market challenges such as high youth unemployment, worsening inequality, and vulnerabilities for migrant workers and most especially for women migrant workers, if not managed properly. Let me, however, make it clear that AEC 2015 looks at freer movement of skilled labor but this Conference

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<sup>1</sup> *The International Labour Organization (ILO) launched this project in 2010 in South-East Asia to improve the governance of cross-border labour migration. The five-year project, known as TRIANGLE (Tripartite Action to Protect Migrant Workers from Labour Exploitation), carry out activities in Cambodia, China, Lao People's Democratic Republic, Malaysia, Thailand and Viet Nam. It provides direct support to more than 20,000 women and men migrant workers, through information services, training and legal assistance. TRIANGLE is supported by the Australian Government Aid Program (AusAID), with funding of more than US\$9.8 million.*

focuses on women migrant workers, which in the ASEAN, would mostly be female domestic workers. Indeed, this gathering is very timely as it pushes all of us to focus on the social dimensions of regional economic integration and consequently arrive at acceptable and mutually shared strategies so that the risks are instead transformed to opportunities.

4. The plight of women migrant workers in vulnerable situations (e.g. victims of trafficking and forced labor, domestic workers, and female and children migrants in crisis situations) has grown to be a regional and global concern. According to the 2012 ILO Global Estimates on Forced Labor, 21 million individuals are victims of forced labor worldwide, with jobs which they were coerced or deceived into. Of this number, 11.4 million are women and girls while 9.5 million are men and boys. In the same ILO report, migrant workers are particularly vulnerable to forced labor. Meanwhile, the Asia-Pacific region accounts for 56.7% or 11.7 million, followed by Africa at 18% or 3.7 million, and Latin America at 9% or 1.8 million forced laborers. Domestic workers, on the other hand, are estimated at around 53 million across the globe with 83% being women. Close to 30% of this are excluded from national labor legislation and 45% have no entitlement to weekly rest period or paid annual leave. ILO states that the Asia-Pacific region has the largest number of domestic workers, with approximately 21.5 million people employed by private households, 81.4% of which are women. These numbers pose a very big challenge for all of us.

## **RESPONSES TOWARD PROTECTION AND EMPOWERMENT**

5. It is therefore worth noting that the international community as well as ASEAN member states have taken firm steps toward addressing the challenges posed by increasing migration of women or the so-called feminization of migration.
6. On September 5, 2013, ILO Convention 189 or the Convention Concerning Decent Work for Domestic Workers came into force with the ratification of two ILO member states – Uruguay and the Philippines. The Convention, adopted during the 100<sup>th</sup> Session of the International Labor Conference, is a landmark international instrument that recognizes domestic workers for the first time as workers with human and employment rights and entitled to equal labor protection under the law, especially labor and social legislation. It is a genuine step towards ensuring decent work for all domestic workers. I express the hope that ASEAN member states, either as labor sending and labor receiving countries, can make use of the Convention to develop and enhance standards of protection for migrant women workers consistent with the principles embodied in the instrument.
7. The Convention sets the standards for domestic workers – (1) basic labor rights as those available to other workers; (2) reasonable hours of work; (3) weekly rest of at least 24 consecutive hours; (4) a limit on in-kind payment; (5) clear information on terms and conditions of employment, as well as (6) respect for fundamental principles and rights at work including freedom of association and the right to collective bargaining. To date, 15 countries have ratified ILO Convention 189, with Uruguay ratifying first, and the Philippines, second. The 15

countries also include Mauritius, Nicaragua, Italy, Bolivia, South Africa, Paraguay, Guyana, Germany, Argentina, Colombia, Costa Rica, Ecuador and Ireland.

8. ILO Convention 189 is a victory for the Philippines and Filipino domestic workers because the Philippine government, together with our tripartite partners figured prominently in the ILC discussions. It took us almost 19 years before the Philippines was able to pass legislation for domestic workers. It was not an easy task but we did not give up and our campaign was eventually heard. For two consecutive years, the Philippines was chosen to chair the Committee on Decent Work for Domestic Workers at the International Labor Conference that forged consensus among government, workers, and employers of almost 200 countries towards the adoption of ILO Convention 189.
9. In the ASEAN, we have also taken cognizance of the situation of women migrant workers. During the 12<sup>th</sup> ASEAN Summit in 2007, we signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers which outlines the responsibilities of the sending and receiving countries to promote the full potential and dignity of migrant workers. Its intent is to prevent abuses, discrimination and exploitation of migrant workers and provide them with decent work. Towards ensuring that these intents under the Declaration are realized, we have established in 2008 the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers or the ACMW which reports to the Senior Labour Officials Meeting (SLOM). We appreciate the work that has been done by the ACMC-Drafting Team for almost seven years now and we look forward to the implementing guidelines and protocols that are being discussed and hope that it will apply to both documented and undocumented domestic workers.
10. These efforts by the Philippines in the global and regional setting to set the policy environment for stronger protection and empowerment of migrant workers particularly women are complemented by what we do at the national level consistent with the Philippine agenda of inclusive growth that guarantees that every Filipino is given the full potential to avail of the opportunities while ensuring that the risks he or she faces are minimized if not eliminated. Allow me to share that these efforts have not gone unnoticed. The UN Committee on Migrant Workers has cited the Philippines' substantial progress in protecting the rights of its migrant workers abroad and its extensive and advanced legal and policy framework for implementing the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families. Recently, the Philippines has been cited as Asia's best performing country in closing the gender gap. The Global Gender Gap 2014 report of the World Economic Forum released last month noted that we are the only country in Asia-Pacific that has fully closed gender disparity in education and health and as the best placed country in Southeast Asia in terms of gender equality.
11. In keeping with the main objective of this Conference to share information and good practices for the protection and empowerment of women migrant workers, allow me to share with you what the Philippines is doing in terms of promoting decent work for its migrant workers with particular focus on national responses to

issues concerning women migrant workers that has impact on the regional and international community.

## **PHILIPPINE GOOD PRACTICES IN PROTECTING WOMEN MIGRANT WORKERS**

12. Our responses seek to underscore that regional integration should not in any way bargain away or compromise basic rights and protection of workers. The Philippine government is strongly committed to creating jobs at home so that working abroad will be a genuine option rather than a necessity. However, when Filipinos choose to work abroad, their protection and welfare remains its highest priority. Assistance to Filipino nationals in distress abroad is one of the three pillars of Philippine foreign policy. This is the recurrent theme in President Benigno Simeon Aquino III's inaugural address, his Social Contract with the Filipino people, the Philippine Development Plan and the 22-point Agenda on labor and employment.
13. Within this policy context of protection particularly against trafficking and forced labor and taking special attention to migrant domestic workers, let me highlight the significant gains in the last five years.
  - **REFORMS IN LAW AND POLICIES.** In 2010, the Philippine Government enacted Republic Act No. 10022, amending the 1995 Migrant Workers and Overseas Filipinos Act. This law strengthens protective measures afforded to migrant workers by increasing the penalties for illegal recruitment; institutes a system for certifying host countries or destinations that provide adequate protection to migrant workers; expands prohibited acts in the recruitment and deployment of workers, provides mandatory insurance coverage to recruitment agency-hired workers, provides a minimum annual budget of Php100 Million for the Legal Assistance Fund, and institutionalizes the National Reintegration Center with permanent personnel and a Php50 Million annual budget.
  - In 2013, the Philippine Government enacted Republic Act No. 10364, amending the Anti-Trafficking in Persons Act of 2003. This law expands the acts constituting trafficking in persons to include exploitation of children; penalizes separately forced labor and slavery; increases the penalty for the use of trafficked persons for prostitution; criminalizes involuntary servitude; penalizes attempted trafficking; and imposes penalties for accessories and accomplices. It also applies the principle of extra-territorial jurisdiction to cases of trafficking in persons, even as it also enhances victim protection and strengthens institutional mechanisms to protect the rights of trafficked persons. In the same year, the Philippine Government also enacted Republic Act No. 10365, amending the Anti-Money Laundering Act. This law makes trafficking in persons and illegal recruitment as predicate offenses and grants authority to freeze and monetary instrument or property alleged to be laundered by human traffickers and illegal recruiters.

- Still in 2013, to concretize the provisions of ILO Convention 189, the Philippine Government enacted the Batas Kasambahay or Domestic Workers Act, which specifies measures for the protection and welfare of domestic workers in the Philippines. These measures provide strong basis for the Philippine Government to negotiate bilateral agreements with receiving states to protect the interest of Filipino women domestic workers.
- Our household service workers (HSW) reform package has been considered a pioneering effort with respect to the protection of migrant domestic workers. With this, we have been able to increase the minimum employment age of domestic workers to 23 years old and their minimum monthly wage salary to US 400 dollars. Part of the reform package is the requirement for the workers to undergo the Comprehensive Pre-Departure Education Program that includes language training, culture familiarization and stress management. All these are intended to minimize abuses and exploitation of our domestic workers and adequately prepare them for life overseas.
- This year, we are embarking on a reintegration program for Filipino teachers hired as domestic workers in Hongkong. Knowing that these teachers are not just performing the usual domestic worker tasks but are actually acting as tutors of their wards, we are encouraging them to think about returning home and be employed as teachers given the urgent need for them in the country on account of our reforms under the K-12 programme. By pursuing this, the Philippines sends a message to labor-receiving countries that it is time that domestic workers be treated with as much respect given their important role not only in the homes where they serve but eventually on the economies of countries where they are deployed.
- It may be noted that Singapore, which used to be a popular destination for Filipino domestic workers, is now host to more Filipino professionals which presently account for 40% of our deployment to that country.
- As part of our advocacy for better working conditions for domestic workers, we, through our tripartite wage formulation process under the National Wages and Productivity Commission (NWPC), are presently developing a guide for employers and domestic workers who will voluntarily and mutually agree to adopt a competency-based pay scheme in setting and adjusting the pay of domestic workers over and above the applicable minimum wage. The competency-based pay scheme is a system that rewards domestic workers with additional pay in exchange for formal certification of the domestic worker's mastery of skills, knowledge and/or competencies. We are developing this system together with the Technical Education and Skills Development Authority (TESDA).
- We consistently pursue these reforms toward better working conditions for domestic workers knowing that the real challenge for the Philippines as well as for other labor sending countries is to create productive and decent jobs in our own shores. On that note, we are also working towards improving the package of services and benefits for our professionals such as our teachers in the public sector so that they are given genuine options for employment back home. For those domestic workers in Hongkong who have education

degrees, we offer on-site licensure examinations while those who are already licensed teachers are being assisted in the submission of their applications to the Department of Education for the more than 10,000 teacher positions in the public sector that are being filled-up.

- In particular, in 2012-2013, the Philippine Government successfully negotiated agreements with the Kingdom of Saudi Arabia and Jordan, providing the standards of protection to domestic workers embodied in the Convention and Kasambahay Law. The Agreements also provide for Standard Employment Contracts covering, among others, payment of wages, working hours, rest days, and rest periods, and non-withholding of passports. The Agreement has gotten the approval of the KSA cabinet and I am happy to share that we are now discussing the implementing guidelines with the KSA Ministry of Labor. This development in our bilateral relations with KSA is very critical as we have looked forward to setting-up effective implementing mechanisms that will be observed by our countries under our bilateral agreements – without which there will be less value to such agreement. We acknowledge that given the difference in our culture and that of Middle-Eastern countries, it is imperative for the Philippines to keep on looking for innovative ways to address the challenge of effectively managing migration and ensuring the protection and welfare of our migrant domestic workers.
- **SETTING UP OF MECHANISMS AND DEVELOPMENT OF NATIONAL PLANS AND GUIDELINES.** With regard to the protection during crisis situations, an inter-ministerial Overseas Preparedness and Response Team under the Office of the President, was created to respond to crisis situations affecting migrant workers and their families. The effectiveness of this system was demonstrated in the emergency relocation and/or repatriation of thousands of Filipino migrant workers and their families in Libya, Syria, Yemen, Egypt and Japan. The Philippine crisis management system was recognized by the UN Special Representative of the Secretary-General for International Migration, Mr. Peter Sutherland, in the UN High-Level Dialogue on Migration held on October 2013 in New York City.
- To strengthen programs against trafficking of women and children, the Inter-Agency Council Against Trafficking in Persons (IACAT) adopted the National Strategic Action Plan strengthening prevention, protection, prosecution and reintegration. The IACAT also adopted the Guidelines on Departure Formalities for International-Bound passengers, which sets a two-step process for the Bureau of Immigration to evaluate travel and employment documents of departing Filipinos and ensure that they leave the country with proper documentation. This has resulted in an increase in the number of passengers who were prevented from becoming victims of trafficking in persons.
- The Department of Labor and Employment, through the Philippine Overseas Employment Administration and the Overseas Workers Welfare Administration, has also expanded the network and outreach of its Pre-Employment Orientation Programs by entering into partnership agreements

with member-agencies of the IACAT, local government units, academe, religious groups, and media organizations.

- On law enforcement and prosecution, the IACAT created joint law enforcement task forces in all exit points. Special prosecutors were also designated by the Department of Justice (DOJ) to handle trafficking cases. The DOJ and the Supreme Court likewise issued separate circulars directing the speedy disposition of trafficking cases and prohibiting dismissal of cases based on affidavit of desistance of the victims. Also, the budget for the Witness Protection Program and IACAT operations has been increased. The combined effect of these measures is indicated by the significant increase in the number of convictions in the last four years.
- To complement these, our Philippine Overseas Employment Administration is now offering on-line Pre-Employment Orientation Seminars or On-Line PEOS so that any Filipino thinking of working overseas can easily access information on what to look out for so that he or she does not fall into the trap of illegal recruitment or human trafficking and that he or she is adequately guided in making the final decision about overseas employment.
- The Philippines also provides reintegration assistance to victims of trafficking through the Department of Social Welfare and Development and the Department of Labor and Employment. The assistance consists of package of services that respond to the psychosocial and economic needs of trafficked persons and their families.
- The reintegration program for migrant workers has also been strengthened through the institutionalization of the National Reintegration Center for Overseas Filipino Workers established under Republic Act No. 10022. The Center responds to needs of returning migrant workers such as domestic workers by providing them services on welfare, employment, livelihood and legal matters if needed or what we call the ASSIST W.E.L.L.

## **CONCLUDING REMARKS**

14. I understand that the output of this Conference are a set of policy and program recommendations that will be submitted to the ASEAN Committee on Women and the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children for endorsement to the Senior Labor Officials' Meeting (SLOM). May I put forward some areas that we could work on together to implement the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. These are: (1) stronger bilateral and regional relations for better protection of the rights and promotion of the welfare of migrant workers and their families; (2) ethical and fair recruitment principles and practices; (3) voluntary guidelines on migrants in crisis; (4) skills certification and recognition for migrant workers as protection measures; and, (5) strengthened coordination in the reintegration of trafficked victims.
15. The Philippines also calls upon our ASEAN neighbors to strengthen the regime of protection for all workers including migrant workers, through the observance

of core labor standards and principles of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the Declaration of the 2013 UN High-level Dialogue on International Migration. For migrants in crisis, the UN, supported by a task force composed of US and the Philippines, will set up a multilateral cooperation framework on protection of migrants involving sending, receiving and transit countries and other stakeholders. We look forward to more active efforts among ASEAN member states to look into these international instruments not necessarily for the purpose of ratification but more for using the same as benchmarks in adjusting national laws, policies and practice so that these are in conformity with the international instruments.

16. Let me also call on the ILO to focus its support to ASEAN member states as they pursue conformity with international standards for the protection and welfare of migrant domestic workers particularly in terms of building awareness, capacity building, documentation of good practices and advisory services on crafting appropriate laws and regulations. I acknowledge the work of the ILO Triangle project in this area and look forward to sustained support to ASEAN member states on their efforts to adopt the standards established in Convention 189 within our respective national laws, policies and practice.
17. In pushing for these areas for cooperation, the Philippines wishes to underscore that with both the gains and threats that we are facing by 2015 on account of regional integration, it is highly desirable for all concerned sectors to work together towards adjusting policies not only those seeking to facilitate freer movement of workers but more importantly policies that will guarantee better social protection for our migrant workers in an environment of mobility.

Once again, good morning, and I wish you all a productive conference.

Thank you and good day.