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THE NATIONAL ASSEMBLY

13TH PARLIAMENT- THIRD SESSION- 2024

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

REPORT ON THE STUDY VISIT TO PHILIPPINES FROM 7TH TO 12TH AUGUST,
2023

 THE NATIONAL ASSEMBLY PAPERS LAID	
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CLERK AT THE TABLE:	<i>A. Shibusko</i>

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ABBREVIATIONS AND ACRONYMS

DMW	Department of Migrant Workers
TESDA	Technical Education and Skills Development Authority
CFO	Commission on Philippines Overseas
GDP	Gross Domestic Product
MRC	Migrant Resource Centre
OFWs	Overseas Filipino Workers
NEDA	National Economic and Development Authority
OWWA	Overseas Workers Welfare Administration
DFA	Department of Foreign Affairs

LIST OF ANNEXURES

Annexure 1: Adoption List

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FOREWORD

This report details the outcomes of a study visit undertaken by the Diaspora Affairs and Migrant Workers Committee to Philippines from 6th to 13th August, 2023. The study visit was undertaken jointly with the State Department for Diaspora Affairs.

Philippines was chosen a destination for the study visit as it provides the best practice for the management of Diasporas due to the large number of Filipinos spread across the world. According to the latest UN estimates from 2020, the Filipino population in the United States is (3.4 million), Saudi Arabia (1-million), Canada (850,000), the United Arab Emirates (680,000), Malaysia (325,000) and Japan (260,500). Due to these large numbers of the Diaspora, the Philippines has over the years refined its management and administration of the Diaspora and Migrant labour, including institutionalizing in government departments, thus becoming the gold-standard in the management, administration and engagement of its Diaspora and migrant workers abroad, thus the most ideal country to learn best practices from, as well as tactics to overcome challenges in managing the Diaspora and migrant workers.

The Delegation had an opportunity to interact with representatives from the Department of Migrant Workers, Department of Labour and Employment, Technical Education and Skills Development Authority (TESDA), Department of Foreign Affairs, Commission on Filipinos Overseas (CFO), House Representatives Hon P. Salo LLB, LLM, EdD (Chairperson of the Diaspora Committee) and the Committee Members, Quezon City (Migrants Resource Centre, the President of the Philippine Chamber of Commerce and other invited guests, a visit to the University of Philippines and the Kenya diaspora.

I extend my deepest gratitude to all Committee Members, Furthermore, I am immensely thankful to the Ministry of Foreign and Diaspora Affairs and participants whose expertise and insights enriched our discussions, making this report a comprehensive and well-informed document.

The Report on the study visit to Philippines will serve as a critical resource for shaping policies, regulations, and strategies that support and protect Kenyan migrant workers.

Pursuant to Standing Order 199 (6) on reports of Select Committee, It is therefore my pleasure and privilege to present the Report of the Diaspora Affairs and Migrant Workers Committee on the Study visit to Philippines.



HON. LYDIA HAIKA MIZIGHI, M.P. - CHAIRPERSON

DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

PREFACE

1.1 Establishment and Mandate

1. The Diaspora Affairs and Migrant Workers Committee, is a Select Committee of the National Assembly established under Standing Order 208B to:
 - (i) Consider all matters directly relating to policies and programs for the protection of the rights and welfare of Kenyans in the diaspora, including;–
 - a) Kenyan nationals with dual citizenship;
 - b) Kenyan migrant workers and their families abroad; and
 - c) Kenyans undertaking studies overseas;
 - (ii) Examine policies and programs of the national government for;–
 - a) Efficiently harnessing, mobilizing and steering of Kenyan resources in the diaspora for economic and socio-cultural development;
 - b) Engaging and facilitating Kenyans in the diaspora, including persons eligible for dual citizenship; and
 - c) Suffrage of Kenyan nationals in the diaspora.

Committee Membership

2. The Committee was constituted by the House on 27th October, 2022 and comprises the following Members:–

The Hon. Haika Mizighi, M.P. – Chairperson

Taita – Taveta County

UDA Party

The Hon. Simon Nganga Kihara, M.P. – Vice Chairperson

Ruiru Constituency

UDA Party

MEMBERS

The Hon. Fred C. Kapondi, M.P.

Mount Elgon Constituency

UDA Party

The Hon. Kemei Justice Kipsang, M.P.

Sigowet/ Soin Constituency

UDA Party

The Hon. Capt. Ruweida Mohamed Obo, M.P.

Lamu East Constituency

Jubilee Party

The Hon. Ibrahim Abdi Saney, M.P.

Wajir North Constituency

UDA Party

The Hon. Charity Kathambi Chepkwony, M.P.
Njoro Constituency
UDA Party

The Hon. Paul Ongili Babu Owino, M.P.
Embakasi East Constituency
ODM Party

The Hon. Rashid Juma Bedzimba, M.P.
Kisauni Constituency
ODM Party

The Hon. Titus Lotee, M.P.
Kacheliba Constituency
KUP Party

The Hon. Donya Dorice Aburi, M.P.
Kisii County
WDM Party

The Hon. Phelix Odiwuor Khodhe, M.P.
Langata Constituency
ODM Party

The Hon. Leah Sopiato Sankaire, M.P.
Kajiado County
UDA Party

The Hon. Zamzam Chimba Mohamed, M.P.
Mombasa County
ODM Party

The Hon. Pamela Njoki Njeru Double N, M.P.
Embu County
UDA Party

Committee Secretariat

3. The Committee is facilitated by the following staff: -

Mr. Abdifatah Bule
Clerk Assistant I/Head of Secretariat

Ms. Ivy Miritim
Media Relations Officer III

Mr. Kelvin Nganga
Research Officer III

Mr. Peter Barasa
Legal Counsel II

Mr. Bernard Gwara
Serjeant - At- Arms

Ms. Grace Odedere
Clerk Assistant III

INTRODUCTION

Background

4. The Philippines is an archipelago state in Southeast Asia, consisting of more than 7,000 islands and islets spread over 800 km between the Philippine Sea, the South China Sea, and off the coast of Vietnam. Manila is the Capital city and the country's population is 114,597,229 (2022). The current President is H.E. Marcos Jr. who took office on 30th June, 2022 following the 9th May, 2022 Presidential elections.
5. The economy is described as Newly Industrialized with a GDP of US\$ 433.195 billion (2022 est.) and GDP growth rate of 6.04% (2022). It is the 32nd largest economy by nominal GDP (IMF) and the 12th largest and emerging economy in Asia. The economy thrives on lower dependence on exports, relatively resilient domestic consumption, large remittances from about 10 million overseas Filipino workers and migrants, and a rapidly expanding services industry.
6. Kenya and the Philippines share cordial relations since the establishment of Diplomatic Relations in 1967. The Philippines has maintained a Resident Diplomatic Mission in Nairobi since 1975, while the Kenya Embassy in Jakarta, Indonesia is accredited to the Philippines.
7. Kenya has an unfavorable balance of trade with the Philippines. In 2021, Kenyan exports to the Philippines were to the tune of US\$ 6.28 Million while imports from the Philippines were US\$ 13.42 Million, thus making a trade imbalance of US\$ 7.14 Million in favor of the Philippines. Kenya exports coconut, vegetable fibers & carbonates to the Philippines and imports office machine parts, electrical transformers and footwear.

Objectives of the Study Visit

8. The study Visit to the Republic of Philippines was informed by the Country's Labour Migration model which serves as a best practice the country has in the management of its Diaspora worldwide.
9. The study visit by the Kenyan team was led by the Principal Secretary (PS) for the State Department for Diaspora Affairs - Ms. Roseline Njogu, the Chairperson of the Parliamentary Committee on Diaspora Affairs and Migrant Workers Committee - Hon. Lydia Haika Mizighi, staff from Kenya's Mission to Jakarta and the staff from both the State Department for Diaspora Affairs and the State Department for Foreign Affairs.
10. The purpose of the visit was to study the country's successful model on the management of her diaspora.
11. The main objective of the Study visit to the Philippines was to learn the country's good practices in labour Migration Management, challenges encountered as well as how they are dealt with labour migration management. The specific objectives were to get insights on: -
 - a) The Philippines Policy and Regulatory Framework on labour migration;
 - b) Institutional framework on labour migration in the Philippines;
 - c) Mechanisms for licensing and regulation of Private Recruitment Agencies;
 - d) Pre-employment and orientation programmes;
 - e) Skills development programme;

- f) Return and Re-integration program for Kenyan Migrants Workers;
- g) Consular and Support Services for migrant and their families; and
- h) Partnerships and collaboration in labour migration management.

2.3 Delegation composition

12. The delegation comprised of the following: -

1. Ms. Roseline K. Njogu - Principal Secretary, State Department for Diaspora Affairs - Leader of Delegation
2. The Hon. Haika Mizighi, M.P - Chairperson, Diaspora Affairs and Migrant Workers Committee & Leader of National Assembly Delegation,
3. Mr. Lawrence Mureithi - Director, Diaspora Affairs
4. Ms. Irene Karari - Deputy Director, Diaspora Affairs
5. Mr. Jackson Onkoba - Charge D' Affaires a.i, Kenya Embassy Jakarta
6. Dr. Dorothy Rotich- Assistant Director/ Asia Directorate, State Department for Foreign Affairs
7. Ms. Maurine Abungu – Commercial Attache', Kenya Embassy Jakarta
8. Ms. Fidlizah Samba Mwangogo - Clerk Assistant III and Delegation Secretary



2.4 Approach and Methodology

13. The Philippine Government is one of the most famous labour migration countries with over 11 million of its population working out of the Philippine and is therefore touted as a global model for labour migration management.
14. Acknowledging that Philippine is a model in labour Migration management, the delegation was tasked with the responsibility of examining the country's labour migration policies, programmes and strategies they apply with the sole aim of determining good practices that could be replicated in the Kenyan situation. This also entails identifying the challenges encountered by the country that can assist the Government in designing and implementing appropriate strategies with a view to enhancing the promotion of export of Kenyan labour and protecting these migrant workers.
15. In executing its mandate, the delegation visited various Government institutions in the Philippines, made observations, received presentations and held discussions with the various institutions involved in labour migration management. The team eventually documented the good practices as well as the challenges faced in labour migration management. It became clear to the Kenyan delegation that while labour migration is definitely desirable for the country it also has serious social effects and the policies and strategies adopted will require to be domesticated to suit the Kenyan situation.

2.5 The Philippines Model

15. The Government of Philippine has managed to negotiate Bilateral Labour Agreements (BLA) that protect her citizens and structured the labour mobility beyond their neighboring countries. The country has an elaborate and well-structured Labour Migration Policy.
16. The policy which has continuously been revised in order to align it to the ever-changing global scene and the emergent global labour trends and needs, promotes emigration while at the same time emphasizing the need for promotion of the welfare and rights of Overseas Filipino Workers (OFW). The policy also promotes the participation of the OFW in the development of the country while working abroad as well as re-integration on return to the country and their participation in national development of their country.
17. The Philippine Labour Migration Policy is anchored on legal and institutional frameworks which aim at facilitating emigration of Filipinos and ensuring their protection while in foreign employment. The Overseas Filipinos Act of 1995 (Republic Act 8042) in particular seeks to institute the policies of overseas employment and establishes a higher standard of protection and promotion of the welfare of migrant workers and their families at home and while overseas.
18. The Philippines employment-driven emigration policy emphasizes on: temporary labour migration, worker protection and maximizing the development impact of remittances. A number of institutions are involved in labour migration management such as: the Department of Foreign Affairs (DFA), the Department of Labour and Employment (DOLE), the

Commission on Filipinos Overseas (CFO), the Overseas Workers Welfare Administration (OWWA), and the Philippines Overseas Employment Administration (POEA).

19. At a glance, the Filipinos are spread in over 200 destination countries with the highest numbers being in Saudi Arabia, United Arab Emirates, Japan, Kuwait, Malaysia and in the United States of America.

3.0 SUBMISSIONS BY VARIOUS INSTITUTIONS OF GOVERNMENT

20. While in the Philippines, the delegation held meetings with various institutions and government departments which include the Department of migrant workers, the Department of Labour and Employment, Technical Education and Skills Development Authority (TESDA), Department of Foreign Affairs, Commission on Filipinos overseas (CFO), a visit to the House of Representatives, Quezon City and a visit to the University of Philippines.

3.1 Department of Foreign Affairs

21. The Department of Foreign Affairs (DFA) is the department responsible for foreign relations matters. One of the Department's key mandates is the protection of the rights and promotion of the welfare of Filipinos overseas and to mobilize them as partners in national development. It also plays the roles of projecting a positive image of the Philippines, and increasing international understanding of Philippine culture for mutually-beneficial relations with other countries.
22. The country's foreign policy recognizes the significant contribution of Filipino migrant workers to the national economy. It obligates the State to uphold the dignity of Filipino migrant workers, promote full employment and equality of employment opportunities. The policy also provides adequate social, economic and legal services to the migrant workers.
23. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The state also lays emphasis on creation of local employment opportunities and promotion of equitable distribution of wealth and the benefits of development.
24. The Department of Foreign Affairs (DFA) through its home office or foreign posts, makes representation with the foreign authority concerned, to protect the rights of migrant workers and other overseas Filipinos and extends immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos. Within the DFA, the Office of the Under Secretary of Migrant Workers' Affairs (OUMWA) is the office primarily responsible for the provision and overall coordination of all Assistance-to-Nationals (ATN) services to Overseas Filipinos in distress and their families.

25. The government has assigned specific roles to the Government Agencies: Department of Labour & Employment (DOLE) protects the workers and the social welfare of Overseas Filipino Workers (OFW). This includes legal assistance and the referral of workers to proper medical centre's or hospitals.
26. The Overseas Workers Welfare Administration (OWWA) is an agency of the Department of Labor and Employment (DOLE) which protects the interests of OFW and their families, providing social security and cultural services.
27. The One Country Team under the One Country-Team Approach (OCTA), requires all officers, representatives and personnel of the Philippine government posted abroad to act as one country-team within the Mission under the leadership of the Ambassador. The Philippine Government established foreign offices under the administrative supervision of the Embassy, Philippine Overseas Labour Office (POLO), Labour Attaché and Welfare Officers (LAWO) and the Office of the Social Work Attaché (OSWA).
28. The International Efforts of the Philippines Government towards Worker Welfare Protection, Bilateral Labour Agreements and other Issue - specific Agreements: International Labour Conventions International Conferences on Migration and Development, Illegal Trafficking, Transnational Crime, Global Forum on Migration and Development, Global Compact for Safe, Orderly and Regular Migration are globally highly recognized.

3.2 Submissions from the Department of Migrant Workers (DMW).

29. The delegation met with the Department of Migrant Workers led by the Under Secretary Patricia Caunan. The Department of Migrant Workers (DMW) is the executive Department of the Philippine Government tasked to protect the rights and promote the welfare of overseas Filipino workers (OFWs) and Was created Act (RA 11641) took effect on February 3, 2022, wherein the DMW was created, established and constituted.
30. The Department of Migrant Workers (DMW) assumes and performs all the powers and functions of seven merged agencies, namely: -
 - a) The Philippine Overseas Employment Administration (POEA);
 - b) The Office of the Under Secretary for Migrant Workers' Affairs (OUMWA) of the Department of Foreign Affairs (DFA);
 - c) All Philippine Overseas Labour Offices (POLO) under the Department of Labour and Employment (DOLE);
 - d) The National Reintegration Centre (NRC) for Overseas Filipino Workers (OFWs) under the Overseas Workers Welfare Administration (OWWA);
 - e) The International Labour Affairs Bureau (ILAB); and
 - f) The Office of the Social Welfare Attaché (OSWA) under the Department of Social Welfare and Development (DSWD).

31. specifically, the Departments is mandated to;
 - a) Facilitate the overseas employment and reintegration of Filipino Workers, while taking into consideration the National development programs of the National Economic and Development Authority (NEDA).
 - b) Promote the empowerment and protection of OFWs through continuous training and knowledge development.
32. The law creating the Department of migrant workers specifically enunciates the Philippine's Government commitment to progressively align its programs and policies through the fulfilment of the objectives of the Global Compact for safe, orderly and regular migration.
33. The key result areas of the Department of Migrant workers is to provide preparation of OFWs psycho- social readiness for overseas employment, protection of their rights and welfare and provision of full- cycle national reintegration program for returning OFWs regardless of their documentation status.
34. The DMW program strategy is hinged on providing effective and efficient service, ensuring effective regulation and enforcement and sustaining capacity development and empowerment.
35. The DWM delivery points include; one repatriation command center with a hotline, digitization program in collaboration with the Department of Information and Communications Technology, Bilateral Labour Agreements, National Reintegration program, scholarships and OFW hospital.
36. The newly introduced DMW mobile application is a comprehensive mobile platform that enhances the lives of the OFWs by providing essential services such as securing an OFW pass.
37. The OFW pass serves as identification and a prerequisite for clearance of overseas workers with active contacts. It is available for free through the DMW Mobile app. See pictorial below.
38. The Philippines regulates its recruitment center via a comprehensive and innovative licensing system and formulated rules and regulations on the issuance, renewal, suspension and cancellation of certificates.
39. The Department of Migrant Workers also has a legal division that is primarily responsible for providing legal assistance to victims of illegal recruitment, trafficking in persons and related cases.
40. The DMW also takes pride in the established National Reintegration Program offer assistance to Filipino workers who return to the Philippines permanently to live in a comfortable and productive state through a series of interventions that cater to specific needs and goals.

41. The OFW population has been increasing over the years. This increase has partly been attributed to the Government encouragement of the outflow of contractual workers as evidenced in its policy pronouncements and media campaigns.

3.3 Submissions from the Overseas Workers Welfare Administration (OWWA).

42. The Delegation met with team from OWWA led by the Administrator, Hon. Arnaldo A. Ignacio.

43. The Overseas Workers Welfare Administration (OWWA) is a Government agency under the Department of Labor and Employment (DOLE) of the Philippines. It protects the interests of Overseas Filipino Workers (OFW) and their families, providing social security, cultural services and help with employment management, remittances and legal matters. It handles management of workers once they have been deployed by the Philippine Overseas Employment Administration (POEA).

44. The agency has 17 regional offices in the country and 37 overseas posts in host countries. It provides social and legal assistance services to OFW workers. The overall mandate of the OWWA is to:

- a) Protect and promote the welfare of overseas workers and their dependents in recognition of their contribution to overall development efforts of their country; and
- b) Provide social and welfare services to overseas workers – including insurance, social work assistance, legal assistance, cultural services, and services regarding remittances.

45. For the interest and purpose of protecting, promoting and providing social welfare services of the overseas Filipino workers, the Government introduced a single trust fund. Migrant workers' pay an application fee of US\$ 25 (translating to 1 dollar per month).

46. OWWA ensures efficiency of collection and the viability and sustainability of a welfare Fund through sound and judicious investment and fund management policies. The fund is only allowed to invest in Government securities where the risk of loss of funds is low. It further undertakes research and studies for the enhancement of migrant workers social, economic and cultural well-being. In undertaking the latter, the Administration develops supports and finances specific projects for the welfare of overseas workers.

47. As a requirement of the POEA processing of applications, an OWWA membership fee has to be paid by every Filipino migrant worker. This fee can be charged to the employer of the OFW. Migrants then receive pre-departure training on social and working conditions abroad which is tailor-made not only to the job which they are going to perform but also to the conditions and circumstances in the destination country.

48. Incentives are provided for migrants who return, including loans for business capital at preferential rates and eligibility for subsidized scholarships. The following specific services are offered by the agency:

i. Workers welfare Assistance Program

- Onsite Assistance and Services Extended of OFWA at the job site: -
- Assistance of OFWs whereabouts
- Psycho - Social counselling
- Mediation/conciliation with employer
- Airport assistance
- Hospitalization/prisons/ work camp visitation
- Legal assistance to OFWs who wish to pursue labour welfare cases

ii. In-country Assistance to OFWs families at home include: -

- Post-repatriation
- Counselling

iii. Social Benefits

- Death and Burial Benefits;
- Supplementary Medical Assistance Services;

iv. Welfare Assistance program (WAP);

- Disability and Dismemberment i.e., Injury related accidents;
- Calamity assistance for OWWA members and their families affected by natural or human induced calamities /disasters;
- Bereavement assistance for families of deceased OWWA members who were victims of crimes, accidents or due to natural cause;
- Medical assistance for OWWA members who have illnesses that are not covered under other medical schemes or who sustained injuries that are not covered; and
- Relief assistance for OWWA members who are displaced/laid off due to economic/political/health situations.

v. Social & Family Welfare Services

- Repatriation Assistance Program – Bringing back of distressed family workers and or human remains;
- Emergency evacuation in the event of political unrest, calamities;
- Re-integration Preparedness;
- Re-integration back in the country;
- Livelihood Support to provide immediate relief to distressed migrants; and
- Overseas Filipino Workers Enterprise Development and Loan Programme - Loan facility intended to support enterprise development among OFW and their families.

49. The OWWA program is funded by an obligatory/mandatory member's annual contribution from overseas workers and their employers. The fund facilitates the overseas employment and reintegration of Filipino workers, while taking into consideration the national

development programs of the National Economic and Development Authority, and promotes the empowerment and protection of Overseas Filipino Workers (OFWs) through continuous training and knowledge development.

50. The Overseas Filipino Workers (OFWs) Department: -

- i. Coordinates evacuation of compatriots in case of danger,
- ii. Carries out pre-departure training for the Overseas Filipino Workers on intercultural communication, financial literacy, among others, and
- iii. Offers online Counselling and other regular seminars on topical issues concerning Overseas Filipino Workers (OFW).

51. The pre departure training for Filipino workers is done before they travel while arrival orientation takes place once the workers arrive at their destination. The pre departure training takes care of the social skills that will be required for the workers as they move out into their host countries. The pre departure seminar is carried put for one week for domestic workers to train them on the culture and language of the host country. The post arrival training is crucial to their workers and it takes at least two days and it is also divided into groups of domestic workers and factory workers.

52. Cases of verbal abuse towards Filipino migrant workers are reported through a 24/7 hour line back home in Philippines to offer much needed counseling services.

3.4 Department of Labour and Employment

53. The Department of Labour and Employment (DOLE) is one of the executive departments of the Philippine Government mandated to formulate policies, implement programs and services and serves as the policy-coordinating arm of the Executive Branch of Government in the field of labour and employment.

3.5 The Commission for Filipinos Overseas



54. The Commission for the Filipinos Overseas (CFO) registers and provides pre-departure orientation seminars to emigrants, promotes the transfer of technology as well as material and financial contributions from Overseas for development projects in underserved communities all over the Philippines and provides younger generations of Filipinos overseas with opportunities to learn Philippine history and culture by facilitating annual inbound visits. The Commission is mandated to: -
- a. Assist the President of the Philippines and the Congress of the Philippines in formulating policies and measures concerning or affecting Filipinos abroad;
 - b. Develops and implements programs that will promote the interest and well-being of Filipinos abroad;
 - c. Serves as a forum for preserving and enhancing the social, economic, and cultural ties of Filipinos abroad with the Philippines; and
 - d. Provides liaison services to Filipinos residing outside the Philippines with appropriate government and private agencies in the transaction of business and similar projects in the Philippines.
55. The commission works closely with Filipino permanent migrants or permanent residents abroad, Filipinos overseas who have become naturalized citizens of other countries or those who hold dual citizenships, Filipino spouses and other partners of foreign nationals leaving the country, descendants of Filipinos overseas, Filipino youth overseas, and organizes exchange visitor program participants.

56. The Commission also conducts Pre-Departure Orientation Seminars (PDOS) for those between 20 to 59-year-old Filipino emigrants with the core objective of providing them the relevant information needed to address concerns about their permanently residing overseas, peer counselling, exchange Visitor Program (EVP); and Guidance and Counselling Program (GCP): During the one-on-one sessions, counsellors address counselees' questions at a personal level leading them towards empowerment in dealing with the realities of their situations abroad. The aim of the Commission's Guidance and Counselling Program (GCP) is to: -
- a. Protect the welfare of Filipino fiancé(e)s and spouses of foreign nationals who plan to migrate overseas and it is a definite deterrent to mail-order bride scheme and trafficking in the guise of marriage;
 - b. Provide Filipino fiancé(e)s, spouses and other partners of foreign nationals with adequate information and advice on the realities of intermarriage and migration, rights and obligations overseas, available support network for migrants in distress and cultural and social realities overseas; and
 - c. The attendees to the Commission Programs are awarded with GCP Certificate and Commission on Filipinos Overseas (CFO) sticker.
57. It also undertakes Financial Freedom Campaign in line with the national development goal of financial inclusion, which specifically focusses on the financial literacy of overseas Filipinos and their families.
58. The Commission uses a multi-agency approach that the Commission linking of Diaspora descendants with home of their parents through constant engagement with them while abroad and inviting them to the Philippines.

3.5 Submissions from the Technical Education and Skills Development Authority (TESDA).

The Delegation met with the Leadership of TESDA which is a government agency and was informed that:-

59. The Technical Education and Skills Development Authority (TESDA) was founded by President Fidel V. Ramos by signing the Republican Act. No. 7796. It is also known as the "Technical Education and Skills Development Act of 1994" into law on 25th August, 1994.
60. The aim of the Act is to stimulate and mobilize business, labour, local government entities and technical-vocational training institutions to fully participate and mobilize stakeholders in the development of the country's human resources.
61. TESDA is therefore a Government Organization in the Philippines that provide free technical vocational Education and Training Programs. Filipinos who wish to enhance their existing skills or learn new skills can get them from TESDA. The organization is also responsible for certifying the competency of workers in various industries for overseas markets.
62. The core business of TESDA is to provide clear directions and priorities for TVET in the country and ensure quality through the provisions of standards and system development services. It also;

- a. Provides quality technical and training programs to Filipinos citizens so that they can be employed in various industries internally and abroad;
 - b. Certifies the competency of workers in different fields, thus helping them acquire better job opportunities;
 - c. Develops manpower and skills plans, establishes appropriate skills standards and tests;
 - d. Coordinates and monitors manpower policies and programs; and
 - e. Provides policy directions and guidelines for resource allocation for both private and public TVET institutions.
63. TESDA board has been designing policies and programs aimed at having the greatest impact on personnel development in diverse areas, industry sectors and institutions in order to achieve its multi-pronged goal. The Authority is also mandated to: -
- a) Approve skills standards and tests;
 - b) Assists in trainers training programs;
 - c) Develop an accreditation system for institutions involved in middle level manpower development;
 - d) Fund programs and projects for technical education and skills development;
 - e) Integrate and monitor skills development programs; and
 - f) Restructure efforts to promote and develop middle level manpower.
64. TESDA is expected to Develop and administer training incentives through: -
- a) Developing training functions to local Governments;
 - b) Formulating a skills development plan;
 - c) Involving industry/employers in skills training;
 - d) Managing skills development funds;
 - e) Organizing skills competitions; and
 - f) Reforming the apprenticeship program.
65. TESDA continues to provide direct training provisions in order to ensure equal access and provision of TESDA programs to the rising TVET clients. School Based, centre based, enterprise based and community-based training are the four types of training available. These opportunities are important so that people can gain the skills they need to be successful in their workforce. The Programs offered vary depending on locations, but most centre's offer courses in Information Technology, welding, carpentry, and other Technical skills;

3.6 Submissions from the House of Representatives

66. The Chairperson of Kenyan Parliamentary Diaspora and Migrant Workers Committee - Hon. Lydia Haika Mizighi led the Kenyan delegation for a meeting with the legislators of the House of Representatives (HOR) of the Filipino Overseas Workers Affairs Committee (FOWAC) led by their Chairperson Hon. Ron. P. Salo, LLB, LLM.
67. The delegation was informed that the Filipino workers are protected by various legislative laws which include: -

- a) The Republic Act 8042 of 1995 institutes the Policies of Overseas Employment and Establishes a higher Standard of Protection and Promotion of the welfare of Migrant Workers, their Families and Overseas Filipinos in Distress;
 - b) The Republic Act 10801 Governs the Operations of Overseas Workers Welfare Administration.
 - c) The Republic Act 11641 of 2021 which created the Department of Migrant Workers, Defines the Powers of DMW and its functions, rationalized the Organization and Functions of Government Agencies related to Overseas Employment and Appropriates Funds for Labour Migration.
68. That the Pilipino Parliamentary Committee works closely in collaboration with Department of Migrant Workers (DMW) and the Department of Filipino Affairs (DFA) Committee to:
- a) Investigate, initiate, sue and pursue and help prosecute, in cooperation with the Department of Justice and the Inter- Agency Council against Trafficking, illegal recruitment and human trafficking cases as defined under the republic Act.
 - b) Protect and promote welfare, well-being and interests of the families of OFWs in accordance with the Act, consistent with the constitutional policy of upholding the sanctity of the family as a basic autonomous social institution.
 - c) Support and assist the Department of Foreign Affairs (DFA) and relevant government agencies in building strong and harmonious partnerships with counterpart and relevant agencies in other countries.
 - d) Support and assist the DFA in the negotiation of bilateral and multilateral agreements, initiatives and programs, including intergovernmental processes, which primarily concern labour migration.
 - e) Represent, in coordination with and under the guidance of the DFA, interests pertaining to OFWs in bilateral, regional and multilateral for and international bodies.
 - f) Encourage and enhance information and resource sharing among related agencies and develop an electric database to improve services for OFWs.
 - g) regulate the operations of private recruitment and manning agencies involved in the deployment of OFWs abroad to protect the interests and well-being of these workers
 - h) Foster professionalization, promote ethical recruitment practices and ensure compliance with legal and ethical standards, training and capacity building of private recruitment and manning agencies.

3.7 Meeting with Quezon City (Qc) Mayor And The Quezon City (Qc) Migrant Resource Center (Mayor JoyBelmonte);

The Delegation met with team from Quezon City led by the Mayor, Joy Belmonte.



69. The visit to the Quezon City established that the City has a Migrant Resource Center. The Kenyan delegation had an extensive discussion with the Mayor and her senior staff.
70. The visit to the Commission helped the Kenyan delegation to see the other side of labour migration and its effects. In particular, according to the Mayor, there are many social evils associated with labour migration which include break up of families, uncoordinated upbringing of children, breakup of cultural values, health care support, guidance and counseling, high cost of maintaining of the families left behind by provision of shelter, education and upkeep.
71. In view of the attendant effects, the Government has established a Migration Resource Centre (MRC) which addresses: -
- a) Social implications of Diaspora;
 - b) Provision of shelter for kids;
 - c) Education programs;
 - d) Financial support and guidance for the remaining family member(s) on business start-ups;
 - e) Healthcare support; and
 - f) Re-integration projects for returning Diaspora.

3.8 Submissions from the University of Philippines, Office of the President.

72. The Delegation met with the team from University of Philippines led by Senior Project Officer, Katrina Guanio
73. The delegation was informed that: -
The University of the Philippines and the International Training Centre for Leadership and Authorities offers joint Courses with United Nations Institute for Training and Research (UNITAR), International Maritime Organization (IMO), International Labour Organization (ILO), etc.
74. In the Philippines, outbound Filipino domestic workers are referred to as Household Service Workers (HSWs) in order to professionalize their occupation overseas. The household service workers also have the largest amount of remittances among the major occupation groups.
75. The Philippines has engaged in overseas labour migration for over fifty years (50). However, the overseas employment services of government agencies and the recruitment industry remain centralized in the National Capital Region (NCR), thereby leading to limited manpower and resources.
76. Given the limited recruitment services and the dire need to secure overseas employment, some prospective OFWs may fall in irregular labour migration channels to expedite the process as the search for overseas work continues.
77. The POEA and OWWA regional welfare offices are established across the nation. However, these regional welfare offices offer limited services since most government services are still concentrated in Metro Manila. The POEA and OWWA services such as processing, adjudication and other services need to be decentralized further for the convenience of prospective OFWs.
78. Given the convenience in Metro Manila, most recruitment agencies refer to locate their offices in the National Capital Region. The lack of employment opportunities in many rural areas in the Philippines has led to many falling into the traps of brokers to whom they voluntarily pay high fees to secure jobs abroad.
79. Policy discussions with relevant stakeholders would need to dedicate to regulating brokers or capacitating subagents in disseminating recruitment information for prospective OFW.

4.0 Submissions from the Philippine overseas labour offices

80. The Philippines Government established Philippine Overseas Labour Offices (POLOs) in 34 countries and has deployed labour Attachés to serve in each of those countries. The principle responsibility of the POLOs is to implement Government policies and programs for the protection and promotion of the welfare and interests of Filipinos working abroad. The offices are headed by a legal officer and thus provide various services to Filipino overseas workers which includes and not limited to legal assistance, information, and

welfare assistance, accommodation of distressed workers before repatriation as well as counseling and skills upgrading programs. They are also involved in the verification of foreign employers, conciliation and adjudication of workers issues.

Services offered to the overseas Filipino workers include

81. Forced Return- Welfare Assistance/Crisis (Interventions)

- Psychosocial Counselling
- Airport Assistance
- Hospital/Medical Assistance
- Legal Assistance
- Educational Assistance
- Temporary Shelter and Transportation
- Cash Relief assistance to migrants and their families

82. Planned Return- Reintegration Programs & Services (Mainly Developmental)

- Savings and investment opportunities
- Business and Enterprise Development Opportunity
- Labor Market Information
- Employment Facilitation services
- Skills upgrading programs
- Information on Health, Housing, Social Benefits and Retirement Programs
- Charity and Philanthropic Vocations
- Loan Facilitation

83. Other interventions and Services offered to the Philippines Migrant workers (PMW) include: -

- a. Pre-employment Seminars for the Citizens;
- b. Pre-departure orientation:
- c. The Department of Migrant Workers (DMW) organises and carries out: -
 - i. pre- employment seminar for the citizens;
 - ii. pre- departure orientation;
 - iii. Upon completion, the attendees are issued with digital Overseas Filipino Workers (OFW) Pass (a proof of OFW legitimacy and the pass grants easier access to Government Applications).

84. Onsite Orientation Program:

DMW has Labour Attachés (LA) in most Embassies in countries popular among the Overseas Filipino Workers (OFW). Upon arrival in the host country, the Labour Attaché in the Filipino Embassies carries out Onsite Orientation.

85. Distressed Nationals:

The Department of Migrant Workers runs several shelters/Safe Houses in countries where distress cases are commonly reported i.e., the Kingdom of Saudi Arabia, Qatar, Kuwait, Thailand among others;

86. Onsite Programs:

The Department runs several online programs available in their numerous mobile applications. The onsite programs offered are such as counselling, financial literacy, cultural communication courses to help the Diaspora abroad;

87. Remittances:

The DMW has collaborated with major banks to handle Diaspora remittances. It is noted that the remittances from the Diaspora is NOT taxed by the Government of the Philippines. The family or next of Kin also benefit from the financial literacy programs and investment opportunities targeting the OFW to enable them to invest safely and soundly in their mother land;

88. Mission Inspection:

Occasionally, the Department sends a multi-agency team to carry out inspection of the safe shelters, and access the status of the collaborating recruitment agencies abroad to ascertain the status of its Diaspora. Additionally, the Department in conjunction with the Embassy, Ministry of Culture, and the Association of Psychologists occasionally carries out cultural programs for Filipinos Overseas;

89. Evacuation:

The OWWA office works closely with the DFA and the Embassy to evacuate Filipinos in distress where safe houses/Shelters is not an option for them. The Government usually caters for mass evacuation and recruiting agencies are the ones who cover the costs of individual repatriation;

90. Arrival and Departure:

The Department in liaison with the Immigration Department has at least 21 e-gates and designated counters at the arrival/ departure halls of the major airports. The Counters operate 24 hours a day, giving OFWs priority over other travelers. The Counters equally conduct pre-screening of overseas Filipino workers (OFWs), the validity of their documents and attend to their various immigration needs at the airport;

91. Support:

The OWWA section of DMW maintains a 24/7 call center to handle Diaspora issues and concerns. The family of the Diaspora in Philippines equally can access the OWWA support system. The support ranges from counselling, legal, financial, or just guidance on which office to approach to seek help. OWWA collects and manages membership fees amounting to \$25 USD, payable

every two years by the Diaspora. This enables the office to offer scholarships to the Diaspora Dependents, support an OFW who is unable to raise money to return home among others;

92. Re-integration programs:

The Department co-organizes with partner city councils, OWWA, DOLE among other agencies various programs for returning citizens to assist in re-integration process. The process is considered successful if a returning national is fully reintegrated Economically, Socially, Psychologically and Culturally;

93. Branding:

There is a dedicated branding and presence of the Department and its affiliated agencies in the social media platforms providing updated information and new programs for skills enhancement for the OFW; and

94. Departure and arrival Desks at the Airports

24/7 operational OFW desk at the departure and arrival halls of the airports which give priority to OFWs over the other travellers.

95. The services offered to the Pilipino migrant workers are spread over Many Government Agencies which are well coordinated under One Country Team Approach (OCTA).

96. From the perspective of OWWA, the OFW possess unique attributes which endears them to most foreign employers in most overseas destination countries. These attributes includes: Education, Skills, reliability and work Ethics. These attributes have enabled the country to deploy over eleven (11) Million workers in over 200 countries in the World thereby clinching a niche in global skills export market. As relates to the Job Search, the Philippines employ a number of strategies in search for job opportunities in foreign countries. Some of the strategies employed include: -

- a) Targeted skill development and certification process,
- b) Bilateral labour negotiations,
- c) Regular assessment of foreign labour markets,
- d) Negotiate Memorandum of understanding (MOU); and
- e) Labour market research.

97. Terms & conditions of employment- To effectively and adequately manage labour migration issues, Philippines's has established minimum standards on terms and conditions of employment for different countries. The standards set must strictly be adhered to by every player. The process of setting the standards is guided by both the minimum standard in the country, the cost of living in the host country as a well as the prevailing global labour standards. The Labour Attachés deployed to the 34 Philippine Overseas Labour Offices (POLO) and plays a critical role in the implementation of

Government Policies and Programs. In cases where the rights of the migrant workers are grossly violated, the country imposes a ban on exporting its labour to those destinations or dealing with such recruitment agencies.

98. Self-regulation among recruitment agencies- The Philippine Government encourages Private Recruitment Agencies (PRAs) to form associations in order to enhance self-regulation. The associations are based on the sectors in which their members operate.

99. Distressed workers- While working in host countries, the Filipinos workers welfare and rights are protected. The Government ensures that the workers are treated with dignity as provided by their labour laws, policies and regulations. The services provided to Filipino distressed workers include:

- a) Temporary accommodation Safe Houses for a period of 3 days to one month,
- b) Legal assistance, and
- c) Social support.

4.1 Meeting with the Kenyan Diaspora in Philippines.



The Delegation met with the Kenyan Diaspora in Philippines led by Mr. Evans Atandi. The delegation was informed that: -

100. There are approximately 100 Kenyans in various regions of the Philippines' vast 7,000 Islands. The Diaspora is comprised of: Students, Workers, teachers, IT specialist, Religious workers, a Pilot and their families.

101. In the course of their engagements, they were faced with some challenges that in effect affect them while operating in Philippines which they enumerated as: -
- a) Challenges in renewing their Expired travel documents,
 - b) Failure to address their consular services due to lack of or absence of a Mission/Consulate,
 - c) Excessive charges to renew visa,
 - d) Inability of medical students to do their practical clinical exams in the Philippines, and
 - e) Double taxation of income.
102. There were many opportunities available in the Philippines for Kenyans especially jobs for teachers, Missionaries and affordable quality education - cheaper than is the case in Kenya but can only be accessible upon Kenya signing an BLAs/MOU with Philippines Government.

5.0 FINDINGS

103. The government of Philippines lays a major focus on pre-employment services such as equipping migrants with skills, pre-employment orientation seminar and post arrival orientation. From the various institutions visited, the management of labour migration in Philippines is guided by the Labour Migration Policy which has adopted a One-Country-Team Approach (OCTA) in order to build synergy and enhance coordination. The policy lays great emphasis on deployment of skilled workers to foreign countries as opposed to the unskilled workers. The labour market and labour mobility is highly regulated to afford adequate protection to migrant workers. The policy ensures that all have undergone: -

104. Pre-employment program Services.

Pre-employment services offered include: -

- i) Accreditation of skills and professional competency of workers;
- ii) Pre-employment orientation seminar;
- iii) Documentation of overseas employment;
- iv) Post arrival orientation seminar;
- v) Verification of employment documents;
- vi) Issuance of foreign employment certificates; and
- vii) Conciliation or mediation of labour disputes between overseas Filipino Workers, employers and Recruitment Agencies.

105. Pre-Departure Orientation Seminar- Pre-Departure Orientation Seminar is conducted on a country-specific basis where discussions are centered on: -

- i) Traveling regulations;
- ii) Immigration procedures;
- iii) Inter-state Cultural differences;
- iv) Settlement concerns;
- v) Employment and social security; and
- vi) Rights and obligations of Filipino migrants.

106. Regulation of Private Recruitment Agencies: -OWWA is mandated to monitor and supervise all recruitment agencies in the Philippines. In addition, it regulates private Philippines-based recruitment agencies through a strict licensing system. Registration of employment agencies is done online with a four (4) year renewable term. The Philippines has over 1,000 registered recruitment agencies and new applicants are issued with accreditation and certification upon which they are closely monitored to assess and ensure compliance.

107. In order to qualify for full accreditation, the recruitment agencies are required to demonstrate that they have ventured into new sectors or have identified new labour markets. Those who comply are issued with a four-year certificate after payment of the equivalent of 1,000 USD. Agencies who flout the laws are immediately deregistered.
108. Migrants Rights: – OWWA monitors the departure of migrant workers and educates potential migrants on their rights and the possible abuses for their knowledge and awareness.
109. Enforcement of Work Contracts: -The Government Agencies ensure that all agencies enter into legally binding and enforceable work contracts for workers seeking employment abroad. The OWWA approves these contracts, monitors malpractices and prosecutes violators based on the recruitment standards.
110. Partnerships: - OWWA actively seeks partnerships with Private Recruitment Agencies (PRAs), foreign employers and institutions involved in labour migration management in destination countries. In the implementation of its mandate, the OWWA involves social partners, including other Government agencies, the private sector players and the Civil Society. In addition, the agency works in collaboration with Technical Education Skills Development Authority (TESDA) in skills development.
111. Upholding the Dignity and Welfare of the Migrant Workers:- The Philippines legal framework obligates the State to uphold the dignity of Filipino migrant workers, promote full employment and equality of employment opportunities and provide services to the migrant workers. It is important to note that existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens are not compromised or violated in any way.
112. Need for well-defined roles in Labour Migration Management: -The various roles of the key players in labour migration management are well defined under the OCTA. The Philippine Overseas Employment Administration (POEA) monitors and supervises recruitment agencies in the Philippines. The Overseas Workers Welfare Administration under the Department of Labour and Employment protects the interests of OFW Workers and their families by providing social security and cultural services. The Department of Foreign Affairs through its home office or foreign posts, makes representation with the foreign authority concerned, to protect the rights of migrant workers. The National Reintegration Center (NRC) under the supervision of the Department of Labour and Employment (DOLE) and the Overseas Workers Welfare Administration (OWWA) is mandated to develop, promote and implement a national agenda on sustainable return and re-integration of OFWs.
113. Common Approach to Labour Migration Management: - The One Country Team Approach (OCTA), requires all officers, representatives and personnel of the Philippine

government posted abroad to act as one country-team with a mission under the leadership of the Ambassador. This is critical in enhancing coordination of labour migration management in destination countries.

114. Enhanced financial allocation for Labour migration management: -The financial allocation to the Department of Foreign Affairs (DFA) includes two funds dedicated to Assistance to nationals to provide services which include medical, welfare, repatriation, maintenance of shelter houses, seminars and conferences on labour migration, professional fee, research and management of database. A separate fund is exclusively established to offer legal assistance to migrant workers and overseas Filipinos in distress.
115. Ratification of key International Instruments on Labour Migration: In addition to the International efforts of the Philippines Government is a signatory to the various labour migration instruments geared towards Worker Welfare Protection, the global Bi-lateral Labor Agreements (BLA) and other issue based specific Agreements such as International Labor Conventions, International Conferences on Migration and Development, Illegal Trafficking, Transnational Crime, Bali Process on people smuggling, Trafficking in Persons and related Transnational Crimes, Colombo Process; Global Forum on Migration and Development; Global Compact for Safe Orderly and Regular Migration with International Organization for Migration (IOM).
116. Coordination of Labour Migration Management:-The Philippines model demonstrates a case of a well-structured and coordinated approach to labour migration management welfare. An effective and well-coordinated institutional framework is crucial in implementing labour migration management programme. The One Country Team Approach (OCTA) has enabled Philippines to carve a niche in labour migration globally.
117. Skills Development for Foreign Labour Markets:- The Labour Migration Policy adopted by the Philippines lays more emphasis on skills development/upgrading for the foreign labour market. This approach has enabled the country to work closely with the social partners, other Government agencies, the private sector and civil society and the Technical Education Skills Development Authority (TESDA).
118. In the recent past, Kenya has witnessed an expansion of Technical, Vocational Education and Training. This will result in increase in the number of graduates from various institutions.
119. Private Recruitment Agencies:-Private Recruitment Agencies (PRAs) have emerged as key players in the functioning of the labour market in the Philippines. Their labour migration model has established an elaborate mechanism for vetting and regulating of private employment agencies. New applicants are issued with temporary accreditation certificate upon which they are closely monitored to assess compliance. Certificates are

issue for a period of four (4) year certificate after payment of a fee of 1,000 United States Dollars (USD).

120. Recruitment Fee - Recruitment agencies are prohibited from charging any fee on recruitment of domestic workers. The maximum placement fee charged by the agents to jobseekers is the equivalent of one month's salary of the Migrant. In addition, the agency disallows charging of recruitment fees for placement of workers for categories where destination countries have prohibited charging of such fees.
121. Employment Contracts- All contracts are registered with POEA and verified. POEA approves these contracts, monitors malpractices and prosecutes violators of recruitment standards. The country had adopted two types of standard contract agreements – For land based and sea- based migrant workers. The standard contract period for the land-based workers is two (2) years while that for sea-based workers range between three (3) months to three (3) years. Recruitment agencies are held solely responsible for all claims arising from the violation of agreed terms and conditions of employment. Compulsory insurance is secured at no cost to every emigrant Filipino worker by virtue of the contract.
122. Bilateral Labour Agreements- The Philippine's regards bilateral labour agreements as vital tools in protection of the OFW. The country has concluded 23 Bilateral Labour Agreements, two Bilateral Maritime Agreements and Bilateral Social Security Agreements. During the process of preparing the BLA's, all key stakeholders are involved. The country has also established a bilateral review committee.

6.0 COMMITTEE RECOMMENDATIONS

123. Arising from the above observations and lessons learnt, the Committee recommends as follows:

1. On General migrant Labour management and skills development that the State Department for Labour and Skills Development should:-


- a) Review the regulations governing private employment agencies in order to address emerging issues. The review should consider among other the recruitment costs, duties and responsibilities of recruitment agencies, the licensing fee, the duration of the licenses, penalties for offences and mechanisms for self-regulation;
- b) Review the curriculum on Home care management with a view to expand the scope of the training to cover other skills areas. In addition, since migrant Kenyans carry the name of Kenya, pre-employment programme should be included to lay more emphasis on work ethics, duties and responsibilities of the employee as well as self-development as Kenyan ambassadors abroad;

2. The State Department for Diaspora Affairs should

- a) Open a Consulate in Manila to promote, project and protect Kenya's interest in the Philippines, bring services closer to Kenyan Diaspora residing in the Philippines and the ASEAN region;
- b) Negotiate with concerned authorities for tax-free remittances by the Diaspora. This will encourage the Diaspora to remit their savings and increase their investments locally;
- c) Map the regions which hosts most of Kenya's Diaspora, their carder, and the popular destinations. This will enable the State Department to carry out tailor-made pre-departure orientation programs as well as adequately design products which address Diaspora needs. Community/ grass root involvement, sensitization of the citizenry on expectations, opportunities and challenges of the Kenyan Diaspora to enable the aspiring Diaspora to make well informed choices before departure.

SIGNED:  DATE: 06/08/24


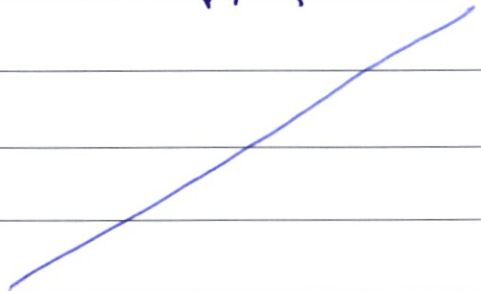





THE HON. LYDIA HAIKA MIZIGHI, M.P.
CHAIRPERSON, DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

	
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13 AUG 2024	
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CLEARANCE	
THROUGH	

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- (THIRD SESSION)
DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

ADOPTION LIST
REPORT ON THE STUDY VISIT TO THE PHILIPPINES FROM 7TH TO 12TH AUGUST, 2023

DATE: 30/7/2024

NO.	HON. MEMBER	SIGNATURE
1.	Hon. Haika Mizighi, M.P. (Chairperson)	
2.	Hon. Simon Nganga Kingara, M.P. (Vice Chairperson)	
3.	Hon. Fred C. Kapondi, M.P.	
4.	Hon. Capt. Ruweida Mohamed Obo, M.P.	
5.	Hon. Charity Kathambi Chepkwony, M.P.	
6.	Hon. Kemei Justice Kipsang, M.P.	
7.	Hon. Ibrahim Abdi Saney, M.P.	
8.	Hon. Paul Ongili Babu Owino, M.P.	
9.	Hon. Rashid Juma Bedzimba, M.P.	
10.	Hon. Donya Dorice Aburi, M.P.	
11.	Hon. Leah Sopiato Sankaire, M.P.	
12.	Hon. Pamela Njoki Njeru Double N. M.P.	
13.	Hon. Titus Lotee, M.P.	
14.	Hon. Phelix Odiwuor Khodhe, M.P.	
15.	Hon. Zamzam Chimba Mohamed, M.P.	

MINUTES OF THE 15TH SITTING OF THE DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE HELD ON TUESDAY, 30TH JULY, 2024 AT 12.00 NOON IN COMMITTEE ROOM, 2ND FLOOR CONTINENTAL HOUSE.

PRESENT

1. The Hon. Haika Mizighi, M.P. (**Chairperson**)
2. The Hon Capt. Ruweida Mohamed Obo, M.P
3. The Hon. Fred Kapondi, M.P
4. The Hon Donya Dorice Aburi , M.P
5. The Hon. Rashid Juma Bedzimba M.P
6. The Hon. Pamela Njoki Njeru Double N, M.P
7. The Hon. Titus Lotee, M.P
8. The Hon. Phelix Odiwuor Khodhe, M.P

ABSENT WITH APOLOGY

1. The Hon. Simon Nganga Kingara, M.P (**Vice Chairperson**)
2. The Hon. Charity Khathambi Chepkwony, M.P
3. The Hon. Kemei Justice Kipsang, M.P
4. The Hon. Ibrahim Abdi Saney, M.P
5. The Hon. Paul Ongili Babu Owino, M.P
6. The Hon. Leah Sopiato Sankaire, M.P
7. The Hon. Zamzam Chimba Mohammed, M.P

IN ATTENDANCE

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Mr. Abdifatah Bule | - Clerk Assistant I |
| 2. Ms. Grace Odedere | - Clerk Assistant III |
| 3. Mr. Peter Barasa | - Legal Counsel II |
| 4. Mr. Kelvin Nganga | - Research Officer III |
| 5. Ms. Ivy Maritim | - Media Relations Officer |
| 6. Mr. Collins Mahamba | - Audio Officer III |

MIN.NO. /DAAMW/2024/73

PRELIMINARIES

The Chairperson called the meeting to order at 12:25 p.m. and said a word of prayer. She led members in the introduction and briefed them on the agenda of the meeting.

MIN.NO. /DAAMW/2024/74

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed and seconded by the Hon Fred Kapondi, MP and the Hon. Pamela Njoki Njeru Double N, MP respectively.

MIN.NO. /DAAMW/2024/75

CONFIRMATION OF MINUTES

The Committee confirmed the minutes of its previous sittings as follows-

1. The Minutes of the 12th sitting were confirmed as a true record of the proceedings having been proposed and seconded by Hon. Rashid Juma Bedzimba, M.P and Hon Donya Dorice Aburi, M.P respectively and
2. The Minutes of the 13th sitting were confirmed as a true record of the proceedings having been proposed and seconded by Hon. Donya Dorice Aburi, M.P and Hon Fred Kapondi, M.P respectively.
3. The Minutes of the 14th sitting were confirmed as a true record of the proceedings having been proposed and seconded by Hon. Pamela Njoki Njeru, M.P and Hon Fred Kapondi, M.P respectively.

MIN.NO. /DAAMW/2024/76

ADOPTION OF THE REPORT

The Committee considered and adopted the report of the study visit to the Philippines having been proposed and seconded by the Hon. Fred Kapondi, M.P and the Hon Pamela Njoki Njeru Double N. M.P respectively with following findings and recommendations-

FINDINGS

- 1 The government of Philippines lays a major focus on pre-employment services such equipping migrants with skills, pre-employment orientation seminar and post arrival orientation. From the various institutions visited, the management of labour migration in Philippine is guided by the Labour Migration Policy which has adopted a One-Country-Team Approach (OCTA) in order to build synergy and enhance coordination. The policy lays great emphasis on deployment of skilled workers to foreign countries as opposed to the unskilled workers. The labour market and labour mobility is highly regulated to afford adequate protection to migrant workers. The policy ensures that all have undergone: -

Pre-employment program Services.

Pre-employment services offered include: -

- i) Accreditation of skills and professional competency of workers;
- ii) Pre-employment orientation seminar;
- iii) Documentation of overseas employment;
- iv) Post arrival orientation seminar;
- v) Verification of employment documents;
- vi) Issuance of foreign employment certificates; and
- vii) Conciliation or mediation of labour disputes between overseas Filipino Workers, employers and Recruitment Agencies.

Pre-Departure Orientation Seminar- Pre-Departure Orientation Seminar is conducted on a country-specific basis where discussions are centered on: -

- i) Traveling regulations;
- ii) Immigration procedures;
- iii) Inter-state Cultural differences;
- iv) Settlement concerns;

- v) Employment and social security; and
vi) Rights and obligations of Filipino migrants.
- 2 Regulation of Private Recruitment Agencies: -OWWA is mandated to monitor and supervise all recruitment agencies in the Philippines. In addition, it regulates private Philippines-based recruitment agencies through a strict licensing system. Registration of employment agencies is done online with a four (4) year renewable term. The Philippines has over 1,000 registered recruitment agencies and new applicants are issued with accreditation and certification upon which they are closely monitored to assess and ensure compliance.
 - 3 In order to qualify for full accreditation, the recruitment agencies are required to demonstrate that they have ventured into new sectors or have identified new labour markets. Those who comply are issued with a four-year certificate after payment of the equivalent of 1,000 USD. Agencies who flout the laws are immediately deregistered.
 - 4 Migrants Rights: – OWWA monitors the departure of migrant workers and educates potential migrants on their rights and the possible abuses for their knowledge and awareness.
 - 5 Enforcement of Work Contracts: -The Government Agencies ensure that all agencies enter into legally binding and enforceable work contracts for workers seeking employment abroad. The OWWA approves these contracts, monitors malpractices and prosecutes violators based on the recruitment standards.
 - 6 Partnerships: - OWWA actively seeks partnerships with Private Recruitment Agencies (PRAs), foreign employers and institutions involved in labour migration management in destination countries. In the implementation of its mandate, the OWWA involves social partners, including other Government agencies, the private sector players and the Civil Society. In addition, the agency works in collaboration with Technical Education Skills Development Authority (TESDA) in skills development.
 - 7 Upholding the Dignity and Welfare of the Migrant Workers:- The Philippines legal framework obligates the State to uphold the dignity of Filipino migrant workers, promote full employment and equality of employment opportunities and provide services to the migrant workers. It is important to note that existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens are not compromised or violated in any way.
 - 8 Need for well-defined roles in Labour Migration Management: -The various roles of the key players in labour migration management are well defined under the OCTA. The Philippine Overseas Employment Administration (POEA) monitors and supervises recruitment agencies in the Philippines. The Overseas Workers Welfare Administration under the Department of Labour and Employment protects the interests of OFW Workers and their families by providing social security and cultural services. The Department of Foreign Affairs through its home office or foreign posts, makes representation with the foreign authority concerned, to protect the rights of migrant workers. The National Reintegration Center (NRC) under the supervision of the Department of Labour and Employment (DOLE) and the Overseas Workers Welfare Administration (OWWA) is mandated to develop, promote and implement a national agenda on sustainable return and re-integration of OFWs.

- 9 Common Approach to Labour Migration Management: - The One Country Team Approach (OCTA), requires all officers, representatives and personnel of the Philippine government posted abroad to act as one country-team with a mission under the leadership of the Ambassador. This is critical in enhancing coordination of labour migration management in destination countries.
- 10 Enhanced financial allocation for Labour migration management: -The financial allocation to the Department of Foreign Affairs (DFA) includes two funds dedicated to Assistance to nationals to provide services which include medical, welfare, repatriation, maintenance of shelter houses, seminars and conferences on labour migration, professional fee, research and management of database. A separate fund is exclusively established to offer legal assistance to migrant workers and overseas Filipinos in distress.
- 11 Ratification of key International Instruments on Labour Migration: In addition to the International efforts of the Philippines Government is a signatory to the various labour migration instruments geared towards Worker Welfare Protection, the global Bi-lateral Labor Agreements (BLA) and other issue based specific Agreements such as International Labor Conventions, International Conferences on Migration and Development, Illegal Trafficking, Transnational Crime, Bali Process on people smuggling, Trafficking in Persons and related Transnational Crimes, Colombo Process; Global Forum on Migration and Development; Global Compact for Safe Orderly and Regular Migration with International Organization for Migration (IOM).
- 12 Coordination of Labour Migration Management:-The Philippines model demonstrates a case of a well-structured and coordinated approach to labour migration management welfare. An effective and well-coordinated institutional framework is crucial in implementing labour migration management programme. The One Country Team Approach (OCTA) has enabled Philippines to carve a niche in labour migration globally.
- 13 Skills Development for Foreign Labour Markets:- The Labour Migration Policy adopted by the Philippines lays more emphasis on skills development/upgrading for the foreign labour market. This approach has enabled the country to work closely with the social partners, other Government agencies, the private sector and civil society and the Technical Education Skills Development Authority (TESDA).
- 14 In the recent past, Kenya has witnessed an expansion of Technical, Vocational Education and Training. This will result in increase in the number of graduates from various institutions.
- 15 Private Recruitment Agencies:-Private Recruitment Agencies (PRAs) have emerged as key players in the functioning of the labour market in the Philippines. Their labour migration model has established an elaborate mechanism for vetting and regulating of private employment agencies. New applicants are issued with temporary accreditation certificate upon which they are closely monitored to assess compliance. Certificates are issued for a period of four (4) year certificate after payment of a fee of 1,000 United States Dollars (USD).
- 16 Recruitment Fee - Recruitment agencies are prohibited from charging any fee on recruitment of domestic workers. The maximum placement fee charged by the agents to

jobseekers is the equivalent of one month's salary of the Migrant. In addition, the agency disallows charging of recruitment fees for placement of workers for categories where destination countries have prohibited charging of such fees.

- 17 Employment Contracts- All contracts are registered with POEA and verified. POEA approves these contracts, monitors malpractices and prosecutes violators of recruitment standards. The country had adopted two types of standard contract agreements – For land based and sea- based migrant workers. The standard contract period for the land-based workers is two (2) years while that for sea-based workers range between three (3) months to three (3) years. Recruitment agencies are held solely responsible for all claims arising from the violation of agreed terms and conditions of employment. Compulsory insurance is secured at no cost to every emigrant Filipino worker by virtue of the contract.
- 18 Bilateral Labour Agreements- The Philippine's regards bilateral labour agreements as vital tools in protection of the OFW. The country has concluded 23 Bilateral Labour Agreements, two Bilateral Maritime Agreements and Bilateral Social Security Agreements. During the process of preparing the BLA's, all key stakeholders are involved. The country has also established a bilateral review committee.

COMMITTEE RECOMMENDATIONS

Arising from the above observations and lessons learnt, the Committee recommends as follows:


1. **On General migrant Labour management and skills development that the State Department for Labour and Skills Development should:-**
 - a) Review the regulations governing private employment agencies in order to address emerging issues. The review should consider among other the recruitment costs, duties and responsibilities of recruitment agencies, the licensing fee, the duration of the licenses, penalties for offences and mechanisms for self-regulation;
 - b) Review the curriculum on Home care management with a view to expand the scope of the training to cover other skills areas. In addition, since migrant Kenyans carry the name of Kenya, pre-employment programme should be included to lay more emphasis on work ethics, duties and responsibilities of the employee as well as self-development as Kenyan ambassadors abroad;
2. **The State Department for Diaspora Affairs should**
 - a) Open a Consulate in Manila to promote, project and protect Kenya's interest in the Philippines, bring services closer to Kenyan Diaspora residing in the Philippines and the ASEAN region;
 - b) Negotiate with concerned authorities for tax-free remittances by the Diaspora. This will encourage the Diaspora to remit their savings and increase their investments locally;
 - c) Map the regions which hosts most of Kenya's Diaspora, their carder, and the popular destinations. This will enable the State Department to carry out tailor-made pre-

departure orientation programs as well as adequately design products which address Diaspora needs. Community/ grass root involvement, sensitization of the citizenry on expectations, opportunities and challenges of the Kenyan Diaspora to enable the aspiring Diaspora to make well informed choices before departure.

MIN.NO. /DAAMW/2024/77

ADJOURNMENT

Having concluded the day's business, the meeting was adjourned at 1.25 p.m.

SIGNED..........DATE.....11/08/24.....

THE HON. HAIKA MIZIGHI, M.P

CHAIRPERSON, DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE