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**"Good practices in engaging non-governmental actors in migration
related development policies"**

by

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Non-governmental actors such as the private recruitment agencies have played a significant and valuable role in the success of the Philippine migration program particularly in optimizing the benefits of migration.

Philippines has a comprehensive regulatory framework in its migration program which started three decades ago. We have a system of managed temporary migration which is now globally acclaimed. People come to us for their manpower requirements because we have a system. But, it is incidental that the system makes it easy for foreign employers to get Filipino workers. Our main objective is to ensure that our workers are adequately protected every step of the way. And, a good system is the best protection we can give.

We first started with our program with a thought of having it as a government monopoly. But after a few years, we decided that overseas employment would be private-sector led but the government would continue to manage the migration process and to service the accounts that preferred dealing with government --- usually other governments.

Today, you cannot operate a recruitment business in the Philippines unless you are licensed by the government. We have issued more than 1500 licenses but with very stiff requirements for a new license.

We believe the involvement of the private sector is an essential component of a coherent and comprehensive approach to migration and development. We can cite three areas where the private sector contributed to the success of our program in the Philippines: (a) in enhancing the protection of workers; (b) in developing new markets; and (c) in their participation in development initiatives.

Enhancing the Protection of Workers

Agencies ensure compliance to government regulations and prescribed standards for recruitment fees, wages and working conditions, including procedures involved in the recruitment process. They are responsible for the full implementation of contracts. They assume joint and solidary liability (JSL) with their foreign principals. Under this principle, both the licensed agency and the principal are responsible for the full implementation of contract and are liable for claims and awards in favor of the workers. Agencies are responsible to monitor the conditions of workers and how they are treated for the life of the contract. They are responsible for the repatriation of workers in case of need.

Agencies ensure that contract terms and conditions of work are understood by workers before deployment. They do in-house briefings to complement the government -required standard PDOS which workers undergo.

Over-all agencies help government find solutions to problems in a collaborative manner.

Developing New Markets and Facilitating Employment

Private agencies are responsible for 90 per cent of our deployment volume in the Philippines. They help migrants reduce onerous bureaucratic requirements related to documentation procedures.

Agencies are effective marketing agents in finding new markets and securing job opportunities for migrants. They have the interest, resources and flexibility to undertake this function. They have their own network. In many instances, they provide government with market intelligence reports and information on emerging markets that triggers the government to pursue bilateral agreements with countries.

Agencies actively participate in government-led marketing mission overseas designed to find job for Filipinos. In doing so, they help create confidence among prospective employers by offering them credible and responsible corporate and institutional partnership.

Participation in Development Initiatives

Recruitment agencies in the Philippines are organized into associations and they are able to police their ranks. They also become our dialogue partners. Agencies have more detailed knowledge and understanding of the migration lifecycle, and are better able to engage in practical discussions about challenges and potential solutions. Agencies, acting through representatives, also participate in tripartite

policy boards of government that define our migration policies and programs. They indeed help define our laws as they have a voice in Congress through their party-list representatives and they participate in debates in the legislature.

They contribute actively in national, regional and international forum on migration and development including the GFMD, meetings of the UN and international organizations and get invited in meetings in other countries. In many instances they contribute to the capacity building program of the government making full use of their expertise, knowledge and skills.

The private sector has a major role to play in realizing Public-Private Partnership such as in establishing training institutions., in our case --- maritime schools, holding of job fairs including regional and provincial recruitment, and partnership in the campaign against illegal recruitment and trafficking.

Agencies do not escape their involvement in community development programs. Not to mention the local jobs that their sector generates for the country, agencies lend their hands in responding to national crises caused by natural calamities, help build classrooms and school buildings.

CONCLUSION AND LESSONS LEARNED

Business, when working in concert with government and other stakeholders, through a "shared responsibility" framework, has the capacity to help fill governance gaps, afford stronger policies and legal frameworks to assure better protection of migrants and optimize the benefits of migration.

There is need to continue to cultivate trust. It is the mutual trust which will ultimately lead to different forms of private-public partnerships. We can do all do this with social dialogue and transparency as our key guiding principles.

The government will continue its role in managing migration, in establishing a leveled playing field for everyone, and creating a environment conducive for development as the private sector should endeavor to sustain its role as our "responsible partners" and as catalyst for development.