

## **Public Services International**

### **Third Informal Thematic Session: “International Cooperation and Governance of Migration in All its Dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”**

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#### Panel 3 - International Cooperation and Governance of Migration on Return, Readmission, Integration and Reintegration

Presentation by:

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### **Introduction**

My presentation today will focus on an emerging good practice in a bilateral labour agreement between states, which is unique, pioneering and has the elements of the normative rights-based framework in labour migration governance.

I will begin my presentation with an introduction, set the framework, introduce the key elements of the bilateral labour agreement (BLA) and finish with some conclusions.

Public Services International (PSI) is the global federation of over 700 affiliated trade unions across the globe, representing more than 20 million workers involved in the delivery of public services. Our members, two-thirds of whom are women, work in health care, social services, municipal and community services, central government and public utilities. PSI unions are uniquely placed, in that, they represent the workers involved in the delivery of public services that are vital in promoting social inclusion and integration of migrants. But at the same time, our sectors are also touched by labour migration, particularly in the health, medical and social care, or what is known as the phenomenon of health worker migration.

### **Setting the Framework**

Before I begin, I would like to set the framework reflecting the position of PSI.

First, the rights-based normative framework, grounded on international human rights norms and labour standards, takes primacy in migration governance.

Second, migration is not a tool for development. Migration is in fact the consequence of the lack of development. We caution against the overemphasis on the migration-related agenda of the SDGs, as it can promote more migration without addressing the root causes and drivers of migration. The SDGs cannot be tackled piecemeal. As we talk about the whole of government and whole of society, we must talk about the whole of SDGs in the Global Compact.

And thirdly, though this BLA is a good practice example, unique and perhaps the only one of its kind, there are numerous BLAs and multilateral agreements that are problematic, non-transparent, undermine workers' rights, there is no involvement of social partners and civil society in monitoring, migrants are commodified and with no access to justice. Most of these bilateral agreements are concentrated on temporary and circular migration, which pose a lot of problems in creating an underclass of workers with no access to their full human and labour rights.

### **The Germany-Philippines Bilateral Labour Agreement on the Deployment of Filipino Health Professionals to Germany**

Signed in March 2013 between the governments of the Republic of the Philippines and the Federal Republic of Germany, the bilateral agreement regulates the recruitment of nurses from the Philippines to Germany. Recruitment is intended to alleviate the nursing shortage in Germany and to reduce unemployment of nurses in the Philippines. Germany is facing a shortage of about 150,000 health workers by 2020, while the Philippines is estimated to have more than 200,000 unemployed nurses. However, this does not neglect the fact that despite the surplus of nurses, Philippine hospitals and health facilities are understaffed. Our unions in the Philippines are continuing to address this through advocacy, social dialogue and bargaining to improve employment conditions and health workforce development.

*What are the salient features of the BLA?*

1. Government to Government Hiring - ensuring full compliance with international human rights norms and labour standards. Employers in Germany make the request through the Federal Employment Agency (BA/ZAV), while the Philippines Overseas Employment Agency (POEA) processes the applications and regulates the recruitment. The GIZ, a German federal enterprise, assists in the pre-departure, language training, professional training course, visa, travel and integration in Germany. Implementation of the BLA is supported through the Triple Win Project.
2. Fair and ethical recruitment – migrant health workers do not pay recruitment fees, recruitment procedure is regulated and transparent, pre-departure training and information are provided free of charge.
3. Placement, language and professional preparation and integration assistance are provided free of charge.
4. Non-discrimination and equality of treatment – in view of rights, remuneration and training.
5. Freedom of association is guaranteed – the right to join unions; participating health facilities are organised and covered by collective agreements.
6. Access to social protection, including portability of social security (through a bilateral social security agreement signed between the Philippines and Germany).
7. Access to permanent migration and integration, or return and reintegration if the worker so wishes.

8. The BLA has provision for Human Resource Development for mutual benefits between Philippines and Germany, taking into account the situation in the origin country. Currently, technical cooperation projects are being explored in this regard.
9. Involvement of trade unions in the Joint Monitoring Committee of the BLA. As part of the Joint Monitoring Committee, PSLINK in the Philippines and Ver.di in Germany – both affiliated to PSI - are involved in monitoring the implementation of the agreement through social dialogue, direct engagement and periodic visits in both Germany and in the Philippines. The Joint Monitoring Committee visits the workplaces and interacts with the deployed workers.

In view of progress, a total of 766 applicant nurses have been selected, in three rounds of training, preparation and deployment, involving 41 participating employers. 188 Filipino nurses have been deployed in Germany to 26 employers, as of November 2016.

The number may be small and the process appears lengthy, but recruitment and migration are done in a transparent, regular and orderly manner in full respect of human and labour rights.

## **Conclusion**

In conclusion, the Germany-Philippines Bilateral Labour Agreement is evidence that rights-based labour migration is possible, in response to labour market needs, while fully taking into account the situation of countries of origin and involving the social partners.

In the forging of the BLA, the International Labour Office in the Philippines through the then EU-ILO Decent Work Across Borders Project (DWAB) provided technical support in building the capacity of trade unions, employers and government representatives in understanding and engaging in bilateral labour agreements.

International migration has its multi-dimensions. However, in labour migration, the International Labour Organization, with its rights-based normative framework, unique tripartite structure and competence on labour, is well-placed to take the leading role in addressing labour migration in the Global Compact on Migration.

The Germany-Philippines Bilateral Labour Agreement on Nurses is a concrete example.