

On the Block How a Country Exports and Exploits its Heroes



BY RHODORA A. ABANO

THE PHILIPPINE Overseas Employment Agency (POEA) reported that for the first six months of 2008, it has already met 64% of this year's target of 1 million overseas deployment. A total of 640,401 overseas-bound Filipino workers left, a 33.5% increase in deployment of documented OFWs over the same period in 2007. With the 1,077,623 documented workers who left in 2007, the total stock estimate of overseas-based Filipino workers now stands at 8.7 million (see Table 1). Labor Secretary Marianito Roque called this "the continued growth and strength of global OFW deployment". Remittances reached \$8.2 B in the first semester of 2008. The Bangko Sentral ng Pilipinas (Central Bank) looks forward to overtaking the 2007 remittance record of \$14.4 B.¹

Desperation

One needs only to look at the NSO April 2008 employment data (*inset*),

LABOR FORCE SURVEY, APRIL 2008

The National Statistics Office (NSO) reported in April 2008 that six in every 10 employed persons were working for 40 hours or more while part-time workers comprised 35.7% of the total employed. In addition, the number of underemployed persons was estimated at 6.6 million (19.8% of total employed), higher than last year's 18.9%. About 57.5% of the underemployed were part-time workers or had been working for less than 40 hours a week. The number of unemployed persons was 2.9 million, placing the unemployment rate at 8.0%. Three regions recorded double-digit unemployment rates (NCR registering the highest (13.8%), CALABARZON² (10.3%) and Central Luzon (10.0%). The proportion of males among unemployed (62.5%) was higher than that of females (37.5%).³

LABOR: THE DISTURBING FACTS

Although the population aged 15 years and over grew by 1.3 million between April 2007 and April 2008, the labor force grew by only 81,000. The number of employed persons decreased by 168,000, twice the increase in the labor force. Therefore, there was no employment generation in April 2008. Instead, there was job shedding at a time of rising prices of basic items. Bulk of the job shedding took place in the following industries: fishing, manufacturing, wholesale and retail trade, other personal and community services, private households with employed persons; and among the following occupations: plant and machine operators and assemblers, fishermen, and trades and related workers. In terms of class of workers, job shedding occurred among own-account workers and unpaid family workers. The number of unemployed persons increased by 249,000, thrice the increase in the labor force, while the number of underemployed persons also grew by 270,000, more than triple the growth in the labor force. Underemployment rose among those who were already working 40 hours or more a week: despite the long hours, the pay was not enough to meet the rising cost of living. If we define the underutilized population as those aged 15 years and over who are not in the labor force plus the unemployed and the underemployed, the total underutilized population increased by 1.7 million, more than the increase in the economically active population. The proportion of underutilized persons also grew from 51.5% to 53.4% (of population aged 15 years and older). For every 10 employed persons in April 2008, there are 9 underutilized Filipinos. (Source: Presentation by economist Maitet Diokno-Pascual, June 17, 2008)

Diokno-Pascual's comment (*inset*) and the National Statistical Coordination Board (NSCB) report on rising poverty incidence from 4 million to 4.7 million poor families⁴ (an additional 3.8 million poor people⁵) from 2003 to 2006 to easily understand the desperation of more Filipinos to leave the country for work abroad. In June 2008, the Social Weather Station (SWS) survey found a record 62 percent of adult Filipinos saying their lives have worsened in the past 12 months. The same survey found 30 percent of 1,200 nationwide respondents saying they expect their personal quality of life to get worse in the next 12 months.⁶

The government's annual deployment target and what a BSP report calls as the "efficient deployment system, reinforced by the country's continuing bilateral cooperation for OFW employment opportunities with emerging markets like Canada and other host countries"⁷ are additional and official government encouragements for Filipinos to go abroad. A collective paper researched for the Development Roundtable Series noted that short of the annual target of 1.6 million jobs, new jobs created declined from 700,000 in 2005 to 648,000 in 2006 and further down to

599,000 (37.4 percent) in 2007. It further noted that the only area where the Medium-Term Philippine Development Plan (MTPDP) is on track is the deployment of the one million OFWs each year, which is only one of its poverty alleviation measures and not included in the 1.6 million target.⁸



TABLE 1. Stock estimates of overseas Filipinos, 2007

Region	Permanent	Temporary	Irregular	Total
World total	3,692,527	4,133,970	900,023	8,726,520
Africa	1,983	69,880	18,540	90,403
Asia, East and South	213,736	747,069	258,640	1,219,445
Asia, West	4,082	2,055,647	121,850	2,181,579
Europe	284,987	555,542	112,990	953,519
Americas/Trust Territories	2,943,812	354,352	354,843	3,653,007
Oceania	243,927	84,927	33,160	362,014
Seabased workers		266,553		266,553

Source: www.cfo.gov.ph

The dearth of job opportunities suited to their knowledge and skills continues to force many Filipinos to opt even for jobs below or outside their education and work background, as in the case of nurses working as caregivers in the UK, doctors shifting to nursing and teachers working as domestic workers in Greece. Low salaries in the Philippines is likewise a push. For example, nurses start in private hospitals for as low as P6,000 a month and a college level instructor earns as low as P60 per hour or P480 per day, three days a week. Abroad, they can earn thousands of dollars.

However, the rice crisis, the “stronger” peso, oil price hikes that are pushing all other prices up and world-wide economic problems have made life even harder not only for the OFW families but also for the OFWs themselves. The Saudi Ministry of Commerce and Industry announced in January that prices of food products could go up by a further 20 to 30 percent.⁹ Thus, while OFWs have to remit more because the “stronger” peso requires more dollars, they also have to budget more for their own needs.



One OFW, for example, sends an equivalent of P20,000 monthly remittance to his family in the Philippines, setting aside \$200 for his own basic necessities. But with the “stronger” peso, he had to increase his dollar remittance to maintain the P20,000 monthly allowance for his family, leaving him with only around \$112 even as the price of basic goods in the country where he works has also increased.¹⁰

Illegal and excessive placement fees

It is this desperation that forces Filipinos to pay excessive fees to recruitment agencies and brokers despite the law allowing a placement fee equivalent to a month’s salary only. Filipino caregivers in Israel, on the average, had to pay up to six times higher than the amount permitted by law, for which they took loans at an average monthly interest rate of 8%.¹¹ Furthermore, there have been cases of caregivers paying \$5,000 to an agency that “exports” them on student visas to England.¹² For Singapore, domestic workers paid a minimum P5,000-10,000 initial placement fee. Some left on a “fly now pay later” scheme. Upon arrival, they were made to sign a salary deductible loan of up to 94% of their salary (or a minimum of US\$205). Undocumented domestic workers in Singapore receive only US\$165-176 for the first six to nine months, with no day offs.¹³ In Taiwan, victims of erring agencies paid as much as P120,000 or six times more than the fees paid by OFWs hired under the special hiring program for Taiwan (SHPT).¹⁴ So far, POEA has not sufficiently addressed this problem.

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Countries registering the highest increase in irregular workers

	2006	2007	Increase
1. Singapore	38,000	56,000	18,000
2. UAE	20,000	35,000	15,000
3. Oman	1,500	9,000	7,500
4. Australia	3,000	9,000	6,000
5. Qatar	1,000	5,600	4,600

Source: www.cfo.gov.ph

Undocumented and irregular OFWs

Given their status, undocumented or irregular migrant workers¹⁵ are most vulnerable to human rights violations. Undocumented migrant workers are estimated at around 900,000. POEA's deployment figures do not include Filipinos who leave the country on tourist (for the US, Singapore and Israel), visit (UAE) or "flying"¹⁶ (Israel) and student visas (UK), and those whose work visas have expired many times owing to workplace exploitation. These workers are abused not only by employers but also by agencies and government authorities. They take on jobs promised them by their recruiters who usually charge excessive fees. Most of the time, the jobs do not materialize or are not what they were led to expect.

One such worker is "J" (a native of Zamboanga City) who went to the United Arab Emirates on a visitor's visa. He was told by his friend in Dubai that the latter's employer can easily hire him. Upon arrival, he found out that there was no job waiting for him. He spent his pocket money looking for a job. When his visitor's visa expired, he had to exit to Oman, where he was caught and got deported. In Greece, women are promised office jobs on seafarers visas and end up as domestic workers.¹⁷ About 75% of Filipina domestic workers in Singapore are undocumented, according to an official report to Congress.¹⁸ In Jordan, 80% are undocumented.¹⁹

The use of questionable documents is blatantly practiced, as in the cases of some caregivers in Israel and factory workers in Korea. A caregiver deported from Israel for overstaying thinks nothing of using faked identity just so she can go back. She knows of others who have done this and gotten away with faked identities. To secure passports, applicants from the Autonomous Region of Muslim Mindanao (ARMM) go around document authentication procedures because of civil registration problems.²⁰



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Top 10 destination countries of irregular OFWs

2006		2007	
1. US	(156,500)	1. US	(155,843)
2. Malaysia	(125,000) ²¹	2. Malaysia	(128,000) ²²
3. France	(39,850)	3. Singapore	(56,000)
4. Singapore	(38,000) ²³	4. France	(39,000)
5. Japan	(30,700)	5. UAE	(35,000)
6. Israel	(22,500)	6. Japan	(30,700)
7. UAE	(20,000)	7. KSA	(20,000)
Italy	(20,000)	8. Italy	(13,000)
8. KSA	(18,000)	9. S. Korea	(12,000)
9. S. Korea	(14,000)	10. Kuwait	(10,000)
10. Kuwait	(11,500)	UK	(10,000)

Source: www.cfo.gov.ph

Despite stricter migration policies in receiving countries, irregular migrants continue to stream out of the country, for well-known reasons. While the Philippine government thinks only of the remittances the OFWs send home and is only too thankful for this unemployment safety valve, receiving governments are just as mindful of the service migrant workers render to their own economies, even as they institute policies that will limit migrant workers' benefits and prevent them from permanently settling and bringing in their families.

The European Parliament, for example, speedily adopted on June 18, 2008 the so-called "Return Directive." This directive endorses an EU instrument that will criminalize irregular migrants, imposing such penalties as detention of undocumented migrants for up to 18 months before deportation as well as a re-entry ban.²⁴ This directive imperils no less than the estimated 112,990 irregular Filipino workers in Europe (out of almost a million Filipinos, as of end 2007).²⁵

The United Kingdom's new immigration policy of banning overstaying aliens without papers and those attempting to enter with fake documents took effect on April 1 this year. Israel's immigration department implements retroactively the 63 maximum

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number of months a caregiver can work (Some caregivers who have only a few months left of the ceiling are able to get visas, but after paying excessive fees are still deported back to the Philippines at the end of a few months' stay). Japan's stricter immigration policy has pushed the deployment of overseas performing artists down by 65,226 (or 63%).

The 2007 Stock Estimate of Overseas Filipinos shows that the US is the top destination for irregular OFWs, followed by Malaysia. Singapore registered the highest increase (for 2007), out-ranking France, followed by UAE.

DEPORTATION

IN MALAYSIA, arrest, detention and deportation of undocumented Filipino workers continue. In a 2006 report to the Office of the Undersecretary for Migrant Workers (OUMWA), the Philippine embassy in Kuala Lumpur estimated that there were 1,600 Filipinos in three detention centers and regular prisons in Kota Kinabalu, Tawau and Sandakan at any given time, mostly on immigration-related problems. This makes Filipinos the second largest number of detainees, after Indonesians, although Filipinos only constitute the seventh largest foreign workers' group in Malaysia. The same report indicated that 9,277 Filipinos were deported, over 98% of them from Sabah, averaging 762 deportees a month.²⁶

Deportation of Filipinos from Malaysia became a bigger problem in 2008, as the Malaysian government plans the mass deportation of as many as 200,000 undocumented Filipinos. Mujeres, a women's organization in Zamboanga City, observed twenty times more Filipino deportees landing in the city's pier. From 2007 until April 15, 2008, the Ikatan Relawan Rakyat Malaysia (RELA)²⁷ was reported to have conducted 7,213 raids and arrested 42,946 undocumented migrant workers.²⁸

In addition, cases of human trafficking were monitored, mostly in Labuan, Sabah and Sarawak where victimized Filipinos could not seek shelter and protection from the Philippine Embassy, which is



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in Kuala Lumpur. The embassy reported 46 cases of human trafficking, 78% of which were reported in Sabah.

It will be recalled that in 2002, bilateral relations between Malaysia and the Philippines were severely strained when two babies died as they were being deported to Zamboanga at the height of a Malaysian crackdown on undocumented migrants. A 14-year-old Filipino girl was also reportedly raped by Malaysian authorities while in detention. The harsh treatment of deportees prompted two diplomatic protests against Malaysia.

Many OFWs are also forced to accept jobs different from that specified in the contract, as in the case of "R" of Quezon province who works for a parlor in Brunei but whose visa is for a marketing office. "C" works as a dishwasher/kitchen helper instead of waitress in Cyprus.²⁹ This practice makes regular OFWs irregular, always in danger of arrest, detention and deportation. OFWs are also forced to accept lower salaries (as low as \$150 for domestic workers in KSA, equivalent to just a little more than P6,000) and lesser benefits. They are trapped into accepting lower salaries because they have to send home money to their families, aside from paying the recruitment fees and loans they incurred before leaving.

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Bagong bayani: The gender dimension

Women made up 46% of new hires in 2007. While household service workers' deployment dropped by 56.6% due to the implementation of the Household Service Worker policy reform in December 2006, there were still some 40,000 Filipinas who left, mostly for the Middle East.

The reform package and the lack of capacity of government agencies to monitor its strict implementation not only resulted in the continuing collection of exorbitant placement fees either before deployment or through salary deductions upon employment overseas, but also of fees for the required training. Agencies also

circumvent the policy by substituting other occupations on their contracts to skip the requirements.

The policy also prevented many women OFWs to visit their families, causing them and their families additional hardship. Domestic helpers receive as low as \$200/month (even if the new POEA policy sets the minimum at \$400). Quite a number of domestic workers are unable to come home for visits because they would lose their jobs if they ask for a furlough. One such worker is “B,” who has been continuously working in Lebanon for the past 3.5 years, at \$200/month. “B” is afraid that if she comes home and loses her job, she might not be able to find another job. This she cannot afford, because she still owes her recruiter \$600.³⁰

Problems of Filipina domestic workers in Kuwait

Problem	Number of complainants
Verbal abuse	239
Overwork	230
Inhuman treatment	165
Lack of food	159
Physical maltreatment/maltreatment	116
Unpaid salaries	89
No rest days/lack of rest	72
Finished contract/not provided exit ticket	12
Misunderstanding with employer	10
Sexual harassment	7
Rape	6
Others	143

Based on the Semi-Annual Report to Congress of foreign service posts on assistance to nationals, July-December 2006.

Because of the nature of their jobs, HSWs are highly vulnerable to abuse either at the hands of their employers or their agencies. In fact, cases of abuse are high among household workers. Of 130 women OFWs CMA documented, 20 were domestic workers, 17 of whom worked in the Middle East. They reported salary irregularities/delayed payment of up to seven months (9 complaints), maltreatment (8), agency malpractice, contract irregularities and visa problems (4 each).³¹



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Many of these women also complained of excessive placement fees and long work hours. Seventy cleaners to be deployed to Qatar complained of placement fees four to five times more than the expected \$200 monthly wage. No receipts were issued for these fees. In addition, while their contracts were to last for three years, their visas would lapse after five months. Despite these, they decided to go. Some said they would file a complaint with POEA once their departure is certain.³²

Six restaurant workers in Cyprus worked long hours for 33 days without salary and overtime pay, despite a proviso in their contracts specifying one day off for every 1-2 weeks of work. When the dishwasher/kitchen helper "C" complained, she was locked up in an isolated room, mentally tortured and physically abused by the police, burned with cigarette and was injected with something that made her sleepy. This was done in connivance with her employer. She was not even aware when she was put on a plane to Bangkok.³³

Other common complaints among women OFWs are poor accommodations, non-provision of a copy of their contracts, no overtime pay and no day off. From September 2007 up to the time they finally came home in February 2008, ten nurses of Thadiq General Hospital in KSA lived in cramped quarters, with poor ventilation and without a water heater. They were also underpaid and overworked.

Nurses were not allowed to go home upon expiration of their contracts if there are no replacements available. The contracts of the 10 Thadiq Hospital nurses expired in May 2007 but they got home only in February this year. They stopped work in protest, at the cost of being denied their salaries.

When the 10 Thadiq nurses consulted POLO/OWWA about their problem, they were advised to escape to the embassy, or they would not receive help. They were told that if they do not go to the embassy, they will not be able to go home even within ten years. (*"Kailangan makatakas sila. Dito punta sa embassy para dun daw sila kayang tulungan...Kung hindi sila punta dun, kahit 10 years sila dito, hindi sila makakaalis dito."*) A doctor in Riyadh who

reported this said *“POLO/OWWA Riyadh is rather slow (the case did not progress for three months). Why do they need an NGO to help them when that is what they are receiving their salary for? Who will answer for the incompetence of these government people assigned to help OFWs?”*³⁴

Of these 130 cases documented, three complained of sexual advances, attempted rape and rape. The US military also announced in late February they were investigating the rape of a woman OFW by a member of the US Army in Okinawa. The crime happened just three days after she arrived in Okinawa.³⁵

Six Filipinas were also embroiled in family problems involving abandonment by their husbands or child custody.

These problems have long been documented, ever since Filipino women started leaving the country to work abroad. Of the cases reported in 2007 in the Middle East alone, women OFWs comprised 89% of the 7,135 runaways, 80% of the 4,556 repatriated, and 41% of the 3,285 who were in detention centers or with pending cases.

In the KSA, the women’s most common problems were maltreatment, sexual abuse/harassment perpetrated by the employer or a member of his family, and delayed/non-payment of salary; in Kuwait, problems include verbal abuse, overwork, inhuman treatment, lack of food, physical maltreatment, unpaid salaries, lack of/no rest day, sexual harassment (seven cases) and rape (six cases); in the UAE, women commonly complain of unpaid salaries, overwork, maltreatment and verbal/sexual abuse. Despite these, the KSA, the UAE, Qatar and Kuwait were among the top destinations of temporary workers, and the UAE, the KSA and Kuwait were among the top destination of irregular OFWs in 2007. In addition, both Qatar and Oman registered high increases in both temporary and irregular OFWs.



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Distressed OFWs in the Middle East, 2007

Embassies/ consulates Middle East	Distressed/ Runaways		Total	Repatriated		Total	Detained/Pending cases		Total
	Male	Female		Male	Female		Male	Female	
Riyadh (KSA)		1,106	1,106	364	1,092	1,456	877	728	1,605
Jeddah (KSA)	723	586	1,323		261	261	124	35	169
Kuwait		2,122	2,122		1,043	1,043	8	47	55
Abu Dhabi (UAE)		307	307		231	231	25	105	130
Dubai (UAE)	3	747	750	2	439	441	53	89	142
Amman (Jordan)		110	110	2	206	208		25	25
Baghdad (Iraq)				17	3	20			
Beirut (Lebanon)	2	265	267			151	4	90	94
Syria								3	3
Cairo (Egypt)	1	67	68			10	2	1	3
Doha (Qatar)	3	401	404	83	110	193	426	77	503
Manama (Bahrain)	20	333	353	27	190	217	52	154	206
Oman	2	307	309	4	109	113		4	4
Tehran							2		2
Tel Aviv		16	16			212			344
TOTALS	754	6,367	7,135	499	3,684	4,556	1,573	1,358	3,285

Source of basic data: OWWA and DOLE

As of end 2006, there were also 444 distressed Filipina domestic workers/runaways in Singapore. Most common complaints include being made to work in more than one household, non-payment of salaries, lack of valid employment contract, rare/no days off, refusal of employers to attend to their medical needs, and excessive placement fees.³⁶ Since the implementation of stricter immigration policies, the Tokyo Embassy reported that overstaying entertainers tend to suffer lower/unpaid salaries, prolonged working hours, abrupt employment termination and restricted freedom. They also

pay large sums of money to Japanese nationals who would marry them. In other cases, entertainers marry their customers (usually divorced Japanese who are far advanced in age) just so they could stay on. There were also 39 entertainers in detention, and another 213 who were repatriated. In Malaysia, the Immigration Department Enforcement Unit in Putrajaya reported 1,943 Filipinos in detention as of January 2007, 587 of whom were women.

The vulnerability of Filipina OFWs, and the unabated cases of abuses they suffer should make everyone – especially the government – take notice, given the steady trend of deployment of younger female OFWs. In 2005, an estimated 44 percent of the total female OFWs belonged to the 15 to 29 age group. In 2006, about the same number (43.5%) of female OFWs were in the 15 to 29 age range.³⁷ Hongkong, Saudi Arabia, and Japan were the top three countries of destination of female OFWs. 54.9 percent of the total female OFWs were laborers and unskilled workers, the sector that is most vulnerable to abuse and exploitation.³⁸

Children of OFWs

UNICEF deputy country representative Colin Davis said around 56 percent of migrants are married. If there are 1 million each of female and male OFWs who are married, and assuming an average of three children per household, there about are six million children left behind who are at risk from the social costs of labor migration.³⁹

A major concern are the children of undocumented OFWs in Sabah whose right to nationality is violated by the long-standing problem of civil registration in faraway Kuala Lumpur and who risk continuing raids, arrests, detention in subhuman conditions and deportation.⁴⁰ As of January 2007, the Immigration Department Enforcement Unit in Putrajaya showed that of 1,943 Filipinos in detention, 231 were children, for whom there are no special provisions in the detention cells. One expects that their detention conditions would be the same as those of the 14- and 16-year-old boys who were among the 36 Filipino fishermen jailed by Malaysian authorities (see *succeeding section*).⁴¹



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Another matter of concern is that the adopted legislative text of the European Return Directive that allows undocumented migrants to be held in custody from six months to 18 months includes children.⁴²

A recent research on migration risks⁴³ describes how Filipino adolescents (of migrant parents) become “worse off” in life. OFWs give less time and money to their children aged 13 to 16, making them “susceptible to being engaged in unwarranted acts, such as premarital sex that results in teenage pregnancies and subjects them to abuse, whether sexual or physical; or they go into drugs.”⁴⁴

Scalabrini Migration Center’s Dr. Maruja Asis said these children require more time because most already share in household responsibilities, especially the eldest children who usually assume part of the duties of the absent parent/s, sharing these responsibilities with an older relative like grandparents. Aurora Javate-de Dios of Miriam College’s Women and Gender Institute said this is especially prevalent among female firstborns who assume the caregiving responsibilities of OFW mothers, given that the latter “take away 80 percent of care-giving factors when they leave”.⁴⁵

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Right to food, health and shelter

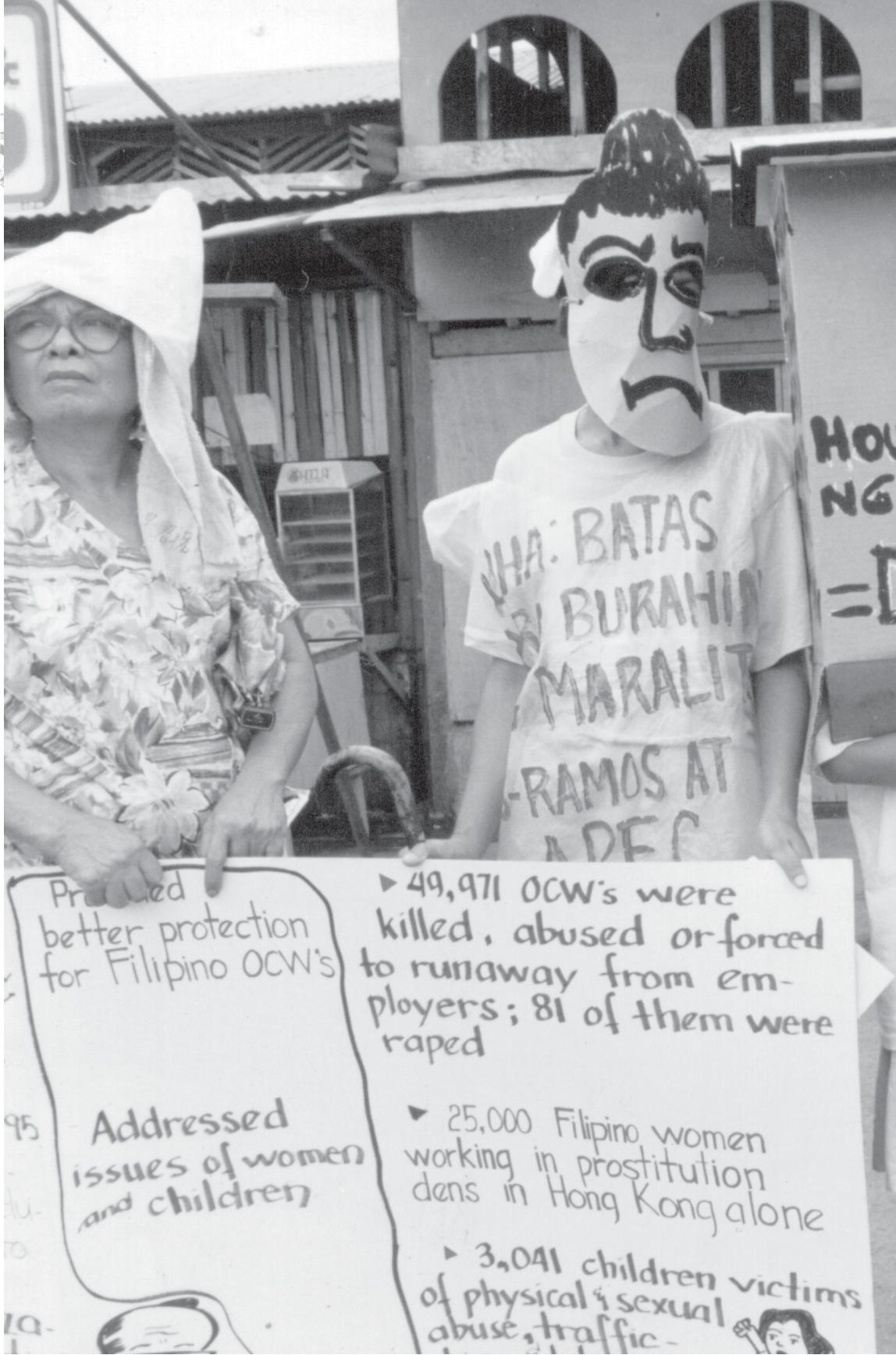
Many OFWs stoically endure violations of their human rights, hardly complaining in exchange for a job. Only when they have reached the end of their tethers are they forced to complain.

The 36 fishermen jailed in Malaysia complained of being given twice-a-day food rations fit only for animals. They described their prison cells as “animal corrals” where 150 prisoners were jam-packed, with only plywood for beddings. They were not provided even with soap, and their quarters had no access to sunlight. When they were transferred to other detention centers, they were handcuffed, barefoot and made to wear the tattered and dirty clothes that the authorities confiscated when they were first detained. They had supposedly served their sentence by November 2007, but they were only released in January 2008. When they arrived in Zamboanga City, they were all suffering from malnutrition and skin abscesses. They could barely walk.⁴⁶



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RAGONG
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WHA: BATAS
BURAHIN
MARALIT
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Provided better protection for Filipino OCW's

Addressed issues of women and children

▶ 49,971 OCW's were killed, abused or forced to runaway from employers; 81 of them were raped

▶ 25,000 Filipino women working in prostitution dens in Hong Kong alone

▶ 3,041 children victims of physical & sexual abuse, traffic-





USING PROJECTS
REHIMENG U.S. -
RAMOS
DEMOLISYON

WE ARE NOT
BEGGARS
WE DO NOT WANT
THE ASIAN
FUND! WE
STATE LEGAL
COMPENSATION
TO RESTORE
HONOR & DIGNITY
- LILA-PILIPINO





Undocumented workers also do not usually have access to health services, are afraid to access this or, not having health insurance, cannot afford expensive private health care.

Fifteen hotel workers, most of them on visit visas and sub-contracted to a Dubai hotel, were crowded eight to a room, although the room was meant for only six persons. Sixteen of them shared one comfort room, forcing them to share a shower so as not to be late for work. Neither were they fed adequately – only once when working a 9-hour shift and on two other occasions when they had to work double shifts. Yet as Ace Ferrer, 27, from Laguna recounts, “The company⁴⁷ wants us to smile at customers all the time, even if we were treated badly.”⁴⁸

Most of the cases of OFW abuses are reported in the KSA, Kuwait and the UAE. These countries receive the biggest flux of temporary OFWs and are also in the top ten destinations of irregular OFWs.⁴⁹

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Top 10 destination countries of temporary workers

2006		2007	
1. KSA	(1,001,330)	1. KSA	(1,046,051)
2. UAE	(291,363)	2. UAE	(493,411)
3. Kuwait	(133,361)	3. Qatar	(189,943)
4. US	(128,440)	4. Kuwait	(129,708)
5. Hong Kong	(121,644)	5. US	(128,910)
6. Qatar	(115,874)	6. Hong Kong	(116,066)
7. Japan	(103,555)	7. UK	(102,381)
8. UK	(93,358)	8. Malaysia	(90,965)
9. Malaysia	(88,372)	9. Italy	(82,594)
10. Italy	(84,972)	10. Singapore	(70,616)

Source: www.cfo.gov.ph

Countries registering the highest increase in temporary workers

	2006	2007	Increase
UAE	291,363	493,411	202,048
Qatar	115,874	189,943	74,069
KSA	1,001,330	1,046,051	44,721
Oman	21,017	33,164	12,147
S. Korea	50,600	62,528	11,928
Canada	38,886	49,309	10,423
UK	93,358	102,381	9,023
Guam	810	9,392	8,582

Source: www.cfo.gov.ph

One indicator of abusive work and/or living conditions is the number of Filipinos in distress/runaways and those repatriated or deported. In Malaysia, there were 209 distressed Filipinos/runaways; in Japan, 1,405 were in detention centers; 52 distressed Filipinos/runaways and an additional 1,032 were repatriated.

Right to protection

What is most worrisome is that while the government aggressively markets our OFWs abroad, the Department of Foreign Affairs and the foreign posts, including the labor attachés and welfare officers, are unable to provide sufficient protection to them, especially on-site. There are only 85 foreign posts, while OFWs are scattered in more than 200 countries and territories worldwide. In KSA, the Philippines maintains not only an embassy and a consulate but also the Phil. Overseas Labor Office (POLO), but these three can hardly cope with the more than a million OFWs in the kingdom. In UAE, how can the embassy and consulate cope with half a million OFWs, 35,000 of whom are undocumented?

Among CMA's documented cases, 89 OFWs complained of being neglected by the embassy/consulate. Because the embassy staff were not really knowledgeable of the laws and processes of the host country, they tend to give poor advice to the distressed OFWs. At times, they could not or did not give advice at all. Teresita Santos, a sewer who was gang raped in August 2005 by five Saudi



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nationals, accused the personnel of the Philippine consulate in Jeddah of depriving her of proper legal advice and blocking the hearings that almost caused her to lose claim over her rights. In her letter-complaint submitted to the Department of Foreign Affairs, she said it was only the help of fellow OFWs from the V-Team in Riyadh that enabled her to file her claim against her perpetrators. It took two years before she was able to do so, because she had no official assistance.⁵⁰

Julian Camat, Hermilo Ramos and Napoleon Fabregas, cargo handlers who were sentenced by a Saudi court to one-and-a-half years of imprisonment for the theft of computers in January, 2003, were found not guilty after having served four years and four months in detention. They said their wrongful imprisonment was caused by the negligence of the consulate in Jeddah.

Because of insufficient assistance from their own government, more than 150 OFWs were languishing in jails in Al Malaz and Al Hair in the KSA, some of whom have already served their sentence. "RC," a machine operator, was jailed two years more than his one-year sentence and was not assisted up to his sentencing. The family was always told his case is with the higher court, was given wrong information (for example, regarding the sheik in charge of his case) and when he was sentenced, his file was not made available. He was last visited in 2006. "DL" was not sentenced for two years and as of February 2008, he still has not gone home. "JG" has been detained since 2007; and "RL" lost his sanity waiting in prison for assistance that was not forthcoming.⁵¹

Esnaira Angin, on the other hand, accused the assistant labor attaché of denying her help and shelter at the POLO, allegedly for lack of money to pay for necessary fees. She was one of four OFWs in Dubai whose house was broken into by three Emirati and an Omani national in November 2005. She was stabbed on her chest and back while trying to resist their attackers. "D," a nurse charged for not calling the police about a dead baby left in the hospital toilet although she was not on official duty at the time, sought the embassy's help to appeal the unfair verdict. The embassy advised: *"Desisyon mo yan... Tanggapin mo na lang yan total*

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napakasimpleng parusa lang yan. Bawat hearing, nandon naman ang embassy. If you file, tataas ang sentensya." (It's your decision. Just accept the verdict. It's only a small punishment, anyway. The embassy sent a representative each time you had a hearing. If you file an appeal, the sentence will only be more severe.)

"C," a heavy equipment mechanic, met an accident at work in Riyadh and suffered spinal injury that forced him to stop working. His company did not attend to his disability pay, amounting to 120,000SR. Neither did the embassy assist or visit him since October 2006. Again, it was the V Team which assisted him in his claims, which he received in January 2008.

There are even cases when diplomatic personnel themselves abuse Filipina domestic workers, as in the case of a staff of the Philippine permanent mission to the UN in Geneva who allegedly abused her domestic worker (who happens to be her own cousin). The Geneva court ordered her to pay damages and back wages as far back as January 2000. To date, she has yet to comply with the court's order. Despite having been served a warrant of arrest, the DFA continues to employ her in the home office.⁵²

Meanwhile, the justice department dealt 26 immigrant Filipino nurses a third successive blow in their long-running battle with their recruitment agency and employer in the Philippines and the United States, when it dismissed a complaint for alleged illegal recruitment. The case filed in June 2006 charged the Sentosa Recruitment Agency⁵³ of violating the Labor Code and illegal recruitment by "furnishing and publishing false notice or information or document in relation to recruitment or employment." Sentosa allegedly "substituted or altered employment contracts approved and verified by the Department of Labor". The DOJ said what happened "may warrant an action which is civil in nature, but definitely, not a criminal action."

On the other hand, a CMA online survey among 400 OFWs in different countries found that only 7% of the respondents have used an OWWA program, only 5% said OWWA successfully met his/her welfare needs, and 48% do not know what benefits and services



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OWWA offers. Only 16% know that their employer is supposed to shoulder his/her membership fee, while only half know he/she can tap OWWA's programs until his/her contract expires. Meanwhile, OWWA's Omnibus Policies deprive many OFWs the benefits and services due them. For these and other failures, calls for the welfare agency's overhaul continue.

One indication of the government's failure to attend to the welfare of OFWs is in its utilization of the Legal Assistance Fund. The Fund, which is under OUMWA of the foreign affairs office, was not exhausted in the years 2005 to 2007.⁵⁴

A major concern too is that OFWs do not want to file cases against their abusers for lack of trust in the justice system. The cleaners who paid excessive fees to their agency said they would only file a case if they will be guaranteed that they could leave for Qatar. They have since complained about their long work hours, delayed meals and low salaries. They said they number around 300. The same applies to caregivers in Israel who pay excessive fees to recruitment agencies here or intermediaries in Israel. Other OFWs complain that some of those who win their cases in the National Labor Relations Commission (NLRC) in fact win only "paper victories." By the time they get a favorable verdict, the errant agency has already closed or has "disappeared."

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Reintegration

Government reintegration initiatives consist of announcements to launch a pilot program in Hong Kong in March this year. The program will supposedly improve the English-language skills of Filipino domestic helpers, who could then get higher-paying jobs in call centers back home. There is also mention of an initial \$100 million worth of retail treasury bonds that may include a form of guarantee to protect dollar earnings.⁵⁵

The August 2007 Filcomsin forum in Hong Kong however assessed the latter hedge fund as another way of siphoning resources from OFWs, which can only be accessed by migrants with excess resources. Critics also warned against the fund, saying it is very

risky because it can only work in a system with strong fiscal accountability – something which can only be dreamed of in the Philippines.⁵⁶ GMA's March 2008 meeting with selected migrant leaders in Hong Kong meanwhile primarily focused on marketing various instruments of savings schemes at a time when at least 90% of the migrants are heavily in debt and thus was viewed inappropriate and irrelevant.⁵⁷ Meanwhile, the National Reintegration Center that the DOLE set up in 2007 continues without a specific budget – a measure of the lack of seriousness of government.⁵⁸ Until the government draws and implements a coherent, comprehensive reintegration program for its migrant workers, OFWs will re-migrate, if not settle abroad for good, even as undocumented workers.

Bilateral labor agreements

One measure that could at least mitigate the sorry plight of migrant workers is the signing of bilateral labor agreements with host countries.

So far, the government has come up with Memorandum of Understanding, which are non-binding instruments (for example, MOUs with Canadian provinces).

Worse, pro-ratification senators have been promoting the Japan-Philippines Economic Partnership Agreement (JPEPA) despite strong public lobby.⁵⁹ Instead of a bilateral labor agreement to promote and protect the rights of OFWs in Japan, JPEPA (purportedly to provide additional job opportunities for our nurses and caregivers) actually affirms the commodification of our migrant workers under unfair labor and social conditions. In the said treaty, Filipino nurses and caregivers will not be treated as professionals in Japan. At the same time, it will further the brain drain especially of medical workers and compromise the efforts of Japanese nurses to better their work conditions.



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Political rights

The government still does not recognize the right of OFWs to representation in agencies and processes concerning them. Instead of selecting someone from the migrant workers' sector, President Arroyo appointed to the POEA Governing Board a staff from the Office of Executive Affairs to represent the private sector/people's organizations and NGOs.

In addition, the government has consistently failed to sufficiently consult the migrant sector whenever it wants to formulate policies. As CMA's Ellene Sana insists, "OFWs are not docile subjects and recipients of government policies and programs. Part of their empowerment, of being able to stand up for their rights and be protected, is to be visible, counted, consulted and be part of the governance structures."⁶⁰

The case of POEA's Memorandum Circular 4, Series of 2007 entitled "Guidelines on the Direct Hiring of Filipino Workers" issued in December 18, 2007 was a classic example of formulation and implementation of a government policy totally bereft of adequate consultation with the OFWs themselves. This runs counter to the Migrant Workers Act of 1995 (RA 8042) which pledges government cooperation with non-government organizations in protecting OFWs and promoting their welfare.

While MC 04 purportedly sought to enforce the ban on direct hiring under Article 18 of the Labor Code, it actually expands the exceptions to the ban, opening the gates for direct hiring. It also requires the employer to post unrealistic surety bond premium ostensibly to provide for assistance to OFWs in case of distress. Such expenses will likely be passed on to the OFWs themselves, just like the OWWA membership fee that should not but are actually shouldered by OFWs.⁶¹ CMA wrote then-Labor Secretary Arturo Brion in February 11, 2008 that MC 04 "benefits more the Philippine government by making sure that the 'burden' of attending to OFWs in distress is well covered, either by the private agencies or the employers." Vehement protest forced POEA Administrator Baldoz to suspend MC 04 on February 14, 2008.

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Similar to the MC 04, the HSW policy reform was also implemented without sufficient consultation in March 2007.⁶²

In addition, Congress still has not amended the Overseas Absentee Voting Law to ensure more Filipinos can participate in the election process and to address the law's weaknesses discovered in its implementation during the past two elections. On this, there is not much time left, considering that voter registration starts in December 2008.

Recommendations

1. The government should seriously address the labor situation in the country to prevent the hemorrhaging of its human resources, even as it reviews its labor export policy. Until most Filipinos can find work and earn decent wages within the country, push factors will drive them abroad in droves, some of them at the risk of being undocumented workers.
2. It should also ensure that the rights of OFWs are promoted and protected, especially by its own agencies. It should evaluate the performance of all these agencies, weed out undesirable personnel and improve their attitude and services towards OFWs. The OWWA should be overhauled to better serve and benefit OFWs. It should also enjoin the local government units to partake of this responsibility to OFWs and their families.
3. It should work double time in forging bilateral labor agreements especially with countries where OFWs are concentrated, and maximize existing Memorandum of Understanding for the welfare of OFWs.
4. It should evaluate the implementation of the Magna Carta for Overseas Filipinos and their Families (R.A. 8042) and amend sections that fall short of its intent to promote and protect their rights.
5. It should improve its information and education work (e.g.,



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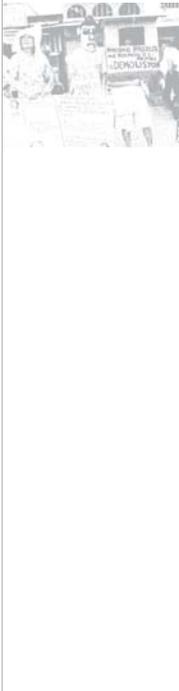
its pre-employment orientation seminar) among the general public so that those who consider overseas work shall do so based on an informed decision and are therefore adequately prepared. Migrant workers should know their rights and should know what to do when these rights are violated.

6. It should come out with a comprehensive and coherent reintegration program for returning OFWs, to include incentives to attract them to invest in the local economy. Such a program should address the social costs of migration.
7. Considering the soon to be held Global Forum on Migration and Development in Manila come October 2008, the government should take this opportunity to come together with other governments to seriously address migrant workers and their families' concerns.
8. OFW organizations and other CSOs should continue to inform, educate, organize and mobilize OFWs and their families to enable them to assert their rights and welfare.
9. OFW organizations and other CSOs should continue to monitor and participate in international gatherings to keep track of international developments and use these for the benefit of OFWs, as what they have done during the *Forum on Contractual Labor in GCC Countries* organized by the UAE Ministry of Labor and the Council of Ministers of Labor and Social Affairs in GCC States in January 2008, where they lobbied for better policies for OFWs.⁶³

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NOTES:

- ¹ Doris Dumlao. Remittances surge to \$1.5 B in June. PDI Aug. 16, 2008
- ² CALABARZON is a rapidly urbanizing region southwest of Metro Manila, composed of five provinces: Cavite, Laguna, Batangas, Rizal, and Quezon.
- ³ <<http://www.census.gov.ph/data/pressrelease/2008/lf0802tx.html>>
- ⁴ Those earning below P6,274 monthly in 2006
- ⁵ Isagani de Castro Jr. 3.8 million more poor Filipinos in 2006 than in 2003. <<http://www.abs-cbnnews.com/topofthehour.aspx?StoryId=111258>>
- ⁶ <www.abs-cbnnews.com/storypage.aspx?StoryId=127927>
- ⁷ <<http://www.ofw-care.com/2008/06/28/500000-ofws-leave-rp-in-first-5-months-of-2008/>>
- ⁸ A study coordinated by Focus on the Global South and presented during the July 13 DRTS forum at SOLAIR, UP Diliman, Quezon City
- ⁹ Joey B. Baddong. Government expects 30% rise in food prices, www.arabnews.com, January 5, 2008.
- ¹⁰ Vic Barrazone in Pinoy-A broad egroup exchange, January 7, 2008.
- ¹¹ Kav La Oved. Brokerage fees paid by Philippine workers in Israel. 2007.
- ¹² Orlea Aichel. Kav LaOved. Letter to the Philippine Embassy in Tel Aviv dated March 25, 2008.
- ¹³ Philippine Embassy in Singapore report to Congress, Jan-June 2006.
- ¹⁴ Warning up vs agencies collecting excessive fees, www.gmanews.tv, January 08, 2008.
- ¹⁵ A person without legal status in a transit or host country owing to illegal entry or the expiry of his/her visa <<http://www.ilo.org/public/libdoc/ILO-Thesaurus/english/tr1747.htm>>
- ¹⁶ The caregiver flies to Israel with caregiver visa for a specified employer but works for another employer, making her irregular worker.
- ¹⁷ E-mail correspondence with Ka Sarong of KASAPI Athens, 2007
- ¹⁸ Semi-annual report of foreign service posts on assistance to nationals, July-Dec 2006



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- 23 The Philippine Embassy in Singapore reported to Congress a higher number: 61,200, more than half of 120,000 Filipinos there as of end 2006. 80,000 of them were domestic workers, all women.
- 24 Parliament adopts directive on return of illegal immigrants. June 18, 2008 <http://www.europarl.europa.eu/news/expert/infopress_page/018-31787-168-06-25-902-20080616IPR31785-16-06-2008-2008-true/default_en.htm>
- 25 Commission on Overseas Filipinos (CFO) Stock Estimate of Overseas Filipinos as of December 2007. <www.cfo.gov.ph>
- 26 Semi-annual report of foreign service posts on assistance to nationals, July-Dec 2006
- 27 The Wikipedia describes RELA as a civil volunteer corps formed by the Malaysian government whose main duty is to check the travel documents and immigration permits of foreigners in Malaysia to reduce the number of illegal immigrants. It is authorized with police powers and their duties include raiding suspected places, e.g., streets, factories, restaurants and hotels, interrogating and even detaining people who forget to bring their passports and/or working permits. RELA has been accused of violating migrant rights.
- 28 Press release. July 25, 2008. Migrant Care. Indonesia
- 29 CMA case files 2008
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- 39 United Nations Children's Fund (Unicef)-Philippine Institute for Development Studies (PIDS) Seminar Series on Public Policies and the Rights of Children.
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- 41 CMA case file 2008
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- 43 Presented at the United Nations Children's Fund (Unicef)-Philippine Institute for Development Studies (PIDS) Seminar Series on Public Policies and the Rights of Children
- 44 Rosemarie Edillon. "The Effects of Parent's Migration on the Rights of Children Left Behind"
- 45 Cai U. Ordinario. OFW kids 'worse off' in life <<http://www.abs-cbnnews.com/storypage.aspx?StoryId=109963>>
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- 48 Jay B. Hilotin. Smiles that veil misery <<http://www.xpress4me.com/news/uae/dubai/20005673.html>>
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- 50 CMA case file 2008
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