



COMMISSION ON HUMAN RIGHTS

REPUBLIC OF THE PHILIPPINES

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July 22, 2020 (<https://chr.gov.ph/a-call-for-an-urgent-justice-mechanism-for-our-ofws/>)

A call for an urgent justice mechanism for our OFWs

“We are in solidarity with the appeal of the Migrant Forum in Asia, together with other migrants’ rights movements, on the urgency of ensuring a justice mechanism for repatriated Filipino migrant workers,” says Commissioner Gwendolyn Ll. Pimentel-Gana, the Commission on Human Rights’ focal commissioner on migrants’ rights.

Following the release of our statement calling for a more structured and human rights-based system on the repatriation of OFWs, the Commission on Human Rights (CHR) would like to draw attention to the fact that the lack of support from the sending and receiving countries has led to an increase in the number of cases on wage theft. Thus, we urge the government to take the necessary steps to address the concerns faced by repatriated OFWs, particularly improper compensation, non-payment of wages, and job loss.

In support of the attached statement from the Migrant Forum in Asia, and for the government to be able to effectively address the aforementioned concerns, we highly recommend the establishment of an urgent justice mechanism for OFWs.

In particular, CHR would like to highlight the following recommendations:

1. *Compensation Fund*

Funds must be set up at the national level, and contributions to them could be ensured by the government, private contributions, business, and philanthropic foundations. Funds advanced by the government could be later recouped from employers and businesses who were involved in wage-theft. This approach would ensure that migrant workers are paid their dues without delay, and that their cases are resolved swiftly.

2. *Reforming National Justice Systems*

Measures at the national level that have addressed claims related to wage theft need to be intensified and infused with greater political will. These include setting up expedited labor courts, waving court fees, putting in place wage protection systems, operating worker hotlines in different languages, ramping up documentation in cooperation with missions, facilitating power of attorney procedures, allowing for remote testimony post repatriation, providing legal aid, and encouraging workers to come forward to register their labor grievances.

3. *Building Back Better Cannot Be at the Expense of Migrant Workers*

The need for more robust mechanisms to expedite payment of wages and other entitlements owed must be recognized and addressed. This is a matter of great importance to migrants, to the family members and communities who depend on their remittances, and to the resilience of the economies in their countries of origin.

For our part, CHR will continue to engage with government and civil society in finding durable solutions and redress for human rights grievances that beset OFWs and members of their families especially in this time of pandemic.

DOWNLOAD PRESS RELEASE (http://chr.gov.ph/wp-content/uploads/2020/07/PS_A_call_for_an_urgent_justice_mechanism_for_our_OFWs_22_July_2020.docx)

DOWNLOAD: Urgent Justice Mechanism for Repatriated Migrant Workers Now (http://chr.gov.ph/wp-content/uploads/2020/07/Urgent-Justice-Mechanism_-Appeal-Part-II-09-07-2020.pdf)

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