

# Bilateral Labour Migration Agreements between the Philippines and Europe

## *What Can We Learn from the Middle East?*

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*Labour migration is a complex global phenomenon, connecting the aspirations of individuals seeking better work opportunities with the regulatory frameworks established by international and national instruments. In this framework, bilateral labour migration arrangements emerge between states as governing instruments of cross-border employment. That is why this paper aims to examine the bilateral labour migration arrangements of the Philippines, particularly with countries in the Middle East and Europe, and assess their compliance with international human rights and worker's rights, with a focus on the International Labour Organization's (ILO) Conventions. By doing so, the article seeks to contribute to the understanding of multilateral legal frameworks governing labour migration and to identify the role of bilateral labour arrangements as the most effective means of governance from the perspective of states involved. Selecting the Philippines as the centre of our analysis aligns with global labour migration trends, as the Philippines is one of the largest exporters of labour to the Middle East and Western Europe. Additionally, a recent trend of emerging labour markets in Eastern and Central Europe also vindicates prognostic research in this topic.*

**Keywords:** labour migration, bilateral labour arrangements, migrant workers

### Introduction

Labour emigration from the Philippines started as a dynamic response to global events and domestic policies and was initially triggered by changes in immigration laws in Australia, Canada, New Zealand, and the United States in the 1960s. The first wave of migrant workers involved professionals and skilled workers seeking permanent migration, while the upcoming waves, as an effect of the oil boom in the Gulf and economic challenges in the Philippines, led to temporary migration, giving rise to the Overseas Filipino Worker (OFW) programme in

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the 1970s. The evolution of OFW deployment reflects global economic shifts. In the 1970s, mainly construction and low-semi-skilled workers migrated to the Middle East as an answer to the increasing construction investments in the region. In the 1980s, the opportunities increased for female participation as the need grew for domestic household and blue-collar employment in East Asia. In recent decades, the growth of the 'knowledge economy' created opportunities for higher-skilled workers (ANG-TIONGSON 2023: 2–4). In 2015 Filipino migrants gave 5.3% of the total population of the Philippines with an estimated number of 5.3 million from which 2.377 million were overseas contract workers. The lack of employment opportunities in the Philippines is often mentioned as the main reason by migrants to look for work abroad. The Filipino youth facing limited employment opportunities tend to turn to labour migration as an alternative. The main motivations behind these are the remittances to send home for the family and lack of job opportunities domestically. However, the options for high-skilled labour abroad are still significantly less than the demand for low-skilled occupations. Therefore, many of the university-educated Filipinos are likely to face challenges in finding suitable employment overseas and end up securing jobs in the low-skilled sectors.

The Philippines actively participates in international labour migration instruments. The country has been a member of the International Labour Organization since 1948 and has ratified nine of the ten fundamental Conventions, except the Occupational Safety and Health Convention (No. 155). It has also ratified the ILO conventions related to migrant workers: the Migration for Employment Convention (No. 97) and the Migrant Workers (Supplementary Provisions) Convention (No. 143). Additionally, the Philippines remains one of the most active countries in seeking bilateral labour agreements to-date, given the high number of Overseas Filipino Workers and the continuing concerns regarding their rights. The Philippine government has a highly institutionalised system to ensure the safety and welfare of their overseas workers, often utilising bilateral labour agreements (BLAs) to address these concerns. Regionally, 44% of the Philippines' bilateral labour migration agreements (BLMAs) are concluded with Middle Eastern and North African countries, 26% in the Asia-Pacific region, 16% with North America and Trust Territories, while 14% in Europe. Legally binding Bilateral Labour Migration Agreements (10) have only been signed recently, between 2013 and 2018, while most of the non-binding Memoranda of Understanding (MoUs) were signed with states in the Asia-Pacific and the Middle East, and Northern Africa regions.

In this paper we will introduce multilateral and bilateral migration governance instruments to establish the legal context surrounding Filipino migrant workers. We will then analyse a selected group of BLMAs and the extent to which these arrangements adhere to ILO standards, whether they adequately govern labour migration between the two states in question and protect the rights and well-being of Filipino migrant workers, and whether there are any patterns and trends in the commonalities and differences of the examined bilateral labour arrangements, especially regarding the inclusion or omission of the aforementioned provisions.

## Labour migration governance

Despite common misconception, international labour migration is not a new phenomenon. In fact, in various forms, international labour migration has been significant for centuries. According to Kozak and Shengelia (2014), international labour migration has undergone significant historical transformations shaped by economic, political and social factors in four stages. The first stage, from the end of the 18<sup>th</sup> century to the middle of the 19<sup>th</sup> century, was marked by the formation of the world labour market. This period coincided with the industrial revolution in Europe, leading to a relative overpopulation and mass emigration from Europe to North America, Australia and New Zealand, and the emergence of new countries reshaped the global economy. The second stage, from the 1880s to the First World War, was dominated by production and capital concentration in advanced countries such as the United States of America and Great Britain. The increasing production created a demand for additional labour, driving immigration from less developed countries like India or China, and in the early 20<sup>th</sup> century, there was a surge in unskilled labour. The third stage, occurring between the two World Wars, was characterised by the reduction in international labour migration due to the consequences of the 1929–1933 world economic crisis, unemployment increased in developed countries, creating the need for restrictive migration policy, and remigration from the USA became a notable phenomenon during this period. The fourth – and current – stage, from the post-World War II to the present, has been characterised by scientific and technological revolution, monopolisation of international and capital markets, the internationalisation and integration processes, while intercontinental migration has soared, domestic and interstate regulation of labour migration has been gradually strengthening in response to these complex global shifts (KOZAK–SHENGELIA 2014: 94–95).

The need to govern international labour migration on an interstate level is rooted in the complex motivation and driver of labour migration. To explain this, we will briefly revert to classic and emerging migration theories and concepts in the following section.

According to the historical-structural theories, persons on the move are constrained by structural (economic) forces, which means they actually do not have a choice. Within this group of theories, the Dependency Theory, originating in the 1960s, explain these forces as a result of the exploitation of less developed countries whose resources were drained off by colonial forces. The world-systems theory, originating in the 1970s, also highlights the power imbalances between developed and less developed states and on the process of traditional economies incorporating into global capitalist economies. While globalisation theories, originating in the 1990s, emphasise that globalisation is the leading cause of international migration strongly backed by improving infrastructure and communication technologies, overall historical-structural theories view persons on the move as being entirely dependent on their economic and environmental surroundings and who do not have a conscious decision-making ability in this regard. In contrast, functional theories – the other subgroup of classical migration theories – view human

mobility as an output of a cost-benefit analysis from the migrant's and their family's perspective. Lee's push-pull theory consist of push factors such as unemployment or low income in the country of origin and pull factors such as higher salaries and more beneficial labour market in the country of destination (LEE 1966). Subsequently, in the middle of the 20<sup>th</sup> century, neoclassical migration theories extended economic principles into various social sciences and view migration as an individual decision driven by income maximisation, combining micro-level motivations with macro-level determinants such as wages or employment conditions. As such, the dual labour market theory contends that advanced economies demand low-skilled workers for increasing production, which is the driving force for international migration. Responding to the limitations of these neoclassical structural approaches, the New Economics of Labour Migration theory emphasised migration as a family or household decision rather than an individual one. Additionally, the Cumulative Causation theory introduces the concept of 'replacement migration' highlighting that human mobility causes changes in social and economic structures, creating a chain of countries attracting migrants to replace those who have left. This theory aligns with the functionalist approach suggesting that successful individual experiences can give rise to a 'culture of migration' (HORVÁTH 2023: 11). Based on the case of the Philippines, and after examining the population and labour market trends, it is our understanding that the dual labour market theory applies most from the point of view of the country of destination, while the new economics of labour migration theory applies the most from the migrant worker's perspective.

The objective of a labour migration arrangement is to maximise national interest(s) from a state perspective, and to maximise protection and benefits from the migrant worker's perspective. Therefore, whether emigration or immigration has positive or negative impacts on a country's economy or population strongly depends on that particular state's individual economic, demographic, and political situation. For a country of origin with a high rate of unemployment, emigration will have a positive effect, since the surplus labour force will leave the country. Moreover, they are likely to send a part of their earnings home (in the form of remittances) which will mean an increased revenue for the country of origin due to the inflow of remittances. According to the World Bank, in 2022 alone, the remittances flow added up to 647 billion USD from low- and middle-income countries, which meant an 8% increase compared to the previous year. In the same year the top five recipient countries for remittance inflows were India, Mexico, China, the Philippines and Pakistan (Migration Data Portal 2023). However, labour export can also have negative impacts – despite having a high unemployment rate in the country of origin. If emigration happens from sectors where there is also a lack of work force in the country of origin, it will cause sectoral labour shortages. A typical example of this is the phenomenon of 'brain drain', meaning the detrimental emigration of high-skilled workers, which reduces competitiveness and economic diversity (RAMAMURTHY 2003). The Department of Health in the Philippines estimates that in 2021, 51% of licensed Filipino nurses worked abroad (BELTRAN 2023). Furthermore, while from the business perspective, attracting low-skilled workers from

other countries can seem highly (financially) beneficial, socially, non-migrant low-skilled workers might feel threatened by the presence of foreign labour.

Current research clearly shows that the impact of immigration (labour import) on the destination countries is largely beneficial, especially in cases where the domestic population is ageing, therefore there is a lack of labour force and a burden on the state due to the pension costs (RAMAMURTHY 2003). Migrant workers mean additional human resources, and by filling the gaps in the labour market, they are able to increase their labour market efficiency. Raising the efficiency of the labour market will lead to a more extensive production of different industries and therefore generates economic growth. According to Haas (2020), economic growth and immigration are reinforcements of each other, as immigration can be a contributing factor for economic growth and fast-growing economies attract more immigrants (HAAS et al. 2020: 280).

Therefore, instead of ad hoc, spontaneous and individually organised migration flows, well-defined, negotiated labour migration arrangements can be beneficial for both countries of origin (labour exporters) and host countries (labour importers). Nevertheless, ensuring the protection of migrant workers requires a human-rights-based approach to any such arrangement.

## **Multilateral labour migration agreements**

The United Nations offer various institutional mechanisms and platforms of collaboration when international cooperation is necessary. In this section, we will focus only on the organisation with a singular mandate related to labour rights, without assessing any of the other institutions with a broader mandate.

In 1919, the International Labour Organization was set up to form a tripartite organisation, the only one of its kind, bringing together representatives of governments, employers and workers in its executive bodies to protect human rights at work. In 1998, the ILO adopted – amended in 2022 – the Declaration on Fundamental Principles and Rights at Work, which defines fundamental principles ILO member states are obliged to commit to,<sup>3</sup> while ILO instruments assume two forms: conventions, which are legally binding international treaties – to be ratified by member states – and recommendations which are non-binding guidelines on implementation, and cover various thematic areas. It is a particular trait of the conventions that each ILO member state must comply with due to their membership and not whether they ratified the Conventions or not. In addition, The Migration for Employment Convention (Revised, No. 97) and the Migrant Workers (Supplementary Provisions) Convention (No. 143) apply to persons who migrate from one country to another – including refugees and displaced persons – and cover issues appearing during the whole labour migration process. Convention No. 97

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3 The ILO's 5 fundamental principles are: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment (ILO 1998).

and its Migration for Employment Recommendation (No. 86) were developed to help the movement of surplus labour from Europe after the Second World War. Therefore, they focus on the recruitment, employment of migrants and their working conditions and include provisions on the departure, journey and reception of migrant workers. They extend the same rights for migrant workers as nationals in areas such as pay, working hours, leaves and training. However, it implicates some limitations regarding social security as countries might have national laws or immigration regulations that contain special arrangements of benefits which are wholly payable out of public funds. As an addition to the Convention, Recommendation No. 86 provides information on accessing schools for migrants and their families, medical assistance, family reunifications and protection. It contains an Annex, which is a model agreement on temporary and permanent migration for employment and serves as a standardised employment contract to regulate the conditions of migrant workers. Convention No. 143 and its Migration Workers Recommendation (No. 151) were the first multilateral legal instruments to address issues surrounding migrant workers in irregular status and to urge measures against human traffickers. The Convention obliges nations to identify all illegally employed migrant workers within their borders and to implement necessary measures to prevent covert movements of migrants for both legal and illegal employment. It also states that migrant workers in irregular status are entitled to equal treatments for their work they actually performed compared to those of regular status. Besides the above-mentioned Conventions and Recommendations, the Private Employment Agencies Convention, 1997 (No. 181) is especially relevant in relation to migrant workers as these agencies are often involved in the recruitment and transfer of workers between states. Among others, it creates a system of licensing of agencies and prohibits charging fees directly or indirectly to workers. It obliges states to have procedures established for the investigation of complaints made by workers towards private recruitment agencies (ILO 2010: 127–130). Finally, ILO has composed further principles and guidelines for the protection of migrant workers, such the ILO Multilateral Framework on Labour Migration which intends to serve as a guide for governments, social partners and stakeholders on developing, implementing and monitoring labour migration policies. It contains comprehensive, rights-based guidelines and a collection of good practices (ILO 2006). To bridge the strategic gap between international migration policies and labour policies, the ILO signed a framework agreement with the International Organisation for Migration, the UN's migration agency.

As a member of the ILO, the Philippines is bound by all fundamental and most technical conventions, as are European countries as well. It is thus within this multilateral (legal) context that we continue our research on bilateralism.

### **Bilateral labour migration agreements**

Bilateral arrangements between labour exporting countries and labour importing countries can outline the means of cooperation on the regulation of labour migration

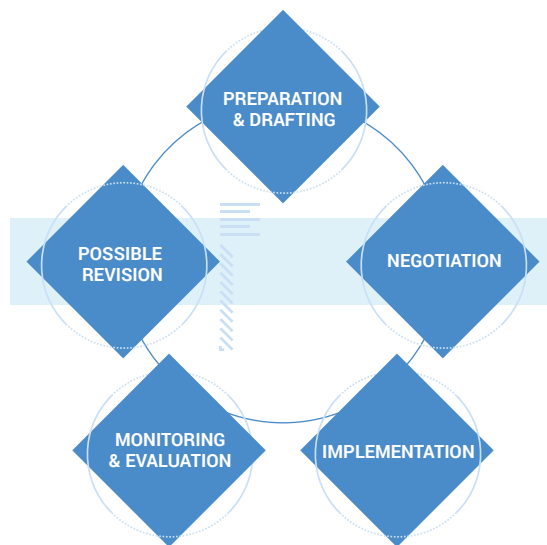


Figure 1: The BLMA cycle

Source: UN Network on Migration 2022: 23

between two states. Some regulate labour migration flow from one country to another by defining the exact number and kind of labour force movements needed in the country of destination (e.g. 2,000 construction workers from country of export to country of import), while in other arrangements, the parties only list the most important principles and set themselves broad goals for cooperation (CHILTON–WODA 2022).

In order to identify the opportunities and the challenges posed by BLMAs, we must understand the creation, the nature and operation of such BLMAs.

***Preparation and drafting***

For effective coordination of the drafting process, the responsible ministry (usually the ministry/department of labour) establishes an inter-ministerial coordination unit to ensure that the agreement is coherent with the employment and migration agendas across the ministries of the country of origin. While the government almost exclusively retains its main coordinator role of the process, it can significantly increase the effectiveness of the agreement, if social partners and the broader civil society, such as migrant organisations or recruitment/employment agency associations, are also involved in the preparations. According to the UN Network on Migration, preliminary assessments must include basic information on the demand for migrant workers in the country of destination, including sectors and occupations, the availability of the required labour force in the country of origin, the numbers and profile of already existing labour migration flow between the two states, applicable regulatory framework on labour migration for both states, existing challenges and issues between the two states, information on local wages, as well as the

relevant multilateral agreements signed by the parties (African Union 2021: 19–22). The draft agreement might also be accompanied with a model employment contract.

### *Negotiations*

Negotiating involves a focus on implementation modalities, which should be guided by the principles of international human and labour rights but are mostly based on the national interests of the negotiating parties. Labour-exporting countries aim to create job opportunities, and they may seek to enhance migrant protection or address specific labour market challenges, while the aim of labour-importing countries may be to fill (ad hoc) labour market gaps, restrict other forms of migration or explore related trade opportunities. Negotiations either occur through direct meetings or an exchange of drafts until a common understanding is reached, with the modality chosen based on mutual agreement and influenced by political or financial considerations (UN Network on Migration 2022: 36–37).

### *Implementation*

The successful implementation of BLMAs necessitates active engagement from social partners and relevant stakeholders both in countries of origin and destination, depending on the agreement's scope. Achieving coherence across ministries, and even countries, requires thorough coordination among public and private stakeholders. Considering the involvement of various governance levels (e.g. national or local authorities) is crucial. To construct an effective implementation plan for BLMAs, the following should be considered according to the African Union: establishing a target number of recruited/employed migrant workers and monitoring the worker movements between the origin and destination country under the agreement. The implementation plan should encompass the supervision of recruitment agency operations, approval of employment contracts, pre-departure, and post-arrival procedures. The plans of overseeing the working and living conditions of migrant workers through labour inspection by designated authorities is crucial as well.

Compliant implementation often lags behind, especially in cases of legally non-binding MoUs (African Union 2021: 19–22).

### *Monitoring and evaluation*

According to the ILO, legally binding BLMAs often include monitoring, such as steering committees or joint monitoring groups. These committees oversee the implementation and may be engaged to resolve legal disputes, and suggest amendments (ILO 2019: 26–27). However, the evaluation of implementation requires a more in-depth analysis than routine monitoring. It is carried out to evaluate which objectives of the agreement are achieved or to be improved and might serve as a justification for renewal or termination of the

cooperation. Evaluation (according to the African Union) should focus on effectiveness, efficiency and sustainability of such arrangements (African Union 2021: 22–24).

### *Legally binding and non-binding arrangements*

Bilateral labour arrangements exist in various forms, and their definitions often differ in scientific and political sources.<sup>4</sup> More specifically, there are legally binding, bilateral labour and migration agreements, however most frequently legally non-binding Memoranda of Understanding (MoU) are used between states. BLMAs provide contracting state parties specific legal obligations under international law, while MoUs describe broader concepts, and common objectives as well as concerns on labour migration and thus provide a legally non-binding option for cooperation (HENNEBRY et al. 2022: 3–4). Therefore, MoUs often grant more flexibility to the signing parties and are easier to modify in response to changing labour market demands. However, implementation depends on the good faith of the state parties (WICKRAMASEKARA 2018). Therefore, BLMAs and MoUs are not part of a binary system, but rather a bundle of a range of rights and obligations of the state parties.

### **Analysis of the BLMAs of the Philippines with countries in the Middle East and Europe**

In the following section, we will provide the results of our analysis; more specifically, the comparison of BLMAs between the Philippines and the Middle East and Europe with regards to the multilateral labour migration arrangements, introduced in the previous section.

The International Labour Organization adopted a Model Agreement in 1949 which contains 29 articles corresponding to items to be negotiated while developing a BLA/MoU (Table 1). The Model Agreement was meant as a tool to give effect to the provisions of ILO Convention No. 97 and to define the minimum configuration of a BLMA. The Articles cover the entire labour migration circle from the departure to the return, elaborate on the recruitment process, detailing the requirements of an employment contract, the working and living conditions of migrant workers and their social security arrangements (WICKRAMASEKARA 2018).

The Model Agreement is widely used by states while developing bilateral labour agreements. It is often used as a checklist for the comprehensiveness of a BLA/MoU and as a tool to assess the quality of the agreement based on its various provisions. However, recently it received a lot of criticism of being outdated in regards of certain provisions that

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4 In the past, the term ‘bilateral labour agreement’ (BLA) was used both to refer to any (and all) kind of labour agreement between states or for a specific, legally binding form of labour agreement. Nowadays, the ILO primarily uses the term ‘bilateral labour migration agreement’ (BLMA) to refer to an interstate bilateral agreement on labour migration and uses ‘bilateral labour agreements’ (BLA) as a term for legally binding interstate labour agreements.

*Table 1: ILO model agreement on temporary and permanent migration for employment*

<b>Article</b>	<b>Description</b>	<b>Article</b>	<b>Description</b>
1	Exchange of Information	15	Supervision of Living and Working Conditions
2	Action against Misleading Propaganda	16	Settlement of Disputes
3	Administrative Formalities	17	Equality of Treatment
4	Validity of Documents	18	Access to Trades and Occupations and the Right to Acquire Property
5	Conditions and Criteria of Migration	19	Supply of Food
6	Organization of Recruitment, Introduction and Placing	20	Housing Conditions
7	Selection Testing	21	Social Security
8	Information on Assistance of Migrants	22	Contracts of Employment
9	Education and Vocational Training	23	Change of Employment
10	Exchange of Trainees	24	Employment Stability
11	Conditions of Transport	25	Provisions Concerning Compulsory Return
12	Travel and Maintenance Expenses	26	Return Journey
13	Transfer of Funds	27	Double Taxation
14	Adaptation and Naturalisation	28	Methods of Cooperation
29	Final provisions		

Source: ILO 1949

do not appear to be relevant in today's global context. For example, now the recruitment stage is highly dominated by private recruitment and employment agencies instead of public institutions. It also criticised the lack of a gender-based approach, as migration was less common among women at the time. Therefore, some states rather develop their own model agreement – alongside with a model employment contract – based

on the ILO guidelines and models but tailored to their own characteristics and needs (Intergovernmental Authority on Development – ILO 2021: 48–49).

The selection of bilateral labour migration agreements (BLMAs) for the analysis is based on Mangulabnan and Daquio's table, which lists all accessible agreements concluded by the Philippines. Out of the 42 listed BLMAs, 29 are available online and can be downloaded from the websites of the Philippine government or related agencies (MANGULABNAN–DAQUIO 2019). The selection of countries for comparison was chosen based on geographical location, aiming to highlight potential differences in content and deviations from international standards in agreements concluded by the Philippines with countries in the Middle East and Europe. In Europe, six agreements exist with five countries, while in the Middle East, 17 BLMAs have been signed with ten countries. To maintain regional balance, five countries from each region were selected. For Europe, the selected countries are Italy, the United Kingdom, Germany, Spain, and Switzerland. In the Middle East, the five countries with the highest number of deployed Filipino workers and publicly available BLMAs were chosen: Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, and Jordan.

In the following sections we have also systematically examined and highlighted the commitments made in the selected agreements, their clarity and flexibility, as well as their legal and political provisions, and the extent to which they comply with ILO standards. A summary of each agreement was prepared separately, covering key aspects such as the main objectives, responsibilities of each party, legal clauses (if any), and their validity. To assess adherence to ILO standards, we employed a predefined coding system and variables by Chilton and Woda, focusing on three key topics identified as best practices by the ILO. This system categorises 20 core topics derived from the 1949 ILO Model Agreement on Temporary and Permanent Migration for Employment, as well as various ILO reports authored by Piyasiri Wickramasekara. The 20 topics are grouped into three key areas: governance and labour migration, protection and empowerment of migrant workers, and migration and development linkages. The findings are then presented in a table, allowing for a comparative analysis of the agreements based on the three selected topics. This structured approach facilitates the identification of patterns and deviations, leading to our conclusions.

### *Labour migration governance*

The first set of questions in the Chilton and Woda coding system examines the governance aspect of the agreements. As shown in Table 1 above, none of the agreements – except the Philippines' agreement with Italy – contains any references to international instruments. In the case of Italy, the agreement states: 'In compliance with the principles of the international provisions concerning the rights of migrants and the fundamental rights of workers.' However, this does not explicitly cite any treaties or conventions but rather indicates the respect and general commitment of the Parties towards international

Table 2: Ratification of international instruments by the analysed countries

International legal instrument	Ratification by Countries (✓ – ratified / × – not ratified)										
	UAE	SAU	KWT	JOR	QAT	GER	ITA	GBR	ESP	CHE	PHI
UDHR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ICCPR	×	×	✓	✓	✓	✓	✓	✓	✓	✓	✓
ICESR	×	×	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO – C087 – Freedom of Association and Protection of the Right to Organise C.	×	×	✓	×	×	✓	✓	✓	✓	✓	✓
ILO C098 – Right to Organise and Collective Bargaining C.	×	×	✓	✓	×	✓	✓	✓	✓	✓	✓
ILO C029 – Forced Labour Convention	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO C105 – Abolition of Forced Labour Convention	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO C100 – Equal Remuneration Convention	✓	✓	×	✓	✓	✓	✓	✓	✓	✓	✓
ILO C111 – Discrimination Convention	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO C138 – Minimum Age Convention	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO C182 – Worst Forms of Child Labour Convention	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ILO C155 – Occupational Safety and Health Convention	×	✓	×	×	×	×	✓	×	✓	×	×
ILO C187 – Promotional Framework for Occupational Safety and Health Convention	×	×	×	×	×	✓	✓	✓	✓	×	✓
ILO C097 – Migration for Employment Convention	×	×	×	×	×	✓	✓	✓	✓	×	✓
ILO C143 – Migrant Workers Convention	×	×	×	×	×	×	✓	×	×	×	✓

Source: compiled by the authors

norms. Key stakeholders, such as workers, employers, recruitment agencies, or NGOs, shall be informed about the provisions and existence of these agreements.

Table 2 above summarises the international instruments detailed in the first part of the article based on the ratification by the analysed countries.

All agreements establish information exchange and clearly define the shared responsibilities of the Parties. However, none of the agreements include provisions on disseminating its content to ensure transparency. Regulating recruitment and recruitment costs are emphasised in most agreements, in some appearing as a primary

focus or seemingly the main reason the agreement was established. According to international standards, candidates should not be charged any fees during recruitment. This principle is explicitly recorded in the agreements with the United Kingdom, Kuwait, Saudi Arabia, and Italy.

Most agreements establish a Joint Committee responsible for monitoring and evaluating the implementation of the agreement and initiating amendments if necessary. However, the role of civil society organisations and migrant-focused NGOs in the development and implementation of these agreements is largely unrecognised. Despite their importance in facilitating interstate labour migration, nearly all agreements fail to regulate their involvement.

Based on this analysis regarding migration governance, the agreement of the Philippines with Italy on bilateral labour migration demonstrates the highest level of compliance with international standards.

### *Protection and empowerment of migrant workers*

As the second point of analysis, we examined the protection and empowerment of migrant workers, such as the provision of information, living conditions, social protection, and healthcare benefits.

Information provision is essential for migrant workers, given their vulnerable position when relocating to another country. The state parties, recruitment agencies, and other stakeholders play a crucial role in informing workers about various aspects, including living conditions, the healthcare system, cultural norms in the destination country, and recruitment processes. The guidelines that define information provision should be directed towards migrant workers rather than exchanged solely between governments and recruitment agencies. The mere dissemination of the agreement's existence does not meet this criterion. Except for the agreement with Spain, all documents include some references to information exchange among states, recruitment agencies, and migrant workers. These are examples of information provisions in the analysed agreements: 'have received orientation on Kuwaiti laws, customs and traditions and the terms and conditions of the employment contract' (Kuwait – the Philippines); 'to guarantee that the domestic worker is familiar with the language, customs, and traditions, with the purpose of limiting misunderstandings that could happen as a result of cultural differences' (Jordan – the Philippines).

Equal treatment and non-discrimination of migrant workers require that they receive the same treatment as national workers in the destination country. This principle is only explicitly mentioned in the agreements with Italy and Germany: 'Filipino health professionals may not be employed in the Federal Republic of Germany under working conditions less favorable than those for comparable German workers' (Germany – the Philippines). None of the analysed documents contain specific provisions for the protection of women or other vulnerable groups.

Employment contracts must regulate the relationship between employers and migrant workers. Some agreements also require contracts to outline accommodations, social protection, and healthcare benefits – which are typically the employer's responsibility.

Wage protection is mentioned in only four agreements, three of which are with Middle Eastern countries. These provisions include payment into a personal bank account, issuing monthly pay slips, and ensuring accessibility for workers to their wages. The confiscation of travel and identity documents is a common violation of the rights of migrant workers. However, it is only the Philippines' agreement with Kuwait that explicitly addresses this issue: 'Ensure that the employer is not allowed to keep in her/his possession any of the domestic worker's personal identity documents such as passport' (Kuwait – the Philippines). Social protection and healthcare benefits generally refer to insurance and health coverage, often provided by the employer: 'Filipino health professionals are subject to compulsory insurance in the German social security system' (Germany – the Philippines).

Dispute resolution mechanisms focus on the settlement of conflicts between employers and employees, and not disputes between the state parties. In most agreements, a specific article is dedicated to this issue. Complaint mechanisms include the competent authorities of the Parties and, as necessary, the relevant courts as well.

All in all, protection-related issues are a significant part of the agreement in the case of Kuwait and Jordan, while in Europe, Germany has the biggest focus on migrant protection and empowerment.

### *Migration and development*

This section examines human resource development, including initiatives to provide further training opportunities and skills improvement for migrant workers, as well as measures to facilitate their reintegration upon their return to their country of origin.

The recognition of qualifications is included in three European agreements. It is likely due to the nature of the agreements, particularly those with Germany and the U.K., which focus on healthcare professionals – high-skilled workers – in these cases, recognition of appropriate training certificates obtained in the country of origin has high importance in facilitating labour migration between the two states.

Reference for savings and remittances occurs in three Middle Eastern and one European agreement, which indicates that migrant workers shall be free to remit their savings in accordance with the local laws and regulations.

The category of *reintegration, circulation, and development* refers to the period following the expiration of a migrant worker's initial contract. The agreements with Kuwait and Qatar mention the possibility of extending contracts upon their expiry. However, based on the guidelines for the coding system, merely allowing contract extensions does not meet the criteria, as migrant workers shall have alternative pathways beyond employment contract terms to remain in the host country. Italy is the only country that explicitly addresses circular migration: 'the Italian Party will positively

Table 3: Findings of the comparative analysis of BLMAs

Value	Countries										
	UAE	SAU	KWT	JOR	QAT	GER	ITA	GBR	ESP	CHE	
References to migrant workers' rights in international instruments	x	x	x	x	x	x	✓	x	x	x	Government and Labour Migration
Exchange of information between countries	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Transparency and dissemination of information about BLA's existence	x	x	x	x	x	x	x	x	x	x	
Defining clear responsibilities between parties	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Establishing a joint committee	✓	✓	✓	✓	✓	✓	✓	x	✓	x	
Regulation of recruitment and recruitment costs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Roles of unions, employers, organisations, and NGOs/civil society groups	x	x	x	x	x	x	✓	x	x	x	
Provision of relevant information to migrants	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	Protection and Empowerment of Migrant Workers
Equal treatment and nondiscrimination of migrant workers	x	x	x	x	x	✓	✓	x	x	x	
Protections for women or other protected groups	x	x	x	x	x	x	x	x	x	x	
Employment contracts	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	
Wage protection	✓	✓	✓	✓	✓	x	x	x	x	✓	
Provision and supervision of living conditions	✓	x	✓	✓	x	✓	x	x	x	✓	
Prohibition of confiscation of travel and identity documents	x	x	✓	x	x	x	x	x	x	x	
Social protection and healthcare benefits	x	x	✓	✓	x	✓	x	x	x	✓	
Mechanisms for complaints and dispute resolution	✓	✓	✓	✓	✓	x	✓	x	x	x	Migration and Development
Human resource development and skills improvement	x	x	x	x	x	✓	✓	x	x	✓	
Recognition of skills and qualifications	x	x	x	x	x	✓	✓	✓	x	x	
Transfer of savings and remittances	✓	x	✓	x	✓	x	✓	x	x	x	
Reintegration, circulation, and development	x	x	x	x	x	x	✓	x	x	x	
Number of compliant values	10	8	12	10	9	11	14	6	4	9	

Source: compiled by the authors

consider the inclusion of the Philippines among the countries benefiting from seasonal labour quotas and will support joint initiatives of circular migration addressed to legally resident citizens of the Philippines.’

Overall, Italy’s agreement meets all international standards in the category of migration and development.

## Conclusions

ILO Conventions as multilateral legal frameworks set the minimum labour standards at the international level, as well as the specific rights of migrant workers, which each member state must adhere to when developing and implementing BLMAs. ILO conventions are legally binding, and by ratifying the ILO conventions, member states agree to incorporate the convention’s provisions into their domestic laws and regulations, thereby committing to align domestic state policies with international standards.

As expected, considering its extensive labour migration history, the Philippines, as a State exporting one of the largest numbers of migrant workers each year, has a particularly developed institutional structure in bilateral labour migration governance and actively establishes bilateral labour migration arrangements with countries serving as a destination for Filipino Overseas Workers.

Having examined 10 BLMAs of the Philippines in two geographical areas – Europe and the Middle East – focusing on three thematic areas, namely migration and governance, protection and empowerment of migrant workers, and migration and development, we established that migrant workers’ rights and references to international instruments (multilateral arrangements) are the least embedded in the examined bilateral arrangements. We analysed the BLMAs based on 20 provisions aiming to ensure compliance with international labour standards. Six of the analysed BLMAs did not contain half of the provisions, strengthening the statement that the adherence of such agreements to international standards is weak. Examining the common trends among the BLMAs, we observed that there is no significant difference in terms of focus between the arrangements adopted in the Middle East and in Europe, although certain provisions in the area of protection – wage protection, complaint and dispute resolution – were more frequently mentioned in the former geographical area. Adding to this observation, countries in the Middle East did not ratify either of the ILO’s migrant worker conventions, and omit any legally binding clauses in their bilateral arrangements with the Philippines. Meanwhile, only the Philippines – Italy agreement contains reference to international instruments to establish a protectionary framework for the labour migration flow between the two states. The latter state is also the only in this study which ratified all listed international instruments related to labour migration.

International governance of labour migration and the implementation of international labour standards within bilateral agreements is a complex mechanism. The ratification and successful implementation of international human rights instruments, the development of bilateral cooperations, the mutual information provision between two states on the

labour market demands and supply, and a well-established institutional background are the components which can make bilateral arrangements an effective means of governance in labour migration.

It is also our conclusion that this article provides a basis for further research on the real experiences of migrant workers with its comprehensive description of the international instruments and detailed analysis of bilateral arrangements on labour migration.

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