

UNCTAD workshop on
**Recognition of qualifications to facilitate
movement of natural persons**

Co-organized by UNCTAD-ACP Secretariat

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Statement

by

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Thank you, Pamela and to the organizers of this workshop for providing a venue to discuss this important topic, the nexus between trade in services with migration development.

The Philippines, as a country that has managed its migration policies for several decades, and that has been in the forefront of the struggle to bring the discussion of migration out of the shadows, so to speak, was honoured to participate in the negotiation of the Global Compact for Safe, Orderly and Regular Migration through all the rounds of discussions in Geneva, New York and Marrakesh.

As a country of origin for migrant laborers across the world and at all skill levels, from unskilled, semi-skilled, skilled and professional levels, we affirm that the interests of our migrant laborers are best-served by a rational, transparent, comprehensible and pragmatic approach.

It is understood that mutual recognition of qualifications between countries of origin and destination would facilitate trade in services, in migration and could support the decent work agenda. However, one of the stumbling blocks for the Philippines has historically been the relatively shorter duration of its domestic basic education. This was resolved in 2010 with the adoption of the K-12 Basic Education program, which brought the Philippines in parity with global standards. Not to say that Philippine-educated professionals were unqualified to undertake and perform abroad before 2010, because they would not have been hired if they were not already as good, or better. But if changing the basic education system would improve employability and national competitiveness long term, then Government was ready to do it. Like I said: we are pragmatic.

Pragmatism has been the cornerstone of the Philippine Government's approach to managed migration, and it is perhaps for this reason that in our trade agreements, PJEPA, EFTA, or in the context of the AFTA and ASEAN Framework Agreement on Services, we have approached trade in services and MRAs with care, mindful that this is a sensitive issue for both countries of origin and destination.

I have to be honest at this point, the Philippines has more experience in negotiating mutual recognition agreements in the context of labor migration rather than from the perspective of trade in services, perhaps because we still only have one bilateral FTA, PJEPA with Japan. Another could be because approaching this issue from a trade in services perspective is too complex.

Our experience therefore has been in the negotiation of bilateral mutual recognition of qualifications for very specific types of regulated profession, such as nursing, architecture, engineering or teaching, to fill the specific needs of a particular labor market, or in the context of the **ASEAN Framework Agreement on Services (AFAS)**, where the recognition of qualifications for several professions are being negotiated simultaneously.

AFAS (signed on December 1995 in Bangkok) works towards the free flow of trade in services within ASEAN. It aims to substantially eliminate restrictions to trade in services to improve efficiency and competitiveness of ASEAN service suppliers. At present, ASEAN has concluded seven (7) packages of commitments under the AFAS. ASEAN Member States have mutually recognized arrangements on professional licenses for medical practitioners, dental practitioners, engineering services, nursing services, architectural services, accountancy and surveying. A further MRA on Tourism, covered by the Technical Education and Skills Development Authority (TESDA), has also been concluded under AFAS.

The process is deliberate, and requires significant investment to build capacities on understanding the labor market, as well as the nuances of migration policy. In partnership with the IOM, ASEAN has conducted a Capacity Building Workshop Series on Labour Market Information for Migration Policy (the first of which was held in Bangkok last June 2018) which aims to improve the availability and sharing of information on labour migration and labour markets across ASEAN and enhance the recruitment and employment services and information available to migrants with regard to intra-regional migration in ASEAN. The objectives of the ASEAN Capacity Building Workshop project complement the mutual recognition scheme under the AFAS: both working towards labor mobility in the ASEAN.

Bilaterally, to be able to bring negotiation toward the level of MRA on regulated professions is the high bar. The journey to get there takes several tracks, and our approach to this is marked by our flexibility - we are ready to go as far down the line as institution-to-institution arrangements within the context of a bilateral MOU on education and training, such as our discussions with Indonesia, Australia, Germany, Qatar, Singapore, Papua New Guinea, KSA and UAE, to labor cooperation agreements and MRAs on Technical-Vocational Education Training (TVET), as we have with the UAE and the Kingdom of Saudi Arabia. We believe that these discussions facilitate a way toward achieving our goals.

There are also cases where the countries of destination are not ready to discuss MRA, but their labor markets are in need of skilled and professional migrant workers, such as our experience with health workers. One of the jokes we often hear is that those US TV shows in hospital settings are unrealistic because there aren't enough Filipino faces on staff. About 20,000 nurses on average have left the Philippines every year since 2011 for employment in the US, the UK, Middle East and Europe. As majority of these destinations do not have MRAs with the Philippines, trained and licensed Filipino nurses are underemployed until they can satisfy local licensing requirements.

20,000 a year makes a significant impact on our own domestic availability of nurses. It is for this reason that the Philippines advocates for the implementation of the **WHO Global Code of Practice on International Recruitment of Health Personnel** (2010). The Code aims to establish and promote voluntary principles and practices for the ethical international recruitment of health personnel and to facilitate the strengthening of health systems. We are active in the implementation of the global strategy on human resources for health: workforce 2030, as our goal is to ensure that in our efforts to facilitate decent work and fair recruitment of our health workforce who are filling the labor market needs of developed countries, we are not sacrificing our own national health workforce requirements.

While the receiving countries have thus far not been ready to open discussions on MRAs, what they have been willing to do is to partner with us on lowering the costs of migration, through the conduct of licensing examinations, inspections, accreditation of training facilities, and job interviews in the Philippines, to lower the risk to the employee. The Philippine government also works to validate labor market needs, certify work contracts and ensure decent work conditions. The Triple-win agreement between the Philippines and Germany on the recruitment of nurses includes provisions on recognition of qualifications, language training, skills training programs and upskilling, all innovative solutions representative of Objective 18 of the GCM. We are not yet at the

point of full compatibility of certifications and licenses but I believe we are working toward that goal.

As for those already deployed in unskilled and semi-skilled employment, the Philippines supports the life-long learning principles of UNESCO, consistent with SDG 4: 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. Majority of overseas Filipinos are labor migrants engaged in domestic, semi-skilled, skilled, and professional work, where continued education would benefit the employee, and the employer.

For those with professional licenses that need to be updated, or for those abroad who have completed their education in the Philippines but need to secure professional licenses, the Professional Regulation Commission (PRC), through a MOA with the DOLE and DFA, implements the **Special Professional Licensure Examinations (SPLE)**. The SPLE facilitates examinations abroad for the following professions: Architecture; Registered master Electrician, Certified Plant Mechanic and Electronics Technician; Accountancy; Nursing; Respiratory Therapist; Radiologic Technologist; and Environmental Planning.

This allows professionals to continue to upgrade and update their licenses while deployed, facilitate the negotiation of better contractual terms, and improving employment opportunities upon return to the Philippines - another important element of Objective 18 of the GCM.

More interesting perhaps are the feel-good stories coming out of the implementation of the Joint Circular issued by the Technical Education and Skills Development Authority (TESDA) and the Overseas Filipino Welfare Administration (OWWA), for **onsite assessment for Overseas Filipinos for “up-skilling” for better work opportunities**. The online assessment program aims to: assess current knowledge and skills of OFWs in related or alternative qualifications or jobs; assist the OFWs in acquiring Philippine competency certification; and provide interventions such as skills training. This Technical-Vocational up-skilling program benefits those in low-skilled and domestic work. We have heard stories of domestic household workers who shifted to clerical/ secretarial work, after the TVET training and certification.

So, what lessons has the Philippines learned in pursuing MRAs?

- First, pragmatism – as long as the purpose is to create the best conditions for the migrant worker, negotiations can be at any level, whether in the context of a free trade agreement, an economic partnership agreement, a labour agreement or even at the level of a cooperation arrangement. Bilateral agreements can be very effective as they would necessarily be specific to contexts and conditions between sending and host countries and their respective legal frameworks. Consideration of such conditions are sometimes not precisely addressed in multilateral agreements where there are more parties involved.
- Second, flexibility – a willingness on both sides to negotiate in the context of forces within the labor market.
- Third, transparency – a readiness to discuss barriers, such as language, lack of confidence in education or training, concern about brain drain, and find solutions to overcome them.
- Fourth, worker empowerment - provide information, social protections, conditions for dignified labor, protection of human rights, and recognise that workers are human beings, they are not widgets in a machine.

What lessons will the Philippines take away from this workshop? The need to recognize and mainstream the GCM and the migration discussion into our FTAs perhaps is the first thing.

Thank you for the opportunity to address this workshop and I look forward to listening and participating for the rest of the day.