

# ILO SAFE AND FAIR PROGRAMME

## Terms of Reference

### External Consultant (Researcher-Writer)

**For a research and technical paper on the multi-lens rapid analysis of Philippine health laws and policies relevant to Overseas Filipino Workers and their families**

#### I. BACKGROUND

As a member of the World Health Organization (WHO), the Philippines adheres to concept of “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,” and to the principle that “the enjoyment of the highest attainable standard of health is a fundamental human right” (WHO Constitution, 1946).<sup>1</sup> This creates the obligation for the State “to ensure access to timely, acceptable, and affordable health care of appropriate quality as well as to providing for the underlying determinants of health (safe and potable water, sanitation, food, housing, health-related information and education, gender equality).”<sup>2</sup>

One of the key sectors of the Philippine population with particular challenges, risks and vulnerabilities in ensuring access, protection and the attainment of health standards and services are the Overseas Filipinos, estimated at more than 10 million and dispersed in more than 200 countries and territories worldwide. Majority of who are Overseas Filipino Workers (OFWs). Among the OFW population, the majority (over 56% in 2019) are women. Almost 70% of the OFWs are employed in lower-skilled, more precarious jobs abroad, like elementary occupations (domestic work, cleaning), and sales, services, factory and clerical work. [PSA, 2019]

In order to address this reality, the Philippines has put in place a broad suite of laws, policies and programs that seek to protect the rights and wellbeing of Filipino migrants, in particular the OFWs, women migrants and domestic workers, as well as their families. These laws, policies and programs cover the different phases of the migration cycle - from pre-departure to reintegration. Included in this collection are laws, policies, administrative orders, guidelines, and other issuances, as well as local ordinances and policies that specifically aim to promote the health of OFWs - from mandatory PhilHealth membership to health emergency repatriation. Since the signing of Department of Health Administrative Order 2016-0007 (National Policy on the Health of Migrants and Overseas Filipinos), old policies have been updated and new policies have been developed, especially in response to the ongoing COVID-19 pandemic. What health-specific laws and policies at the national and local levels are currently in place? How do they cover/how do they apply to OFWS and their families? What are the current status of these laws and policies?

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<sup>1</sup> WHO Constitution. (<https://www.who.int/about/governance/constitution>); accessed 1 Feb 2022.

<sup>2</sup> WHO website. “Human Rights and Health,” 29 Dec 2017 ([https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health#:~:text=The%20WHO%20Constitution%20\(1946\)%20envisages,right%20of%20every%20human%20being.%E2%80%9D&text=The%20right%20to%20health%20must,ethnicity%20or%20any%20other%20status.](https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health#:~:text=The%20WHO%20Constitution%20(1946)%20envisages,right%20of%20every%20human%20being.%E2%80%9D&text=The%20right%20to%20health%20must,ethnicity%20or%20any%20other%20status.;)); accessed 1 Feb 2022.

There are also more comprehensive laws –e.g. Magna Carta of Migrant Workers of 1995 (RA 8042 as amended by RA 10022, etc.), expanded anti-trafficking law (2012); Kasambahay (domestic worker) law (2013); and the newest law (2021) creating the Department of Migrant Workers – which all seek to provide better rights protection and welfare services for OFWs, including against all forms of abuses and violence, gender-based violence (GBV), access to redress, psychosocial services, shelter, repatriation, reintegration, etc. In addition, there are also broader laws on women (Magna Carta of Women of 2009); ending-violence (anti-VAWC law of 2004; Safe Spaces Act of 2019); health (universal health care law of 2018; amended AIDS policy act of 2018; COVID pandemic laws and policies); and social insurance, social protection, occupational safety and health (OSH). How do these laws apply to OFWs and protect and promote the health of OFWS and their families?

The Philippines is also one of the leading countries in Asia to have ratified or signed the key migration related Asian regional or international conventions, standards, declarations or similar instruments of the UN, ILO, WHO and ASEAN. How are Philippine migrant health laws and policies aligned with these international standards and norms?

To ensure greater awareness on Philippine migrant health laws and policies among migrants, policymakers, practitioners, and other stakeholders, there is a need to take stock of these laws and policies and bring them together in an accessible platform, and conduct a rapid analysis of these policies using different lenses such as gender, localization, and alignment with international standards, among others.

This stock-taking, building of the information base, and multi-lens rapid analysis of Philippine migrant health laws and policies will be a collaboration between ILO Safe and Fair Programme, and the Philippine Migrants Health Network (PMHN). PMHN is a “multi-collaborative network composed of government agencies, civil society/ non-government organizations, academe, private sector and international organizations working together for the promotion and protection of health of migrants and overseas Filipinos.” (<https://www.facebook.com/PMHN.2016/>) It is chaired and convened by the Department of Health (DOH), and co-chaired by the CSO network Philippine Migrants Rights Watch (PMRW).

The result of the study will be used in the creation of an online, “living” repository of Philippine migrant health laws, policies, programmes and services. The repository will be maintained and managed by the PMHN, and hosted in the website of the DOH (PMHN section). The members of PMHN, which are the leading health and migration service providers, advocates and stakeholders, will dynamically update, annotate and vet the information in the repository.

### **About the Safe and Fair Programme**

*Safe and Fair: Realizing Women Migrant Workers’ Rights and Opportunities in the ASEAN Region* is a multi-year (2018-2023) 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. This translates to three Specific Objectives: (1) Women migrant workers are better protected by gender-sensitive labour migration governance frameworks; (2) Women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated responsive quality services; and (3) Data, knowledge and attitudes on the rights and contributions of women migrant workers are improved. Safe and Fair - Philippines focuses on women Overseas Filipino workers (OFWs), both land and sea-based, at all stages of labour migration (pre-migration, transit, onsite, return). It is implemented at the national and local levels in the Philippines.

## **II. OBJECTIVE**

The objective of this consultancy is to conduct a rapid mapping of Philippine migrant health laws and policies at the national and local levels, and annotate and rapidly analyze these using multiple lenses (gender, localization, alignment with international labour/gender/ migration standards, applicability to OFWs or their families).

## **III. OUTPUT AND RELATED TASKS**

**Outputs:** A technical paper and database of Philippine migrant health laws and policies at the national level and at least 4 local areas (one province/city/municipality each from Luzon, NCR, Visayas and Mindanao).

- The technical paper and database will have annotations based on multiple lenses (gender, localization, alignment with international standards, applicability to OFWs/families);
- The rapid analysis will focus on the current status of the law/policy, strengths/innovations, gaps/weaknesses, and recommendations for policy/law reform.

The key informants on annotating and doing rapid assessment of the laws/policies will be the PMHN members, which is composed of the key government health-related and migration-related agencies, migrant advocates, academe and civil society, and international organizations (ILO, IOM, UN Women).

These annotations and rapid assessment will serve as initial inputs. They will be further developed and updated in the future, once the database is made available online. The rapid mapping and analysis will be used to support the development of an online “living” policy repository – so that the information can be dynamically managed, updated, and maintained by PMHN as an online repository or knowledge hub accessible to migrants and stakeholders for research, analysis and advocacy activities.

## **IV. TASKS OF THE CONSULTANT (RESEARCHER-WRITER)**

The consultant shall be supervised and assisted by the National Project Coordinator of the ILO Safe and Fair Programme, and the Policy, Advocacy and Research (PAR) Technical working Group of PMHN.

The consultant will deliver the following outputs and related tasks:

<b>Outputs</b>	<b>Related Tasks</b>
<ul style="list-style-type: none"> <li>• Detailed implementation plan</li> </ul>	<ul style="list-style-type: none"> <li>• Submit proposed implementation plan and finalize in consultation with ILO and PMHN.</li> <li>• This will include proposed activities, implementation timeline and budget, for approval by ILO.</li> </ul>
<ul style="list-style-type: none"> <li>• Proposed outline of technical paper and research design based on the objective and parameters discussed in this TOR</li> </ul>	<ul style="list-style-type: none"> <li>• Submit proposed outline of technical paper and draft research design; discuss and finalize these until approved by ILO and PMHN. Ensure that gender and relevant parameters are captured in the research design and process.</li> <li>• The areas of health to be mapped and covered by the research shall be based on the holistic concept/definition of health by the WHO (i.e. including physical, psychosocial, reproductive health, occupational safety and health, etc.) as well as situations of pandemic/health emergencies, violence/abuse;</li> <li>• The technical paper shall include a section on health situation of OFWs, to provide context to the mapping and analysis; the FGDs with OFWs in the Philippines and selected countries abroad can help provide some information on the OFW health situation.</li> <li>• The research design shall include desk review, key informant interviews (KII), and focus group discussions (FGD). The key informants and target participants of FGDs shall be discussed by the consultant and agreed with ILO and PMHN. If survey will be conducted, the survey design, methodology, sampling plan and survey instrument(s) shall be discussed and agreed with the ILO and PMHN;</li> <li>• KIIs with national level agencies – at least 5 key government agencies (e.g. DOH, DMW, DSWD, OWWA, PCW) and additional agencies recommended by PMHN;</li> <li>• KIIs with local governments – at least 1 LGU each in Luzon, NCR, Visayas and Mindanao; to be discussed and agreed with ILO and PMHN;</li> </ul>

Outputs	Related Tasks
	<ul style="list-style-type: none"> <li>• FGDs with OFWs/ families in the Philippines – to be conducted online or onsite (if allowed) in the same 4 local areas;</li> <li>• FGDs with OFWs abroad – to be conducted online in selected countries (at least 3 in ASEAN, 3 in East Asia, and 4 in GCC); to be discussed and agreed with ILO and PMHN.</li> </ul>
<ul style="list-style-type: none"> <li>• Study and mapping of Philippine migrant health laws and policies, and information gathering based on the approved research design</li> </ul>	<ul style="list-style-type: none"> <li>• Based on the approved research design, gather reliable and verifiable information on Philippine laws, policies, guidelines, protocols, executive/administrative/department orders or issuances at the national level and from selected local areas, focusing on those that are relevant to the health of OFWS and their families; “health” here is in accordance with the WHO holistic definition of health;</li> <li>• Gather information on ASEAN and international standards, conventions, instruments, agreements relevant to the health of OFWs or are applicable to the Philippines. Note that the consultant will not interpret these international standards/instruments; instead, these will only be mapped and used as reference in analysing the alignment of PHL laws with the international standards/instruments.</li> </ul>
<ul style="list-style-type: none"> <li>• Annotation of the mapped Philippine laws/policies using multiple lenses</li> </ul>	<ul style="list-style-type: none"> <li>• The laws/policies will be annotated if they have provisions/dimensions on: gender, localization, alignment with international labour/gender/migration standards, and applicability to health concerns of OFWs (potential, onsite, returnee) or their families;</li> <li>• Annotations and rapid analysis shall ensure inputs from PHMN and its members, migrants/OFW groups, relevant government agencies, local governments, and stakeholders.</li> </ul>
<ul style="list-style-type: none"> <li>• Rapid analysis of the mapped Philippine laws/policies</li> </ul>	<ul style="list-style-type: none"> <li>• Do initial and rapid analysis focusing on: current status of the laws/policies; strengths/innovative aspects of the law/policy; gaps/weaknesses; and recommendations for policy/law reform.</li> <li>• Ensure gender and rights-based perspective in doing rapid analysis.</li> <li>• Annotations and rapid analysis shall ensure inputs from PHMN and its members, migrants/OFW groups, relevant government agencies, local governments, and stakeholders.</li> </ul>

Outputs	Related Tasks
<ul style="list-style-type: none"> <li>• Master database of the mapping with corresponding annotations and rapid analysis of the laws and policies</li> </ul>	<ul style="list-style-type: none"> <li>• Create and submit a computerized database or matrix of the mapping of laws and policies with their corresponding annotations and rapid analysis.</li> <li>• Arrange the policies according to themes generated from the analysis; or structure the database or matrix such that it can be sorted, filtered, searched or managed based on specific parameter(s);</li> <li>• This master database will be used in the future to create an online, “living” repository of the laws/policies.</li> <li>• Present the database to ILO, PMHN and stakeholders for comments, inputs and validation; get recommendations on improving the structure and useability of the database;</li> <li>• Revise/improve the database based on the recommendations.</li> </ul>
<ul style="list-style-type: none"> <li>• Technical narrative report on the mapping, rapid multi-lens analysis, findings and recommendations of the research</li> </ul>	<ul style="list-style-type: none"> <li>• Submit initial draft technical report on the mapping, rapid multi-lens analysis, findings and recommendations of the research;</li> <li>• Present the draft report to ILO and PMHN for feedback, inputs; revised base on inputs/suggestions;</li> <li>• Present revised draft to stakeholders for feedback, validation;</li> <li>• Revise the draft based on stakeholders’ inputs and recommendations until approved by ILO and PMHN;</li> <li>• Submit the final technical report.</li> </ul>

## V. DELIVERABLES

1. Detailed implementation plan;
2. Proposed outline of technical paper and research design;
3. Study and mapping of Philippine migrant health laws and policies, and information gathering – desk review, KII, FGD, etc.
4. Annotation and rapid analysis of the mapped Philippine laws/policies using multiple lenses; get inputs from PMHN and members, migrants, stakeholders;
5. Master database of the mapping with corresponding annotations and rapid analysis of the laws/policies;
6. Online folder (or digital storage) of copies of all the laws and policies and related materials/references listed in the database/matrix (in pdf form with links to their sources, if available)

7. Initial draft of technical narrative report on the mapping, rapid multi-lens analysis, findings and recommendations of the research; including getting ILO and PMHN inputs, suggested revisions and revising the draft;
8. Presentation and validation of the annotated database and revised technical report with PMHN and stakeholders;
9. Further revisions and final technical report based on PMHN and stakeholders inputs and suggestions.

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

## VI. SCHEDULE OF DELIVERABLES

Timeline for whole TOR: Six months (August 2022 – January 2023)

Delivery timeline:

<b>Deliverables</b>	<b>Number of Full-time Equivalent (FTE) workdays</b>	<b>Due date</b>
<b>Deliverable 1:</b> Detailed implementation plan	3 FTE workdays	30 Aug 2022
<b>Deliverable 2:</b> Proposed outline of technical paper and research design	7 FTE workdays	30 Aug – 12 Sept
<b>Deliverable 3:</b> Study and mapping of Philippine migrant health laws and policies, and information gathering	20 FTE workdays	10 Sept – 10 Oct
<b>Deliverable 4:</b> Annotation and rapid analysis of the mapped Philippine laws/policies using multiple lenses; with inputs from PMHN and its members, migrants, stakeholders	20 FTE workdays	10 Oct – 10 Nov
<b>Deliverable 5:</b> Master database of the mapping with corresponding annotations and rapid analysis of the laws/policies	7 FTE workdays	10 Nov – 21 Nov
<b>Deliverable 6:</b> Digital storage/folder of copies of laws/policies and related materials/references mentioned in the database	3 FTE workdays	21 Nov – 28 Nov
<b>Deliverable 7:</b> Initial draft of technical paper (research report); including	30 FTE workdays	28 Nov – 31 Dec

<b>Deliverables</b>	<b>Number of Full-time Equivalent (FTE) workdays</b>	<b>Due date</b>
getting ILO and PMHN inputs, suggested revisions and revising the draft		
<b>Deliverable 8:</b> Stakeholders consultation(s) to present, get feedback and validate the database and the revised technical report	3 FTE workdays	31 Dec 2022 – 7 Jan 2023
<b>Deliverable 9:</b> Further revisions and final technical paper based on PMHN and stakeholders' inputs and approved by ILO  *Turnover of all outputs to ILO and closure of contract	7FTE workdays	7 Jan – 20 Jan  20-31 Jan
<b>TOTAL</b>	<b>100 FTE workdays</b>	<b>Spread over 6 months</b>

## **VII. INTELLECTUAL PROPERTY RIGHTS**

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

## **VIII. PAYMENT TERMS**

- First payment – 30% upon submission and acceptance by ILO of **Deliverables 1 and 2**;
- Second payment - 35% upon submission of **Deliverables 3, 4 and 5** to the satisfaction of ILO;
- Third payment - 30% upon submission of **Deliverables 6, 7, 8 and 9** to the satisfaction of the ILO.
- Final payment – 5%

The contracted consultant shall be paid based on submission of deliverables and their acceptance by ILO and PMHN. The amount to be paid for each deliverable shall be based on a daily rate in Philippine Peso equivalent to full-time work days, proposed by the consultant and agreed with the ILO. The total contract value amount represents 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.

## **IX. QUALIFICATIONS AND EXPERIENCE**



- University degree, in sociology, gender studies, human rights, law, economics, migration, health-related courses, international development, or other related disciplines;
- Minimum 5 years' experience in doing social research and/or work in the areas of labour migration, migration, health and migration, gender and development, preferably in the Philippines or ASEAN region;
- Excellent command of written and oral English;
- A good track record in designing and leading policy analysis, research and studies on the above topics;
- Excellent presentation, facilitation, interview, research and documentation skills;
- Strong time management and communication skills;
- Experience working with ILO and UN Women will be an asset.

#### **X. EXPRESSION OF INTEREST**

Interested candidates must submit:

- Letter of intent specifying qualifications and relevant experiences, and proposed budget (in PHP) that indicates a daily professional fee, estimated travel costs (if any) or other costs related to the research work; and
- Latest CV.

Please email the documents to Mr Rex Varona, National Project Coordinator, ILO Safe and Fair Programme at [varona@ilo.org](mailto:varona@ilo.org), with copy to Ms Karla Sanchez, Program and Administrative Assistant ([sanchezk@ilo.org](mailto:sanchezk@ilo.org)) on or before **15 August 2022**.

Only shortlisted candidates will be contacted for short interviews for the final selection.