Safe and Fair: Realizing Women Migrant Workers' Rights and Opportunities in the ASEAN Region
Bridging Recruitment to Reintegration in Migration Governance: Philippines (BRIDGE)

Terms of Reference

Consultant – Technical assistance for capacity-enhancement of private recruitment agencies and strengthening of grievance and feedback mechanisms in collaboration with the Philippine Association of Service Exporters, Inc. (PASEI)

I. BACKGROUND

ILO migration programmes

The International Labour Organization implements migration-related programmes in the Philippines with interventions throughout the migration cycle - from recruitment, employment, to return and reintegration.

The **Safe and Fair: Realizing Women Migrant Workers' Rights and Opportunities in the ASEAN Region (Safe and Fair)** is a five-year (2018-2022) Asian regional programme that is part of the global, EU-UN *Spotlight Initiative to eliminate violence against women and girls*. Safe and Fair is implemented in the ten ASEAN countries, including the Philippines, through a partnership between the International Labour Organization (ILO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in collaboration with the United Nations Office on Drugs and Crime (UNODC). The central objective (goal) of the Safe and Fair Programme is to make labour migration safe and fair for all women in the ASEAN region.

The **Bridging Recruitment to Reintegration in Migration Governance: Philippines (BRIDGE)** is jointly implemented by the International Organization for Migration (IOM), the International Labour Organization (ILO), and United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in collaboration with the Department of Foreign Affairs (DFA) and the Office of the UN Resident Coordinator's Office (UNRCO) in the Philippines. The joint programme supports the Government of the Philippines in achieving the country's priority objectives under the Global Compact for Migration (GCM). Specifically, it underpins Objective 6 (Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work) and Objective 21 (Cooperate in

facilitating safe and dignified return and readmission, as well as sustainable reintegration), with a focus on the needs and protection of overseas Filipino workers. BRIDGE puts premium on whole-of-government, whole-of-society, evidence-based and gender responsive approach to help ensure that government initiatives are in place on fair and ethical recruitment and sustainable reintegration of migrant workers.

Collaboration with Private Recruitment Agencies

The Philippines is one of the biggest migrant sending countries in the world, with an estimated population of over 10 million Filipinos living or working overseas. Of these, 2.2 million are Overseas Filipino Workers (OFWs) working in more than 200 countries or territories all over the world. [PSA SOF data]. Annual deployment of (documented) OFWs breached the 1 million level in 2006, and the 2 million mark since 2016. However, the COVID pandemic which began to spread in the Philippines in March 2020 caused a drastic (almost 75%) reduction in OFW deployment in 2020 compared to 2019. [POEA data] The pandemic has also caused the displacement, loss of jobs/income, and/or repatriation of millions of overseas Filipinos. Over 2 million overseas Filipinos have returned or been repatriated to the Philippines between March 2020 and the first week of January 2022. [DOH situational report, 10 Jan 2022]. Deployment has started to pick up in 2021, and it is expected that annual deployment will reach near pre-pandemic levels by 2022.

The recruitment industry has been adversely affected by the pandemic; the drastic decline in deployment was a result of travel, health and deployment restrictions in the Philippines since 2020; similar restrictions as well as economic difficulties in the labor markets abroad also reduced the demand for OFWs. These made it difficult for recruitment agencies to maintain their operations. A year after, borders and markets are gradually opening but some concerns emerged posing challenges in adapting to the "new normal" of doing businesses. As a standard-setting organization, the ILO promotes principles and guidelines for fair recruitment among its constituents. It is recognized that the current labour migration situation is very different from the pre-pandemic situation; the increased uncertainties and challenges in the situation can increase the risk of unscrupulous recruitment agencies to resort to unfair/unethical practices.

The ILO migration programmes (Safe and Fair, BRIDGE and Ship to Shore programmes) have opportunities in 2022 onwards to continue strengthening collaboration with the recruitment industry stakeholders especially in specific, more targeted areas (e.g., supporting existing migration initiatives amidst the COVID pandemic, and promoting fair and ethical recruitment practices and

operations as part of recovery and building a "better normal"). On the part of migrant workers, the ILO works with constituents in protecting the rights of migrant workers, particularly against violence and harassment by advocating for ILO Convention 190. Specific collaborations on return and reintegration of migrants have also been in place supported by the migration projects. Given that the role and responsibilities of PRAs include the return or repatriation of OFWs they deployed, there is also strategic value in improving the capacity of PRAs on return and reintegration referrals and assistance.

Given the above, collaboration with private recruitment associations like the Philippine Association of Service Exporters, Inc. (PASEI) is essential in advancing more effective and more targeted recruitment- and reintegration-related initiatives or interventions. A Consultant will be engaged to support the collaboration with PASEI in ensuring that adherence to the principles and guidelines for fair and ethical recruitment, strengthening of gender perspectives, ensuring protection of the rights of migrant workers, and promotion of sustainable reintegration are strengthened and mainstreamed in the recruitment industry.

II. RATIONALE

Fair and ethical recruitment is manifested when the manner by which workers are recruited is guaranteed to comply with international labour standards.[1] Private Recruitment Agencies (PRAs) play an important role in the labour market considering the services that they provide in matching employment applications and offers and other job-seeking related functions.

The COVID-19 pandemic has disrupted international labour migration. The negative consequences of the pandemic in businesses and mobility restrictions have reshaped the landscape of international labour migration as these resulted to lower demands and, consequently, decrease in deployment. From January to May 2020, there was a sharp decline in the deployment of new Overseas Filipino Workers (OFWs) from at about 60% lower compared to the same period of 2019[2]. In addition, a recent study by the ILO Integrated Programme on Fair Recruitment – Phase II (FAIR II)[3] highlights the impact of the pandemic in private recruitment agencies in the Philippines and how they have been coping with the repercussions of the crisis.

[1] Particularly the ILO *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*, May 2019.
[2] ADB, ILO, OECD: Labor Migration in Asia: *Impacts of COVID-19 crisis and the post-pandemic future*
[3] ILO Integrated Programme on Fair Recruitment – Phase II: *Impact of COVID-19 in private recruitment agencies in the Philippines*

At the onset of the lockdowns, recruitment operations were affected by mobility restrictions, implications of migration or recruitment procedures and the cash flow to maintain staff and business regulations. Overseas recruitment industry struggles to survive as they grapple with the pandemic, as implied by less than 100 recruitment agencies out of 800 land-based agencies and around 300 sea-based manning agencies still in the business according to the POEA[4]. The global vaccination effort contributes to the re-opening of markets, hence, generating overseas jobs. At any rate, this gives window for recruitment agencies to recuperate from the pandemic. OFWs, on the other hand, would also take the opportunity to deploy or redeploy for better economic prospects. Migration remains to be a necessity rather than a choice and the risks that comes along resurface the need to safeguard migrant workers from unscrupulous recruitments agencies. With this in mind, it is but necessary to help ensure that recruitment agencies restore their operations without compromising fair and ethical recruitment practices.

Recruitment regulation must be in place and in force to uphold the rights of migrant workers and safeguard them from unduly conditions that jeopardize decent work as issues may stem from their recruitment circumstances. The government, through the Philippine Overseas Employment Administration (POEA), executes regulatory mechanisms to determine the conditions upon which PRAs should operate and ensure compliance thereof. A National Action Plan on Fair and Ethical Recruitment has been adopted by the POEA as the lead implementing agency outlining strategic objectives towards fair and ethical recruitment. One of which is the development of Code of Conduct on overseas labour migration for adoption by private recruitment agencies and industry associations. This intervention had also been done by other countries (e.g., Cambodia) recognizing that the operating models of recruitment agencies, their method of recruitment, the training delivered pre-departure, and the response from recruitment agencies when workers face situations of exploitation or abuse all have a demonstrable effect on migrant workers.[5]

Women OFWs and the gender and ending-VAW/GBV dimensions of recruitment, migration and reintegration

Government statistics [PSA SOF] show that since 2013, women composed the majority of the OFW population (56% of OFW population in 2019). For decades, the recruitment and deployment of OFWs abroad followed consistent gender patterns -- women OFWs predominate in lower-paid job categories, e.g.

[4] OFW deployment may not recover until 2022–expert | Recto Mercene (businessmirror.com.ph)
[5] Launch of the Code of Conduct for Private Recruitment Agencies in Cambodia (ilo.org)

elementary jobs including domestic work (84% women), clerical support work (64% women), and services/sales work (56% women). [PSA SOF, 2007-2019 average]

The same PSA data also shows that in the same period (2007 to 2019), almost 70% of the OFW population (on average) worked in lower paid or precarious jobs. This increased to almost 75% of the OFW population by 2019 – where 40% of OFWs worked in elementary jobs (including domestic work), 18% of all OFWs worked in sales/services, 12% in factory work, and 3% in clerical jobs. As mentioned above, women predominate in these precarious jobs. These are jobs which face higher risks to VAW/GBV, labour exploitation, displacement, unfair termination, lack of social protection or rights violations.

Since 2016 and until 2019 (i.e., before the COVID pandemic), the deployment of OFWs has breached 2 million OFWs deployed abroad each year. Among the newly-hired, land-based OFWs who were deployed each year, the biggest segment was OFWs in the elementary jobs (62% of the total in 2016), i.e. mostly women. [POEA data] The COVID pandemic (March 2020 until the present) caused a drastic decline in annual deployment (almost 75% decrease in 2020 compared to 2019) [POEA data]. Deployment started to pick up again in 2021, which is expected to result in a smaller decrease in deployment. The reopening of overseas deployment amidst the health and economic crisis and mobility restrictions in the Philippines and abroad can increase the risks to illegal recruitment and human trafficking.

The COVID crisis has caused the displacement and repatriation of millions of overseas Filipinos. As of 9 January, more than 2 million OFWs/OF have returned or been repatriated back to the Philippines. [DOH situational report, 10 January 2022]. Almost half (47%) of OFWs repatriated as of March 2021 were women. Also, public emergencies and crises have tended to disproportionately negatively impact women, including women OFWs since they predominate in precarious jobs abroad. They also face particular and greater risks to violence, illegal recruitment or human trafficking.

Even before the COVID pandemic, DFA data showed that women composed the big majority of victims/survivors of distress or abuses (75% of reported cases each year in 2013-2016) and human trafficking among OFWs abroad (over 90% of reported cases each year in the same period).

Therefore, the collaboration with PASEI will highlight and help strengthen the understanding and capacity of PRAs on the women, gender and ending-VAW/GBV dimensions of recruitment, migration and reintegration, and in

ensuring gender-responsive services, perspectives and practices, including exploring grievance redress mechanisms by PRAs.

Areas of collaboration

Interventions should be in place that would result to scenarios allowing for recruitment agencies to recover and for migrant workers to be protected from being taken advantage of in pursuit of decent work abroad. It will help to review recruitment practices, including Code of Conduct, to help still align operations and responses of PRAs to relevant labour standards and recruitment rules and regulations even in the context of pandemic. Recruitment actors, particularly Welfare Desks Officers, provide services to OFWs and it is of interest to ensure that service delivery is also gender-responsive. Trainings of safe and fair migration among service providers in recruitment agencies increases the protection of migrants, especially women, against gender-related violence, harassment, and abuses, coupled with interventions to promote fair and ethical recruitment. In case of protection risks or rights violation, access to grievance redress crucial, hence, it would be ideal to reinforce the capacity building interventions by developing code of conduct monitoring mechanism with elements of grievance redress.

In this regard, the Consultant will provide technical assistance to PASEI, in collaboration with the ILO, on the following interventions: 1) reviewing recruitment practices, including industry codes of conduct vis-à-vis international labour standards and national laws; 2) training on safe and fair migration, including reviewing of existing training modules and tools, and capacitating Welfare Desk officers (WEDO); and 3) developing Code of Conduct monitoring mechanism with elements of grievance redress mechanisms.

III. OUTCOMES & OBJECTIVES

Outcome: Private recruitment agencies uphold fair recruitment, safe and fair migration, and gender-responsiveness in their operations and in the recruitment/deployment of OFWs, including in times of public emergencies or pandemics

Objectives:

1. To review fair recruitment standards and practices, including industry codes of conduct
2. To capacitate Welfare Desks Officers (WEDO) on safe and fair migration (e.g., fair recruitment and migration principles and practices; labour rights

protection and standards; gender equality and responsiveness; handling or referring cases of labour rights violations, illegal recruitment, abuses, gender-based violence; assisting or referring return or reintegration concerns, etc.), including reporting sex-disaggregated VAW and GBV.

3. To develop Code of Conduct monitoring mechanism, with elements of grievance redress to monitor labour rights violations, illegal recruitment, abuses, gender-based violence, etc.

IV. OUTPUTS AND RELATED TASKS

The consultant will deliver the following outputs within the prescribed timeline and approved budget. The consultant will directly report to the ILO; her/his work will be jointly supervised by the ILO, through the Safe and Fair and BRIDGE Programmes, and PASEI.

1. Review of fair recruitment standards and practices, including industry codes of conduct and monitoring mechanisms

   PASEI has already established its Code Conduct for voluntary compliance of members; however, there is no means to help gauge how the provisions would translate to fair recruitment practices. Mappings were done on the impact of COVID-19 on private recruitment agencies in the Philippines and was found that not only the pandemic had affected business operations but also the practices (i.e., PRA support on challenges in monitoring workers' welfare and issues on workers' access to justice and reporting of violations).[6] The review of recruitment practices, including Code of Conduct, to help still align operations and responses of PRAs to relevant labour standards and recruitment rules and regulations even in the context of pandemic.

   Session/s on relevant internal standards and guidelines (e.g., General Principles and Operational Guidelines for Fair Recruitment), state policies on recruitment (e.g., POEA Rules and Regulations) will be conducted as part of the review process. PASEI may review its Code of Conduct to consider areas needing changes or modifications to make it more responsive to the realities faced by private recruitment agencies during the pandemic.

[6] [6] ILO Integrated Programme on Fair Recruitment – Phase II: *Impact of COVID-19 in private recruitment agencies in the Philippines*

Outputs will be 1) report on the review of recruitment standards and practices, including an updated Code of Conduct, if found necessary.

2. **Training for Welfare Desk Officers**

   In responding to the concerns of migrant workers, capacity-building interventions for service providers, particularly the Welfare Desk Officers (WEDOs) will be conducted, highlighting gender-sensitivity and gender-responsiveness.

   This will entail review of existing training modules and tools with PASEI and updating as necessary. The modules and tools will be used in trainings for WEDOs. PASEI is coordinating a similar initiative with OWWA and POEA, hence, this intervention should be aligned to ongoing efforts. As migrant workers' concerns can be attributed to recruitment circumstances, there will also be sessions on fair recruitment and sex-disaggregated monitoring/reporting of recruitment and migration data and to complement the welfare component of the training.

   At least 7 training sessions in 2022 for at least 200 WEDO and PRA trainees, jointly organized by ILO, PASEI, OWWA and POEA, focusing on safe and fair migration (e.g., fair recruitment and migration principles and practices; labour rights protection and standards; gender equality and responsiveness; handling or referring cases of labour rights violations, illegal recruitment, abuses, gender-based violence; assisting or referring return or reintegration concerns), including training on sex-disaggregated monitoring/reporting of recruitment and migration data.

   ILO shall support the cost of the training (assuming blended or face-to-face modality), including venue, facilitators, logistical and related training requirements.

   Outputs will include 1) updated training module/tool and 2) trainings conducted for WEDOs and trained WEDOs**.**

3. **Develop Code of Conduct monitoring mechanisms with elements of grievance redress**

   A Code of Conduct monitoring mechanism with elements of grievance redress will be developed. This will help measure the effectiveness of the response of recruitment agencies when workers are prompted with labour rights violations, abuse or exploitation.

A mapping will be done to determine grievance redress mechanisms among the members and inform the key elements that that are relevant to private recruitment practices.

A tool will be developed referencing to similar interventions of ILO migration projects (e.g., Integrated Programme on Fair Recruitment – Phase II (FAIR II).

The COC monitoring tool will be pilot-tested among selected PASEI members.

Outputs will be 1) mapping report, 2) Code of Conduct monitoring tool (or system) and 3) pilot-testing of the tool.

V. FINAL DELIVERABLES

1. Detailed Implementation Plan
2. Report on the review of recruitment standards and practices, including updated Code of Conduct
3. Updated training module/tool for joint use by PASEI, OWWA, POEA and ILO in the capacity-building of Welfare Desk Officers (WEDO) of PRAs, ensuring alignment with international labour and recruitment standards and gender-responsive case management and functioning of WEDOs
4. Documentation of seven (7) training sessions in 2022 for at least 200 WEDO and PRA trainees, jointly organized by ILO, PASEI, OWWA and POEA, focusing on safe and fair migration (e.g., fair recruitment and migration principles and practices; labour rights protection and standards; gender equality and responsiveness; handling or referring cases of labour rights violations, illegal recruitment, abuses, gender-based violence; assisting or referring return or reintegration concerns), including training on sex-disaggregated monitoring/reporting of recruitment and migration data
5. Mapping report of grievance redress mechanisms with recommendations for COC monitoring tool development
6. Updated or operational monitoring tool for the PRA Code of Conduct, which includes elements/mechanisms for grievance reporting and redress to help address labour rights violations, illegal recruitment, trafficking, abuses, gender-based violence, etc.
7. Pilot-testing report on the Code of Conduct the monitoring tool, including the grievance redress elements/mechanisms

The deliverables of the consultant will be subject to review by the ILO and PASEI, and agreed revisions shall be made by the consultant, until final acceptance by the ILO.

ILO (through the Safe and Fair and BRIDGE Programmes) and PASEI will provide the consultant with necessary inputs, reference materials, guidance and/or referrals to ensure that the deliverables are completed satisfactorily and are in line with ILO standards and the objectives of this contract.

The consultant is expected to work remotely using her/his own computer but may access the ILO and/or PASEI offices (complying with pandemic and office protocols) for project-related work. He/she may be required to work on-site at any point during the assignment.

VI. SCHEDULE OF DELIVERABLES

Deliverables	***Number of Full-time Equivalent (FTE) workdays***	***Deadline***
Deliverable 1 1. Detailed implementation plan	5 FTE workdays	Within one week after the date of signing 7 May 2022
Deliverable 2 &3 2. Report on the review of recruitment standards and practices, including updated Code of Conduct - review of fair recruitment standards and practices, including industry codes of conduct 3. Updated training module/tool for joint use	10 FTE workdays	7 May - 10 June 2022

Deliverables	***Number of Full-time Equivalent (FTE) workdays***	***Deadline***
by PASEI, OWWA, POEA and ILO in the capacity-building of Welfare Desk Officers (WEDO) of PRAs, ensuring alignment with international labor and recruitment standards and gender-responsive case management and functioning of WEDOs - review of exiting training modules and tools *Discussion/revision/ approval by ILO	10 FTE workdays	
Deliverables 4 & 5 4. Documentation of seven (7) training sessions for at least 200 WEDO and PRA trainees, jointly organized by ILO, PASEI, OWWA and POEA, focusing on safe and fair migration - on fair recruitment and migration principles and practices; labour rights protection and standards; gender equality and responsiveness; handling or referring cases of labour rights violations, illegal recruitment, abuses,	40 FTE workdays	7 May – 30 November 2022

Deliverables	***Number of Full-time Equivalent (FTE) workdays***	***Deadline***
gender-based violence; assisting or referring return or reintegration concerns) - on sex-disaggregated monitoring/reporting of recruitment and migration data and to complement the welfare component of the training 5. Mapping report of grievance redress mechanisms with recommendations for COC monitoring tool development *Discussion/revision/ approval by ILO	20 FTE	7 May – 15 June 2022
Deliverables 6 & 7 6. Updated or operational monitoring tool for the PRA Code of Conduct, which includes elements/mechanisms for grievance reporting and redress to help address labour rights violations, illegal recruitment, trafficking, abuses, gender-based violence, etc.	20 FTE	16 June – 30 August 2022

Deliverables	*Number of Full-time Equivalent (FTE) workdays*	*Deadline*
7. Pilot-testing report on the Code of Conduct monitoring tool, with elements of grievance redress elements/mechanisms - piloting of the COC monitoring tool with grievance redress elements/mechanisms among selected members *Discussion/revision/ approval by ILO	20 FTE	1 September – 10 October 2022
*Turnover of all outputs and files to ILO and PASEI; *Submission of completion report		30 November 2022
Total	125 FTE workdays	7 months

VII. INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights of the knowledge products delivered under this contract shall be owned by ILO.

VIII. PAYMENT TERMS

The consultant shall be paid in the local currency (Philippine peso) based on the agreed daily rate and the total full-time equivalent (FTE) workdays specified above.

The resulting total amount represents the total contract price and the ILO's maximum financial liability under this Contract. Payment will be paid in

Philippine Peso based on the prevailing UN rate and will be transferred to the consultant's bank account, following the transmittal schedules below:

Payment terms and schedule:

Payment	Schedule
1st tranche (30%)	Upon signing of contract and completion of Deliverable 1 to the satisfaction of ILO
2nd tranche (20%)	Upon completion of Deliverables 2 and 3 the satisfaction of ILO
3rd tranche (45%)	Upon completion of Deliverables 4, 5, 6, and 7 to the satisfaction of ILO
Final Tranche (5%)	Per para 4.3 and 4.4 of the terms of contract, the 5% retention fee will be paid in full after satisfactory compliance of all outputs as approved by ILO.

IX. Required skills and experience

- A university degree in the field of social development or related areas with background on gender
- Relevant experience in labour migration esp. on recruitment industry
- Excellent drafting and report writing skills
- Ability to present information in readily understandable forms.
- Ability to communicate effectively both orally and in writing
- Ability to work on own initiative as well as a member of a team

X. Expression of Interest

The interested candidates must submit: i) letter of intent and ii) qualifications and relevant experience of consultant/s and/or institution (include detailed CV/s as annex) iii) proposed work plan with budget.

The documents must be submitted to Ms Marie Allyssa Dacasin, National Project Coordinator for BRIDGE Programme (dacasin@ilo.org), and Mr Rex Varona, National Project Coordinator for Safe and fair Programme (varona@ilo.org), with copy to Ms Katrina Pascasio, Programme and Administrative Assistant, at pascasio@ilo.org, and Ms Karla Sanchez, Programme and Administrative Assistant, at sanchezk@ilo.org on or before **22 April 2022**, 4:00 pm, Manila Time.

Only shortlisted applicants will be contacted.