

Fair perspective: Stories of Filipino migrant workers in the media



International
Labour
Organization



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International Labour Organization
Country Office for the Philippines
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Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AEC	Asean Economic Community
AOS	Apostleship of the Sea
ASEAN	Association of Southeast Asian Nations
BSP	Bangko Sentral ng Pilipinas
CBCP	Catholic Bishops' Conference of the Philippines
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
ECOP	Employers Confederation of the Philippines
FAIR	Fair Recruitment Initiative
HRW	Human Rights Watch
HSW	Household Service Workers
ILO	International Labour Organization
ILS	Institute of Labor Studies
MoHRE	Ministry of Human Resources and Emiratization
MoU	Memorandum of Understanding
NBI	National Bureau of Investigation
NUJP	National Union of Journalists of the Philippines
OFW	Overseas Filipino Worker
OWWA	Overseas Workers Welfare Administration
PDOS	Pre-departure Registration and Orientation Seminar
PESO	Public Employment Service Office
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
PSA	Philippine Statistics Authority
RA	Republic Act
SEC	Securities and Exchange Commission
SDC	Swiss Agency for Development Cooperation
TESDA	Technical Education and Skills Development Authority
UN	United Nations

Foreword

In this day and age, media has the daunting task of creating a balanced discourse about labour migration, promoting positive perceptions and highlighting the development benefits of labour migration. It has to ensure that accurate, unbiased media reporting does not lead to misinformation, and at worse, prompt public reactions in the form of discrimination or unfair treatment of migrant workers. Mass media in its current forms is thus a powerful tool for information dissemination. Print media, radio and television are used to spread important information about labour migration challenges and realities in the Philippines.

The International Labour Organization (ILO) thus sees an opportunity in promoting rights-based reporting on labour migration, and supporting journalists to produce balanced reporting that tells all sides of the story. More recently, the ILO Director-General has reiterated concern about the toxicity of migration in political discourse and in the media, and spoken of “the importance of not just finding theoretical solutions, but moving to action to address situations of extraordinary drama.” One concrete, pragmatic way of doing so is by working in partnership with media to raise the standards of reporting on labour migration.

The FAIR Project has supported the National Union of Journalists of the Philippines (NUJP) to implement the training of journalists covering the issue of labour migration, and to present ILO’s perspective on durable and comprehensive solutions related to employment and the fair recruitment of workers abroad. The collaboration provided an opportunity to involve ILO constituents and other partners to facilitate greater knowledge sharing by presenting empirical findings from research, major accomplishments from projects etc., and networking for the purposes of story production. Ethical issues related to media reporting on labour migration (e.g. on rights-based terminology, protection of sources etc) were also covered. The stories contained within this anthology are just a snapshot samples of work produced as a result of these trainings.

I would like to congratulate NUJP for promoting the role of Philippine media in facilitating access of potential migrant workers to reliable information, in investigating deceptive recruitment, and in exploring opportunities with print, multimedia and social media to promote positive and insightful stories of the Filipino migrant worker.

Khalid Hassan

Director

Country Office for the Philippines

International Labour Organization (ILO)

Message from NUJP: Going beyond statistics

Beyond numbers are the untold stories of the Overseas Filipino Worker (OFW). Called the modern day heroes that beef up the economy through their dollar remittances, there is more to it than this.

In this anthology, brought forth are the challenges the Filipino migrant workers have to surmount. These challenges start from the moment they decide to work abroad and carried on as they go about their lives in the foreign land. The challenges continue even for the families they left behind. An opportunity to truly sit down and learn about the very processes that an OFW go through came about with the FAIR Project of the International Labour Organization (ILO).

During the three-day media training we had, we looked at the existing legal parameters, as well as the other modes that our OFWs willingly undertook or were victimized to. We listened to stories of little lives lost, the struggles of fellow Filipinos as they bind together and seek better work conditions in a foreign land. We looked at the path taken by young women from the Southern back door as well as the lawful but tedious processes. We listened and learned from both government and non-government resource speakers.

Indeed, human trafficking is a reality in our country or how else do we explain the stress calls of an undocumented worker in a war-torn foreign land? Indeed, there are those who take advantage of our OFWs especially at point of recruitment but we are also made aware that there are recruitment agencies who do not charge placement fees at all.

All told, the media training on Labour Migration and Fair Recruitment gave us a deeper understanding about the subject – the loopholes as well as best practices. Such understanding shall be used as we bring our stories out, hopeful that such information will be helpful not only for those who want to work abroad and for the general public, but also for policy makers who can provide a less cumbersome environment for these modern day heroes.

There are faces behind the statistics and their stories are worth telling. This Anthology is a testament. Thank you for making the National Union of Journalists of the Philippines (NUJP) a partner in this endeavour.

Atty Jo M. Clemente

Acting Chair

National Union of Journalists of the Philippines

Background to the project

In August 2015, the International Labour Organization (ILO) launched a three-year global project called the Integrated Programme on Fair Recruitment (FAIR), supported by the Swiss Agency for Development Cooperation (SDC) and which is being piloted in Nepal, Jordan, Tunisia and the Philippines.

The long term goal of the FAIR Project is the reduction in deceptive and coercive practices during the recruitment process and in violations of the fundamental principles and rights at work, as well as other human and labour rights, by enhancing safe migration options and ensuring effective regulation of public and private employment agencies and accountability for unscrupulous actors.

One of the three main objectives of the FAIR Project is to disseminate global and national knowledge about recruitment through engagement with the media. This is meant to create public awareness and promote a balanced narrative on labour migration. In the Philippines, this was implemented via a media training programme undertaken in collaboration with the National Union of Journalists of the Philippines (NUJP).

The training programme was composed of three parts. First, a three-day seminar-workshop consisted of five modules encompassing various aspects of recruitment and labour migration. It included a session on the Media Glossary produced by the ILO to provide a common understanding and usage of terms. The seminar-workshop was an opportunity for local journalist to have wider access to information sources and discover untold stories about labour migration. In sum, this phase equipped the participants with the necessary information, knowledge and skills as well as enhance their network.

On 8 to 10 August 2017, some 20 select journalists from across the Philippines completed a three-day training on Fair Recruitment and Labour Migration held in Clark, Pampanga. The group was composed of reporters, editors and photojournalists from major broadcasting companies, Manila based broadsheets, regional dailies and weeklies, regional radio networks and one from a Dubai based publication.

The second phase allowed the participant to develop their story ideas, do research or data gathering and write the material.

The last part of the programme is publication of an anthology of stories that bring out the human face from all the notes and statistics about the country's recruitment and labour migration experience as well as pitched to their respective editors for publication in their media companies and networks.

The International Labour Office (ILO) recognizes the quality of the stories submitted. However, the responsibility for opinions expressed and names and terms used in this collection rests solely with their authors, and reproduction of the entries does not constitute an endorsement by the International Labour Organization of the opinions expressed and names and terms used in them.

The stories

The silent struggle of returning OFWs, written by Patty Pasion, was published by Rappler on 28 October 2017. It captures the story of OFWs who have returned to the Philippines after years of living alone abroad.

Melo Acuña of the Asia Pacific Daily writes about the needs of Filipino seafarers in his article, **Filipino seafarers on uncharted waters**. His article was published on 28 October 2017 by CBCP News.

Another published article was written by Marilou Guieb on the media training component of the ILO Integrated Programme on Fair Recruitment. **Fair recruitment brings hope to OFWs** was published on 26 October 2017 by the Business Mirror.

“Protecting OFWs begins before they are hired,” according to Alanah Torralba in her article **Fair and ethical recruitment**, which was published by Interaksyon on 26 October 2017.

Overseas Filipino workers: A game of luck is an article by Janette Planos who wrote about three Filipinas - one applying to work abroad, another wishes to return abroad and the third is working abroad and continues to struggle with her situation.

UAE, Philippines to tackle trafficking was an article written by Angel Tesoro for the Khaleej Times on 22 September 2017. The article discusses current measures implemented by the Philippine government to protect workers in the United Arab Emirates.

Winners of the 2017 Global Media Competition on Labour Migration

The winning written article for the Fair Recruitment theme was awarded to Ana P. Santos and Sofia Tomacruz for writing a story in two parts: Part 1 - **Migrant life in Qatar - The OFW debt trap: Less money, more problems**, which captures the story of workers whose jobs abroad are secured through murky loans and payment schemes in debt; Part 2 - **The hanging fate of OFWs buried in debt**, a story on the burden to migrants workers for reporting cases of illegal recruitment to workers.

For the media production category, Camille Elemia bagged the top prize for producing these stories: Part 1 - **Undocumented migrant workers: Hidden and helpless in ASEAN** on ASEAN’s position on undocumented migrant workers despite its decade-long intention to protect migrant workers in the region; Part 2 - **The bleak future of undocumented migrant workers in ASEAN**, which documents how ASEAN countries view the issue of undocumented migrant workers differently.

The silent struggle of returning overseas Filipino workers (OFWs)

After years of living alone abroad, how do OFWs adjust to family life in the Philippines?

By Patty Pasion



HOMECOMING. OFWs face financial and psychological challenges when they return to the Philippines. ©Rappler

MANILA, Philippines – Rustico Lacostales heaved a heavy sigh of relief when he arrived home for the very first time after two decades of undocumented stay in Saudi Arabia.

Lacostales, 60, said he left the Philippines in 1990 following his wife's suggestion. A lot of their neighbors were flying out for work abroad so even if he had a decent job here, his wife asked him to look for better opportunities as well.

Everything was well and good since he was able to regularly send money he earned by working as a mechanic. But that lasted for only six years.

The shop where he worked eventually closed and his employer cum sponsor fled with his passport. He never renewed it since and instead resorted to hiding in alleys whenever Saudi Jawazat – the authorities responsible for checking immigrants' documents – came close.

Then very desperate, Lacostales survived by working in between casual jobs and relying on the goodwill of other OFWs there.

“Sa Saudi, wala akong ginawa kundi umiyak talaga. Parang nawalan na ako ng pag-asa na makapiling ang pamilya ko. Nawalan na ako ng pag-asa, ang dinanas ko, napakahirap talaga,” he said. (All I did in Saudi was to cry.



STRANDED. Rustico Lacostales, OFW stranded for 25 years in Saudi Arabia. Photo by LeAnne Jazul/Rappler

It was like I already lost hope to be with my family again. I already lost hope with all that I went through. It was really tough.)

His face displayed a hint of exasperation when he recalled how tough it was trying to go home. Several times, he had to walk to the Philippine embassy under the humid heat of Saudi to apply for repatriation, only to be rejected.

It was only through the amnesty programme initiated by the Saudi government in 2017 that Lacostales was given the chance to see his family again. He was among the [thousands of illegally staying OFWs](#) sent home to the Philippines before the government started its crackdown.

But his struggle continued even after setting foot on their doorstep on June 17. He didn't realize that re-connecting with his family after 25 years of separation – without constant communication – would be equally challenging.

“During my first month here, I felt that my children and wife were emotionally distant from me. They were saying different resentments towards me. But I just let it pass because I just want a new life, to be with them,” he said.

Coupled with the cold treatment was the regret that he missed out on parenthood and seeing his children grow up.

“Mga anak ko dinadaan-daan lang ako, hindi ako kinikibo,” he said. “Iniwanan ko iyong mga anak ko maliliit pa, hindi ko naman nakasama mula't sapul...Pinapakiramdaman ko bawa't isa kung ano ang mga ugali nila.”

(My children and I saw each other but they didn't talk to me. I left them when they were just kids. I had never been with them since.... Now, I'm trying to figure out their personalities.)

Lacostales took on every household chore day and night to win his family back in the simplest ways he could.

“Ginagawa ko lahat ng panunuyo... Ang asawa ko paggising pinagluluto ko ng babaunin niya. Pag-uwi sa hapon, pinagtitimpla ko ng kape.”

(I am doing everything so they would warm up to me. I prepare my wife’s packed lunch for work and when she goes home every afternoon, I make her coffee.)

His wife and children are slowly warming up to him. He’s unsure how the situation will completely turn around but giving up on rebuilding life with his family would be the last thing he would want to do.

Psychological reintegration

Labour migration has been part and parcel of the lives of Filipinos. The Philippine Statistics Authority (PSA) estimates that there were a total of 2.2 million OFWs in 2016.

Several policies, programmes, and institutions try to address the demand to work abroad. Philippine civil society, meanwhile, is conscious about the social cost of oversea parenting – thanks to a number of studies that link labour migration and its psychological effects on children and spouses.

On the other side of the migration spectrum is return and reintegration – discussed only in a limited manner in the economic or financial aspects of the issue. It entails access to jobs and livelihood after a worker’s stint abroad.

Resources often do not capture the reality that homecoming also impacts on a worker’s psychological state – the uncertainty of leaving a high-paying job or the anxiety over missed parenthood.

A study by the Department of Labor and Employment’s (DOLE) policy arm, the Institute for Labor Studies (ILS), in 2016 noted that OFWs have a low level of return preparedness, both financially and socially. (READ: [Changing the narrative on OFW reintegration](#)).

“Return may only refer to the physical return of a migrant to their country of origin while reintegration is a process to which the migrant is re-introduced and re-inserted to the community under three identified dimensions: economic stability, social networks and psycho-social,” said the ILS policy paper.

Ronnie Abeto, a former migrant worker and an OFW rights advocate, had prepared himself on both fronts even before he went back home in 2014 after 20 long years in Saudi Arabia.

His story is not as depressing as Lacostales' but the adjustment was inevitably challenging. Abeto took a year before finally getting comfortable again with the old but seemingly new environment he found himself in.

Among the obstacles he had to go through in his reintegration process was facing relatives and friends without the “pasalubong” or gifts they have been used to in the past.

“When I arrived here, the first thing I dealt with was my social life. When you are a balikbayan here, you are used to giving presents to relatives and friends you meet. I felt I can’t face them without the gifts,” shared Abeto in Filipino.

He and his wife also had to go through some psychological hurdles in reviving their relationship, which for the longest time had been kept alive via phone calls three or four times a day. He described it as being akin to getting back together after a break-up.



TOGETHER. Ronnie Abeto worked for 25 years in Saudi Arabia. Photo by LeAnne Jazul/Rappler

Since both of them were used to being independent, living under one roof again stirred conflict in their daily lives. In addition, they’ve had to catch up on the years spent living apart.

“[I had] to make up for those good old days that you had but lost (because you left)... Parang nagkagalit kayo at nag-mend ways...

Manunuyo ka at iiwasan mo muna na huwag masaktan,” he said. (It’s like you went through a rough patch and mended ways. You have to woo her again and keep her from feeling hurt.)

Letting it pass

Although these may seem superficial, these are real concerns among OFWs. Carlos Lagaya of non-governmental organization [UGAT Foundation](#) said that these are the top problems returning migrants they work with tell them about. UGAT Foundation has been hosting several counseling programmes for the sector since 2008.

“Common problem they encounter is that they do not know each other. Kids do not know who their fathers are... and fathers do not realize that their children have all grown up; that the kids they left are now teenagers who have their own social kids, social groups,” said Lagaya.

When it comes to the financial aspect, he said that some OFWs fail to handle the pressure as a result of their friends and family’s perception of their social status.

“Lumiliit na iyong mundo nila. Dati nakakasama sa gathering, dati kapag may family reunion sumasama. Pero hindi na sila nakakasama kasi iyong feedback, di nila matanggap.... Tayo kasi sa Pilipinas, ang expectation natin sobrang taas [na] ang daming pera nito, ang daming pasalubong,” he added.

(They don’t attend gatherings or family reunions like they used to. They can’t accept the feedback. Because people here in the Philippines have so many expectations of OFWs – that they have a lot of money and gifts.)

The worse part is, they go through it alone, in despair.

The ILS study found that 1 per cent of returning migrants avail of government’s basic counseling services. Perhaps awareness could be behind this low utility since a little over half of the returnees are aware of the programmes available to them. But findings also showed that only 2.3 per cent believe that psycho-social intervention is something they need.

Lagaya thinks it is because of the stigma associated with psychological treatment. It was difficult getting participants for their activities. But families reach out to them when their situation becomes severe.

UGAT Foundation hosts the programme called Kapiling Muli (Together Again) specifically for OFWs having trouble reconnecting with their families. They allow their participants to air their sentiments in a free space since parents are separated from their children.

Afterwards, they gather them in one session where they help them process their emotions and thoughts to talk their issues through. Depending on the case, the group provides individual counseling to the family. Their services are free of charge but a donation of any amount is appreciated.

“Kapag nabasa mo iyong mga letter, maiiyak ka kasi may nababasa ako doon na ‘buti pa iyong lupa nadadalaw mo, buti pa iyong puno, halaman. Invest kayo nang invest pero hindi kami naaalagaan,’” he said. (When you read the letters, you’ll want to cry because I’ve read letters that say, ‘You can visit your property, your farm, you keep on investing, but you fail to take care of us.)

“Ang maganda lang kapag talagang nasosolusyunan, una, nagkakasundo ang pamilya kaya alam na nila anong dynamics. Pangalawa, ayaw na nilang maulit ang nangyari... [may mga anak] ayaw na nilang mag-abroad, ayaw na nilang mangyari iyon,” he added.

(The good thing about solving this is, first, the family members get to understand each other, they now know the dynamics. Second, they realize that they do not want this to happen again...there are kids who don't want to work abroad because they don't want to have the same fate.)

The government, through the Department of Social Welfare and Development (DSWD), also offers psychological intervention both for families left behind by OFWs and workers who have already returned to the Philippines.

Raising awareness about these available services is as important as helping OFWs realize the other side of the reintegration process. – Rappler.com

https://www.rappler.com/newsbreak/in-depth/186273-silent-struggle-OFWs-psychological-reintegration?utm_source=twitter&utm_medium=referral&utm_medium=share_bar

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Filipino seafarers on uncharted waters

By Melo M. Acuña

MANILA, Oct. 28 – Philippine President Rodrigo Roa Duterte, known for his colorful speeches, was quoted saying his government’s goal is to make overseas employment an option.

“Our objective is to make working abroad an option and not a need,” he said in his speech last September 16, a couple of months after assuming the country’s presidency in 2016.

However, an average of 5,674 Filipino workers have left the country daily from January 1 to July 31, 2017. No less than the government-run Philippine Overseas Employment Administration (POEA) said 1,222,003 workers were deployed worldwide during the first seven months of 2017, which represents 58 per cent of the total number of deployed workers in 2016.

It is interesting to know that from 23,543 seafarers deployed in 1975, POEA reported some 406,531 sea-based workers in 2015. This only proves the Filipino seafarers are still in demand abroad.

Then Military Ordinary Bishop Ramon Cabrera Arguelles described the Filipino seafarers as “modern-day Phoenicians” who sailed the seas for decent living.

Future seafarers acquire the required degrees in Marine Transportation or Maritime Engineering from 11 state-funded and 73 private colleges and universities across the country.

These seafarers have contributed to the foreign remittances sent by Filipino workers worldwide.

Despite the economic slowdown and the past several financial crises, seafarers have continued to provide a significant portion of the US\$ 29.7 billion personal remittances in 2016.

As former Employers Confederation of the Philippines (ECOP) President Edgardo N. Lacson is concerned, though Filipino seafarers comprise at least 25 per cent of the world’s mariners, high-paying positions as Masters, chief engineers and chiefmates, foreign shipowners begun hiring their own nationals while Filipino crewmen were hired either as cabin attendants for cruise ships or lower rank deck and engine crew with much lower salaries.

He, too, noticed the reduced remittances sent by Filipino seafarers.

“Even as POEA mandates remittance of at least 80 per cent of their monthly salary, there is a shift in crewing position of Filipino seafarers, he said in an email interview.

Aside from shorter contracts from five to nine months, seafarers are expected to hone their skills.

Filipino seamen need to deal with strong headwinds because others as Mr Lacson observed “many other Third World countries have begun supplying crewmen willing to accept lower salaries in various foreign ships for sometime.”

Bangko Sentral ng Pilipinas (BSP) reported about personal remittances sent in 2012 which amount to US\$ 23.8 billion.

The report said growth in remittances was driven by higher personal transfers brought about by land-based Filipino workers with work contacts of one year or more (13.3 per cent) and sea-based workers and land-based workers with short-term contracts (by 11.6 per cent).

Rough seas ahead

As far as Ms Marie Jimenez San Pedro is concerned, Filipino seafarers are now considered migrant workers but should be recognized as “maritime professionals.”

In a roundtable discussion, Ms San Pedro, President of Mariners Polytechnic Training Center, she said the Philippines has ceased to be the world’s No. 1 in Ratings and Officers.

“The Philippines is getting more popular for its ratings while officers are on the downtrend,” she explained. She added there should be clearer directions from government in order for higher education institutions to produce good seafarers.

“Viet Nam, Indonesia and Myanmar are countries in a hurry to get the jobs from us,” Ms San Pedro said as she called on the government institutions (Commission on Higher Education and Maritime Industry Authority) to encourage schools to produce officers and not ratings (rank-and-file workers).

There used to be 90 maritime schools but decreased to 46 but rose to 70 and currently has 40 higher educational institutes offering Maritime courses.

Her fellow academician, Ms Arlene Abuid-Paderanga, President of Asian Institute of Maritime Studies said the impact of the recently-implemented K-12 programme will be felt from two to five years as she took note of “competing professions” such as information technology, medical sciences and travel industry.

“Gone are the days when non-performers were convinced by parents to study and work as seamen,” Ms Paderanga said. She added they are not after numbers but would prefer men and women who have their sights into sailing into the open sea.

Those who have been “forced” into the profession will work from five to ten years and when they’ve saved enough, they would seek other more rewarding and less dangerous work.

Ms San Pedro said getting into the maritime profession is a difficult decision to make as they have students from the middle class and below. However, despite the economic conditions most students are in, they have the drive and desire to work as seafarers and provide a better future for their love ones.

Both academicians admitted they have not done tracer studies to look into the conditions of their graduates who are now gainfully employed.

“The profiling and tracer studies could very well help the government in crafting policies to further improve the existing standards,” Ms San Pedro said.

Meanwhile, Chief Engineer Alfredo Haboc said they have never been remiss in calling on low-ranking seafarers to train and prepare for being officers. He said what is important aside from dedication to work is having enough Emotional Quotient for them to cope with the challenges aboard ships.

He added one has to deal with discrimination and seafarers need to manage the stress that comes along with the job.

A graduating student Patrick Alan Peralta from a privately-owned institution Maritime Academy of Asia and the Pacific said more millennials are lured into the maritime profession.

“The selfie generation has recognized the thrills of going abroad and earning a lot,” he said. He explained this also means “coming out of our comfort zone” because “one must be away from home but getting closer to one’s dreams.”

Peralta was one of the Ten Outstanding Maritime Students of the Philippines last September 24, 2017 during the National Seafarers’ Week in the country.

Both Mesdames Paderanga and San Pedro said Filipinos have been a seafaring country through its locally-made boats known as *balanghay* which has successfully reached the coasts of Madagascar. Ms San Pedro said the Philippines being an archipelagic country should remind people in government of the need to improve its domestic maritime industry.

“We need connectivity,” she said which will become a reality once the government improves its ports, vessels and education and training. Improved ports, shipbuilding and ship repair facilities would produce maritime-related jobs.

Projections and assignments

Atty Dennis Gorecho, President of the Maritime Law Association, said his office has attended to welfare cases filed for and on behalf of seafarers who either died or afflicted with debilitating diseases, said maritime students want to help their respective families and follow the footsteps of their respective fathers or elder brothers who worked as seafarers.

“Never be at ease with ratings strive to become officers,” Gorecho said. He added he and his associates handled interesting cases including a 22-23 year old seafarer who died of cancer and a very young seaman who was shot dead by pirates.

Gorecho said while they provide legal advise and services, a faith-based group known as Apostleship of the Sea (AOS) attends to the spiritual needs of seafarers and their families in Manila and the provinces.

He observed seafarers and their families are drawn into other livelihood projects such as agriculture and small sari-sari (variety) stores where they have no knowledge of thereby resulting into financial losses.

Leonardo Servidad of the AOS added they have trained seafarers’ families to at least empower women and no to succumb to unreasonable spending.

With the government’s goal of making inclusive growth a reality in the coming years, more and more Filipino seafarers will find employment abroad. It is always an opportune time for the government to insulate seafarers and other migrant workers from illegal recruiters and labour contract violations.

It would also be a boost for government to immediately act on requests for assistance, whether consular or legal.

APD News, CBCP News
Published on 28 October 2017

Fair recruitment brings hope to overseas Filipino workers (OFWs)

By Marilou Guieb

It has been almost two decades since the story of Ely Rose Miguel made newspaper headlines.

Miguel was a young mother from Kalinga, a province in the northern island of Luzon, who signed up for a contract to work for a politician in China. She was instead assigned to work in the politician's extended household. In telephone calls to her family, she sounded puzzled why her employer worried that she would tire herself and made sure she got enough rest even in the afternoon hours. They filled her fridge with fresh fruits and healthy stuff but, rather than getting bewildered, Miguel would tell her family she had good employers, even if she found their kindness rather odd.

Shortly after, the family could no longer reach her until they were told that she had died. It has been years ago and even while I did an extensive feature story on her, I could not ascertain what China reported as the cause of her death. What remained imprinted in my mind were photographs of her coming home in a box and the shocked and silent grief of a husband who saw her first, an autopsied corpse not stitched back and all her internal organs exposed. All but a missing heart.

It was believed to be a case of organ theft, as it was said that a family member needed a heart transplant, but inquiries never got to the end of it.

Elena (not her real name) worked for a Taiwanese woman farmer. She woke up at dawn and was on the road together with her lady master to the farm before daybreak and worked till late at night in the household.

There was a policy of a portion of a salary to be withheld until the employee leaves to ensure the service of the worker. but her employer owed her salaries from the first day. When she was soon bound for home, and thus was collecting her long-hoarded salary, her family instead got a call that she had died from jumping off the fast speeding truck on the way to the farm. Back home, it was believed she was pushed off so her employer could get away from paying her the large amount of money she owed Elena.

The Cordillera Region, like the rest of the country, has its share of horror stories of how their overseas workers are treated abroad. Miguel became a victim of trafficking because of the change of contract. Many like Elena are in slave-like conditions of forced labour.

The stories of families selling or pawning their farmlands or other precious property to come up with the stiff cost of getting a contract and flying to faraway destinations to earn for families left behind are all too common.

While it is true that government efforts to minimize victimization of OFWs, such as in the pre-departure seminars, exorbitant placement and processing fees hinder the dreams of many to work overseas. And when swindled out of their precious money by fraudulent recruitment, tales of the entire family's financial ruin are widely known.

So devastating is the impact on OFWs from illegal recruitment that a law was passed giving the crime the highest penalty under the law. But with the slow grind of justice in the country, pursuing a case is often just another burden.

There must be a better way as, after all, the pursuit of a better life is a basic human right.

The social costs of overseas work are plenty and sad. In the Cordillera Region, for instance, where in the indigenous language, there is no word for rape, incest is on the rise in instances when young daughters are left in the care of fathers when their mothers leave to work overseas. A culture of dependence on the regular remittances is instilled, exacerbated by an abundance of gifts from the overseas worker because of a feeling of guilt for absence or sheer homesickness.

Still, in a country with no worthwhile jobs to offer, seeking greener pastures abroad will remain a reality. But certainly, in the midst of the dark side, shine as many bright stories that inspire others to seek overseas jobs.

This is apparent in the fact that the Philippines alone deploys 5,787 workers abroad, according to Philippine Overseas Employment Authority (POEA), with 2,112,331 recorded in 2016. The number is much higher considering the huge number of undocumented workers who choose backdoor entries and become most vulnerable to abuses.

Recognizing that crossing borders in the quest for a better life is a reality far from reversing, the International Labour Organization (ILO) has come up with a programme to alleviate the burdens imposed on OFWs and put in place guidelines in recruitment that serve as barriers to abuses.

The Fair Recruitment Initiative (FAIR) launched in 2014 was prompted by their records that there are 232 million international migrants and 740 million internal migrants in search of decent employment; 21 million are in forced labour and trafficked globally, of which 9.1 million moved internally or internationally for work; and migrant workers who borrow money from third parties face an increased risk of being in forced labour.

In a recent forum on fair recruitment and labour migration, Hussein Macarambon, FAIR Project Coordinator, said the move is compliant with Sustainable Development Goal Target 8.8 for the promotion of labour rights and safe and secure working environment for all workers, in particular women, and Target 10.7 that is to facilitate orderly, safe and responsible migration and mobility of people through well-managed migration policies.

Charles Autheman, ILO Consultant, said the ILO mandate is to set basic principles and standards acceptable to all. He said domestic work is very conducive to exploitation, as it happens within the household, where there is no one to see what is happening, while in construction work, there is an issue on overtime work and difficult working conditions. In the Philippines there is a predominance of domestic-job seekers and in construction.

Outsourced jobs to cut costs is not a standard, he said, citing the example of Bangladesh garment-factory workers in situations where there is little ventilation and overtime work. He cited the Rana Plaza, an eight-story building that collapsed because of engineering issues. About 1,100 garment workers, mostly women, died in the incident. While the European brand claimed not to know of the working conditions, this sparked an international debate on supply chains to address human-rights issues.

No placement fees and transparency are part of the basic FAIR principles. In the Philippines, of the 1,000 POEA registered recruitment agencies, only 1 per cent qualifies as fair-recruitment agencies.

In 1999 two idealistic men in their late 20s decided to leave their corporate jobs and be their own boss. They embarked on a job-recruitment business despite warnings that they were coming in too late in the game. But Manny Gomez and Marc Capistrano saw something that just wasn't quite right with the way things were being done. Today, starting with just the two of them and one multi-tasking employee, the company has grown to 100 employees and more than 15,000 employees deployed and 100 overseas companies as clients.

It sent out more than 15,000 OFWs who landed jobs abroad without paying any fees.

“We grew just by doing what was right,” Gomez said.

The recruitment agencies then were in a bad light for the exorbitant processing fees and reports on abuses. Gomez said that, back then, he and Capistrano knew there must be a better way to deliver services.

Passion and idealism drove them to recruit OFWs without charging fees.

“We just knew it wasn't right,” Capistrano said.

In the United States, for example, employers would even pay for workers to come. They don't even dare to ask for a fee, he said.

It was no bed of roses, as Filipinos have been so used to paying fees and the mind-set was that, if they paid, they would be guaranteed better service, they said. In communities where they go to recruit, the response sometimes would be the popular Filipino expression “weh” when they say there will be no fees charged.

They have won the trust of reputable companies who think that, if they were set standards for getting workers, Staffhouse must be reliable in getting them qualified workers.

Consistent with the statement of Macarambon that movement of workers is a triple win—economy, higher income for workers and provision of skilled workers for destination countries—Capistrano said they always bear in mind that they have two clients: the applicant and the company.

Applicants are lined for interviews based on their qualifications and not their capacity to pay. “We don’t endorse even friends,” he said.

Gomez said from the very beginning and to this day, they visit the companies where they deploy the OFWs to personally check the working conditions. They have a complaints desk on Facebook and e-mail that ensure any deviation from the contract of both employer and employee is addressed quickly.

Ethical recruitment for them goes beyond just no charging of fees . There is contract transparency and following up on compliance to it. No wonder their company grew mostly from word of mouth.

While other companies waive processing fees, this is offset by incidentals like training and medical fees.

Capistrano said they take concern with the realities of the workers and such fees are also shouldered by the employers. An example is in their deployment of workers to Germany where a requirement is to be able to speak German. This would require a six-month training costing US\$2,000. Aside from the condition that the training be paid by the employer, “we put it gently to give them a monthly stipend while in the study period,” Capistrano said.

The POEA awarded Staffhouse as seventh in ranking of the number of deployed workers, belying the claim of other agencies that fair recruitment will only work for small companies.

Establishing fair recruitment corridors to prevent exploitation is the advocacy carried by FAIR with focus on Tunisia, Jordan, Nepal and the Philippines. In the country, working with Staffhouse and the few other agencies practicing fair recruitment is part of their initiative in establishing a pilot model.

“I only hope that fair recruitment can spread more. It is so quiet,” Capistrano said. Published on 26 October 2017

<https://businessmirror.com.ph/fair-recruitment-brings-hope-to-OFWs/>

Fair and ethical recruitment: Protecting overseas Filipino workers (OFWs) begins before they are hired

By Alanah Torralba



Applicants look at job postings at the Staffhouse International Office in Quezon City.
(Alanah Torralba)

Jimmy (not his real name), 36, had saved up for eight years to apply for a job overseas.

A resident of Bacolod City, he worked as a car salesman earning Php14,000.00 (US\$280) monthly. But as his family's needs grew, he realized he needed a job that paid better and saw working abroad as the solution.

In 2011, he applied through a recruitment agency to be a driver in Doha, Qatar with a promised monthly salary of P30,000.00 (\$600), more than twice what he was earning in Bacolod. But first he had to pay the agency a placement fee of P20,000.00 (\$400).

In all, he shelled out a total of P60,000.00 (\$1,200) in recruitment and other related fees, wiping out his family's savings.

After five years working in Qatar, Jerry decided he needed to earn more. His children were growing up fast, there were more bills to be paid, and he saved nothing of his monthly salary, dutifully sending everything to his wife.

A co-worker told Jimmy he planned to apply as a driver in New Zealand where they could supposedly earn \$2,000 (P100,000.00) a month, more than thrice their pay in Qatar.

The kicker — hiring broker Maribel Equio said no placement fees would be collected, only miscellaneous fees such as for medical tests.

Jimmy resigned from his Qatar job in September 2016, going home a few months later to make the arrangements for his new job.

He and other hopefuls — more than 80 of them — were told they would be able to leave by August this year. First, they needed new medical tests, costing around P4,200.00 (\$84), because the ones they took in Qatar were no longer valid, Equio said.

By this time, Jimmy's severance pay and savings were starting to dry up. His wife told him to just go back to Qatar but he insisted that a job in New Zealand would be better for the family. Marital difficulties marked the next months for the couple.

But Equio assured Jimmy he would be leaving soon because drivers were in demand in New Zealand. In the meantime, she offered to hire him as her assistant and a shuttle driver for applicants scheduled to leave. He was promised a salary of P70,000.00 (\$1,400).

But in the two months he worked for her, Jimmy never received compensation.

Jimmy's two brothers were also among the group hoping to work in New Zealand. In a reversal of her earlier promise of no placement fees, Equio now told them whoever could cough up P50,000.00 (\$1,000) would be prioritized to leave.

Although surprised by this, Jimmy's brothers made partial payments, hoping to leave as soon as possible. They gave Equio a total of P55,000.00 (\$1,100). Other applicants, equally desperate to leave the country, borrowed money from various sources to meet the new requirement.

When the departure date arrived, those supposedly scheduled to leave were brought to the airport for their flight. To their chagrin, there was no flight ticket waiting for them. Neither was Equio.

Jimmy, whose brothers were in the group, had no choice but to assist them, even buying them food.

What they did not know was that Equio had been arrested in an entrapment operation in July. When they did find out, Jimmy and the other applicants went to the National Bureau of Investigation (NBI) where Equio was detained.

There, she maintained that the workers were already scheduled to leave for New Zealand. She just needed to get out of jail to take care of things.

Again, they believed her and, after a few days, Jimmy and a few of the other applicants gave Equio the P250,000.00 they had managed to borrow and scrounge for her bail.

And again, they arrived at the airport to find their hopes shattered. Since then, they have not seen Equio.

Today, Jimmy is unemployed. His wife left him when hard times fell on the family. His eldest child had to stop schooling.

Two million OFWs every year

Some 6,000 Filipinos a day — more than two million a year — leave the country for jobs abroad, according to the Philippine Overseas Employment Administration (POEA). According to the Philippine Statistics Authority (PSA) estimated the number of overseas Filipino workers who worked abroad at any time between April to September last year at 2.2 million.

To this day, the country continues to rely on overseas remittances to keep the economy afloat. In 2016, Filipinos living or working abroad sent home a record-high \$26.9 billion, according to the Bangko Sentral ng Pilipinas (BSP).

Labour export: A Marcos legacy

The early 1970s, under the government of the dictator Ferdinand Marcos, the country saw the first major deployment of young Filipino men to the Middle East in response to the region's increasing need for manpower for the booming oil industry. It was also an opportunity to curb unemployment rates in the country, in light of the idle economy. The policy established a systematic deployment of workers in countries where there is a shortage of labour and wages are higher.

The Middle East continues to be the leading destination of OFWs today.

To facilitate the export of labour, the government established a system of public-private partnership. Government created the POEA with the task of generating and preserving decent employment for OFWs, and to regulate recruitment agencies. Private entities then created recruitment agencies in response to the growing need for labour in foreign markets.

Institutionalizing private recruitment: The Migrant Workers and Overseas Filipinos Act of 1995

In 1995, amid the public outcry over the execution of domestic worker Flor Contemplacion in Singapore, the Migrant Workers and Overseas Filipinos Act (RA 8042) was enacted. It was the first law to significantly evaluate the government's labour export policy.

The law aimed to promote the welfare and rights of migrant workers and recognize their significant contribution to the nation's economy.

It was through this act that the recruitment of workers by government agencies was phased out, with the task completely given over to the private sector.

‘Recruitment is big business’

Filipinos seeking overseas work need to do so through recruitment agencies.

These agencies usually advertise job opportunities and hold recruitment fairs in accordance to POEA regulations. Once applicants are hired by foreign companies, the agencies assist them procure and submit the necessary documents for employment.



An applicant holds his passport and other documents at the Staffhouse International office in Quezon City. (Alanah Torralba)

Direct hiring by companies is also allowed, in which case workers are responsible for completing their requirements, often subjected to a tangle of government red tape.

Recruitment agencies typically charge applicants placement or recruitment fees for their services. These fees can run up to several thousand pesos, forcing many jobseekers to empty their savings or take out huge loans. And then there is the time and money they have to spend while processing their applications.

“Recruitment is big business in the Philippines,” says Public Services Labor Confederation (PSLink) advocacy head Jillian Roque.

Recruitment agencies are given the leeway to charge applicants certain fees with certain conditions. Under POEA regulations, an agency may only charge a placement fee not exceeding a month's basic salary.

The household service workers policy reform package

The household service industry, however, is one industry where placement fees have been banned.

Domestic workers, whose poor working conditions were highlighted when the 2006 conflict in Lebanon exposed the risks they faced, spurred the POEA to craft the Household Service Workers (HSW) Policy Reform Package, with the aim of professionalizing domestic work by setting the minimum age of household workers at 23; requiring a certificate of professional skills training through the Technical Education and Skills Development Authority (TESDA); pegging the minimum wage at \$400; and obliging employers to shoulder the costs of deployment, including placement fees.

However, in a 2011 study, the Center for Migrant Advocacy found that there has been no strict implementation of the POEA directive. Of the 281 workers surveyed, half of them said that they made only an average of \$251 a month, well below the required \$400.

Roque adds that while the HSW reform package was instrumental in advocating for the rights of household workers, recruitment agencies still managed to find loopholes in the policy. For example, while recruitment agencies may not overtly charge placement fees from domestic workers, but they can charge them for other services such as training fees conducted outside of TESDA. These fees can run up to P90,000.00, Roque says.

Some agencies also include provisions in their contracts that the first month's salary goes to them, she adds.

"People are desperate to work abroad, that's why despite the steep price, they will pay," Roque adds.

Seafarers are also exempt from paying placement fees, and countries such as the United Kingdom, Ireland, Canada and New Zealand prohibit the charging of such fees.

It remains to be seen if a similar policy shift to eradicate placement fees will be enacted by the government on the recruitment and deployment of migrant workers, in general. But weak implementation of laws and regulations compounds the risks migrant workers face during the recruitment process.

ILO Convention No. 181: Banning placement fees

In 1997, the Philippines signed the ILO Convention No. 181 — Private Employment Agencies Convention — which presented a balanced regulatory framework for private employment agencies. It sought to protect workers from abuse and promote a better relationship between the government and private recruitment firms. Among the provisions in the treaty is banning placement fees.

As of 2013, 27 countries had ratified the treaty including Italy, Japan and Zambia — which effectively set legislation that would adopt ILO standards for the regulation of private employment agencies.



Applicants wait for their turn to be interviewed at the Staffhouse International office.
(Alanah Torralba)

The Philippines is yet to ratify the convention.

Protecting workers' rights: The fair recruitment initiative

The ILO launched the Fair Recruitment Initiative in 2014, in response to growing concerns of human trafficking and migrant workers falling victim to unscrupulous recruiters who charge exorbitant amounts to find employment opportunities abroad. It is a multi-stakeholder initiative implemented in close collaboration with governments, representatives of employers' and workers' organizations, the private sector, and other key partners.

The UN agency defines fair recruitment as the right of a worker to seek employment without being burdened by recruitment or placement fees, and the right to be treated with transparency and dignity during the recruitment process. It breaks the common assumption that being able to work abroad is a privilege that can only be obtained by paying obscenely excessive fees, often trapping workers into a cycle of forced labour to pay off debts.

Ethical recruitment as a sustainable business model

“We were dead set on doing things right,” says Marc Capistrano, managing partner of Staffhouse International Resources, an agency that doesn’t charge any fees.

In 1999, Capistrano, who had worked for a corporation, decided to set up a recruitment agency with his friend. As he was by then already exposed to international business practices, he knew that charging fees from migrant workers was unethical. Instead, they devised a business model that would require prospective employers to shoulder all fees related to the deployment of migrant workers.

Capistrano admits they are more expensive than other recruitment agencies. In the beginning, he said, companies were hesitant to enlist their services since they cost more. But for Capistrano, their selling point is their ability to recruit the best candidates.

Staffhouse International currently fields labourers, production helpers, farmers, medical professionals, machine operators and banking and finance managers. Their largest market is Saudi Arabia, where automotive and oil companies demand more labourers.

Over the years, Capistrano says his company has built a reputation for sending the best workers and professionals into foreign markets. The workers they send, he says, also have the reputation of being not only highly skilled but also reliable.

European companies, he says, particularly those from Germany, have sought them out due to their ethical recruitment policy.

He admits that sometimes there are applicants who are wary when they say they do not charge any fees. “They sometimes think we are an illegal recruiter,” he says. But owing to their professionalism and their promise to not charge any fees, he says they are able to attract the best workers.

“All employers are cost-sensitive when they look at our recruitment fees. But we are in a good place [to charge employers] because of our record,” he says.



A pre-departure seminar conducted by Staffhouse International includes a document checklist. (Alanah Torralba)

Regulating the recruitment agency industry

PSLink's Roque admits that much still needs to be done in terms of promoting fair recruitment.

There needs to be an intensive awareness campaigns on the part of the POEA, she says. Most applicants are barely aware of their rights as migrant workers let alone the fees that can be legally charged by recruitment agencies, making them more at risk of falling prey to dubious recruiters.

While legislation would be a welcome development in terms of eradicating placement fees in the recruitment process, Roque says this might be a farfetched idea, considering the lobbying prowess of these agencies. Instead, she suggests government can at least increase the budget of the POEA to for it to be able to more effectively regulate recruitment agencies.

Capistrano believes that ethical and fair recruitment is a sustainable business model, but recognizes the limitations of influencing other agencies to follow suit.

While there are also other non-fee charging recruitment agencies such as The Fair Hiring Initiative, the standard practice of most agencies remains to charge workers. The challenge, Capistrano believes, is to shift the expenses incurred during recruitment and deployment to the employers instead of the migrant worker.

In a December 2009 forum organized by the Institute of Labor Studies of the Department of Labor and Employment, recruitment agencies lamented that the “no placement fee policy” included in the HSW reform package meant a loss of competitive edge and income for the industry.

If the government would like to see more ethical recruiters, Capistrano believes it can offer more incentives to fair recruiters, by lessening, for example, the red tape in processing contracts. Solving the problem of lengthy processing times and multiple document requirements could also curb the appeal of illegal recruiters who promise speedy processing of applications.

Seeking ethical recruiters

Leonardo Fulgar, 40, recently returned to Saudi Arabia as a technical superintendent in August 2017. A father of three children, he says seeking employment abroad was a necessary decision for his family. He dreams, though, of going home permanently in ten years.



A migrant worker affixes his thumbprints to his employment contract. (Alanah Torralba)



Leonardo Fulgar a day before his departure for Saudi Arabia. (Alanah Torralba)

“I need to pay for the lot that I bought for my family, then I would like to start a business,” he says.

He says being employed abroad has its ups and downs. As a professional, he says he has learned so much from his co-workers and from his employers, but once in a while he is still struck with homesickness.

He enlisted the services of Staffhouse International to facilitate his application. He has been an OFW for nine years and paid a placement fee of P23,000.00 (\$460) in his past deployments to Doha, Qatar, through a different recruitment agency.

Fulgar says he intentionally sought a recruitment agency that did not charge a placement fee because he did not see its necessity. Unfortunately, for many other migrant workers, recruitment fees are still seen as a requirement to be able to work abroad.

‘It’s possible’

Jimmy, the driver from Bacolod City, is currently applying to be a driver and caretaker in Israel. He is also among a group of migrant workers pursuing a case against Equio, who swindled more than 80 applicants of millions of pesos.

When asked if his current agency charged him a placement fee, he says it thankfully did not.

“Puwede naman po pala iyon (na walang recruitment fee). Sana ganoon din dati (So it’s possible to find work without paying recruitment fees. I wish that happened in the past).”

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<http://www.interaksyon.com/fair-and-ethical-recruitment-protecting-OFWs-begins-before-theyre-hired/>



‘Jimmy,’ one of a group of OFWs swindled by an illegal recruiter, plays on his phone while waiting for their lawyer at a fastfood restaurant in Makati City. (Alanah Torralba)

Overseas Filipino workers: A game of luck

By Janette Planos

DAVAO CITY— Everyday thousands of Filipinos take chances abroad filled with the hopes of finding greener pastures to provide a better future for their families. They also aspire to have enough savings so they can put up a livelihood or any business for that matter, once they return to the country.

Despite having difficulties in the process, many Filipinos still want to become overseas Filipino workers (OFWs), heedless of the negative stories they hear about OFWs who fell victim to abuses in the hands of their employers, or worst, about those who returned to their families in coffins.

Recruitment process

In Mindanao, particularly in Davao Region, the Philippine Overseas Employment Administration or POEA's data show that there are only 104 land-based and eight sea-based recruitment agencies registered with them.

"In order to ensure that the recruitment agency they are applying for is legal and registered with POEA, it is better that they visit and check it in our office so their effort and hopes will not be wasted," says Carolina Agdama, the Regional Director of POEA XI.

But what are the factors that push Filipinos to work abroad? What kind of situation in the Philippines is it that makes them decide to leave their families in exchange for the salaries they will earn overseas?

Here are three different stories of our fellow Pinoys—one who is still applying to work abroad, another who wishes to return abroad and one who is now working abroad and continues to struggle with her situation.

Shiran: College graduate applying to become a domestic worker

Lining up in one of the recruitment agencies here in Davao City is Shiran Buenavides, a 29-year old barrio-lass from the province of Zamboanga Sibugay. She wants to work in Kuwait as a household service worker. She is a college graduate but due to her low pay as an accounts payable clerk in a gasoline station, she decides to find her fortune by working abroad.

Undeterred by stories of OFW abuses in the Middle East, Shiran is determined to work abroad.

Shiran explains that the hard life in the Philippines is one of the main reasons why she opt to apply for work abroad.

“If I stay here, nothing will happen to my life. I have five siblings and they still go to school. My family depends on me to take them out of poverty,” Shiran shares.

Shiran admits that the easiest way for her to go outside the country is for her to become a domestic helper. Aside from the fact that there is no money involved because her agency promised to shoulder all her expenses, she makes sure that her recruitment agency is registered with the POEA.

She is also hopeful that her agency will hold true to its promise for applicants like her that even though they are abroad, they will continue to be monitored so that if any untoward incident happens to them, they will be assisted right away.

Shiran also added that once she is in Kuwait and finishes her two-year contract, she will maximize this as her stepping stone to look for another job there suitable with her course.

As early as now, Shiran prepares herself for whatever the future holds for her in another country. She could only hope that God will guide her for the path she chooses.

Rezil: From Malaysia to Kuwait

Meanwhile, Rezil Sobino, 29 years old and hails from Butuan City, is also here in Davao City. She is busy preparing her papers so she can return to work abroad.

Rezil is second in a brood of six. Being a high school graduate, life for her was tough. She already experienced becoming a house helper and a servant maid in an eatery/carinderia. The measly Php3,000.00 she receives monthly is barely enough to cover the needs of her family. When her father died, she and her mother had to fend for the family and make ends meet.

This situation has encouraged Rezil to try her luck abroad. In 2012, Rezil worked as a domestic helper in Malaysia receiving a monthly pay of P13,000.00, a far cry from the P3,000.00 she receives as servant maid in a carinderia.

Despite the hard labour and longing for her family in the Philippines, Rezil continued to persevere because she says she is yet to achieve the comfortable life she wanted for her and her family.

Rezil says, she has already spent five years abroad but until now, she has no savings yet. Despite that, she is still grateful because she did not suffer any from maltreatment by her employer.

It was only in August 2017 that Rezil returned to the Philippines from Malaysia. This time, she wants to try her luck in Kuwait after she was offered a higher salary of P20,000.00 monthly as a household service worker.

At present, Rezil is only waiting for her final medical examination result to find out if she can still return to work abroad following a medical exam on her liver. Hope springs eternal for Rezil that she can still leave the country to pursue her dreams of providing a better life for her mother and siblings and likewise complete the house being built for them from out of her remittances.

Rochelles's dilemma

Life as an OFW was a challenge for Rochelle Foronda, a 39-year old single mom who hails from Panabo City.

Through online messenger, Rochelle shares her story. As a mother with a special child, Rochelle says she has difficulty making ends meet for her child's special needs. Although she did not want to leave her child, the circumstances made her do so. She left her child in the care of a relative in Cavite and went abroad filled with hope.

In 2014, Rochelle worked as a domestic helper in Malaysia where she suffered cruelty from her employer. An experience she can never forget.

"I heard stories before that our life as an OFW will depend on the kind of employers we will have. It was true. My employer that time was not considerate, I still work even when I am sick. For them, they think that because they are paying you, you should be exploited," she narrates.

Rochelle slowly recalled her cruel fate in the hands of her Arabian employer in Malaysia. She remembered that night on July 5, 2014, while cleaning the bathroom, her male employer entered the bathroom and scolded her. Not only that, on every single mistake she committed, she would receive whacks from his employer's wiper which she first thought, was made of wood but was actually made of steel.

"I suffered bruises on my legs, even in my head because I cannot evade each beating I get. I almost died. In fact, I almost collapsed. But my employer persisted and ordered me to continue cleaning the house from eight in the evening until morning," Rochelle recalled.

She narrates that upon seeing the balcony open, she immediately decided to jump from the eighth floor of the building to the seventh floor by tying a blanket to herself. Luckily, she landed safely and ran to the nearest police station.

After the incident, Rochelle thought her suffering would end and could return to the Philippines, but her agent did not allow her to go home because her employer filed a case against her.

“I was forced to stay in Malaysia while seeking for a new employer. I think it is better than staying with my previous employer. I do not care if the household work is endless as long as their treatment with me is not cruel. I can tolerate it because of my child considering that I’m also not young anymore to find a new job back in the Philippines,” says Rochelle.

Despite her unfortunate experience, Rochelle, who is now based in Dubai, is grateful that her new employer although strict, does not mistreat her.

OFW support programmes

In order to check whether recruitment agencies were able to do their responsibility with their applicants who work abroad, one recruitment agency in Davao shares their experience.

Gima Relloso, Davao Branch Manager of Mirben International Manpower Agency says that in their agency, they brief all their applicants, while they are still in Davao, on all the things they might encounter while working in another country.

“If they think that in the first three months they feel that they are experiencing a negative treatment from their employers like not giving them food or salary, they can immediately contact our agency because that is a valid reason for us to find another employer for them,” Relloso said.

Relloso says that their agency started in 2000 and has 17 years’ experience of sending domestic workers in Asian countries like Singapore and Malaysia, as well as in Jordan, Qatar, Oman and Pakistan, all in Middle East.

She adds that they have experienced rescuing household service workers and transferred them to another employers. But there are also those OFWs who would rather go back to the Philippines.

For their part, the Overseas Workers Welfare Administration or OWWA XI, makes sure that there is an assigned welfare officer in their 37 overseas posts who will look after the welfare of the OFWs especially when they are having problems with their employer or when there are violations with their contracts.

According to Eduardo Bellido, OWWA XI Regional Director, that for August 2017, there are already 38,000 OFWs who benefited from the agency’s family support services programme, reintegration programme, social benefits, workers programme and livelihood programmes.

Bellido also added that in July 2017, they have monitored ten individuals who traveled as tourists to Dubai but later on decided to find work there. However, he said, they encountered problems with the Immigration rules and regulations of the host government. They are now finding ways to help the stranded Filipinos.

But if he was to decide, Bellido says it is better for the Filipinos not to work abroad as this only comes with luck. He admits that even those who already suffered abuses from their employers, still would want to return abroad.

“We encourage them to go to the legal process so that they are protected by the OWWA and they will be assisted outside compared to those who have no documents and are illegal. They are more prone to abuses,” Bellido says.

Meanwhile, Agdama says, “Filipinos encounter many problems abroad because of their wrong notion while they are still in the Philippines. They think that working abroad is easy and they can earn money right away without realizing that it is not easy being alone in a foreign land. Eventually, they start feeling homesick and some lose their sanity, not to mention those who suffer maltreatment from their employers and those who have problems with contract due to unfulfilled terms.”

Agdama, however, clarified that during the pre-departure registration and orientation seminars or PDOS they conduct for the OFWs, they would remind the Pinoys of the difficulties of working abroad and the big sacrifices they will make before earning the dollars on their hands.

“Unfortunately, not everyone leaving the country will understand these things. The OFWs will start to have problems once they have a hard time adopting to the new environment, rules and regulations, food and other things,” she says, “There is really no assurance in trying your luck abroad.”

For someone who survived what seemed to be a life and death experience, Rochelle gives the same piece of advice for those who want to become OFWs like her.

“Working abroad is a matter of luck. There is no assurance. But if you think that is your only way to get out of poverty, prayers and prayers are what you will need. Once you are abroad, praying is the only thing you can hold on to,” Rochelle concluded.

UAE, Philippines to tackle trafficking

By Angel Tesoro

MEASURES TO SAFEGUARD WORKERS



Protective Measures

- > Recruitment office needs to send the job offer to the employee in the Philippines.
- > Only those recruitment offices, which are registered with the MoHRE, can offer recruitment of domestic workers.
- > The offer letter should list the obligations of the employee under the labour contract.
- > the contract would be signed by the employer, and the employee would sign it upon arrival to the UAE.

Awareness programmes

- > Awareness and guidance programmes will be organized for the employer in the UAE.
- > Employee will undergo awareness programmes before exiting the Philippines.
- > The programmes will inform contractual parties about their rights and obligations towards each other arrival to the UAE.

Protocol on Domestic Workers

- > The MoU contains an annex titled Protocol on Domestic Workers.
- > It highlights recruitment and admission of Filipino domestic workers to the UAE in accordance with the Philippine and UAE laws through a standard employment contract.



“I breezed through the immigration check in Manila because I was ‘escorted’ by a Philippine immigration staff.”

Sheila Endong, traffic victim

Dubai — Thirty-three-year old Filipina Sheila Endong heard stories of happy lives in the UAE and was lured by a friend to

come here to work as a domestic worker. She arrived in the country in November 2016 but it was not the promised life that greeted her.

Sheila was a victim of human trafficking. Her case has been told many times over. Her ordeal started from her country of origin and when she was offered a free airline ticket and paid-for tourist visa.

Talking to Khaleej Times, Sheila said she left Zamboanga Sibugay in Southern Philippines to find a job and provide a good life for her 10-year old son. Her friend told her that a job was waiting for her in the UAE and her travel papers were immediately processed. She did not pay anything except for her medical test.

She said she breezed through the immigration check in Manila because she was ‘escorted’ by a Philippine immigration staff. A kabayan (compatriot) picked her up at the Dubai International Airport and she was immediately brought to an accommodation in Ajman.

She told Khaleej Times that she was not allowed to leave the flat and she learned she was offered to prospective employers at a cost of Dh17,000. Employers on the hand had to bite the bullet because of the dearth in the supply of available household service workers.

With no regulation and proper monitoring in place, Sheila had at least three different employers in the past ten months. At one point, she suffered physical abuse from her employer which prompted her to run away.

Philippine labour officials in the UAE said Sheila’s case is just one of the many cases they’ve handled because of the lack of transparency in recruitment and because many Filipinos come to the UAE using a tourist visa to find work.

This will soon come to an end, according to Philippine Labor Secretary Silvestre Bello, who recently signed a Memorandum of Understanding (MoU) on Labour Cooperation with UAE Minister of Human Resources and Emiratisation (MoHRE) Saqr bin Ghobash Saeed Ghobash.

“The MoU enhances existing friendly relations between the UAE and the Philippines, through labour cooperation to promote mutual benefits and provide adequate protection to overseas Filipino workers (OFWs),” he said.



“The MoU is a result of many consultations, which began when the UAE Cabinet tasked the ministry to oversee the domestic workers sector in the country.”

Silvestre Bello,
Philippine Labor Secretary

The MoU is a result of many consultations, which began when the UAE Cabinet tasked the ministry to oversee the domestic workers sector in the country, he added.

Human trafficking will be curbed because under the MoU, the recruitment office is tasked with sending the job offer to the employee in their home country and listing the obligations of the labour contract. The contract will be signed by the employer and employee upon the arrival of the latter to the UAE. Only recruitment agencies registered with the MoHRE are able to offer recruitment and employment applications for domestic workers that have been submitted by employers.

Awareness and guidance programmes will also be organized for the employer, and the employee before exiting the Philippines. Moreover, the programmes will inform contractual parties about their rights and obligations towards each other.

Rights of workers

According to the UAE Law on Domestic workers, their rights include:

- > Treatment that preserves personal dignity and physical safety
- > Due payment and non-withholding of wages
- > Twelve hours of daily rest
- > One full day of weekly rest
- > Decent accommodation
- > Medical treatment
- > Retention of identity documents, such as passports
- > Non-payment of cost and fees on recruitment and deployment
- > Non-payment of cost for repatriation

Bello also noted that the MoU on Labour Cooperation includes an annex called Protocol on Domestic Workers. He said the Protocol highlights recruitment and admission of Filipino domestic workers to the UAE in accordance with the protective Philippine and UAE laws.

The Philippine Labor Secretary said: “Among the rights to be guaranteed under the Protocol, through a standard employment contract under the newly-approved UAE Law on Domestic Workers, are the following: a) Treatment of the worker that preserves personal dignity and physical safety; b) Due payment and non-withholding of wages; c) Twelve hours of daily rest; d) One full day of weekly rest; e) Decent accommodation; f) Medical treatment; g) Retention of identity documents, such as passports; h) Non-payment of costs and fees on recruitment and deployment; and i) Non-payment of costs for repatriation.

At a recent town hall meeting with Filipino community leaders in Abu Dhabi, Bello praised the MoU as a big step for the protection of OFWs. Sheila, who was in the audience, is optimistic that her rights are now protected.

Published on 22 September 2017
Khaleej Times

620,000

Filipinos living in the UAE in 2016

12-15 per cent

of Filipinos in Dubai and the northern emirates belong to the professional sectors

45-50 per cent

are semi-skilled workers

460

women were sheltered at the Migrant Workers and Other Overseas Filipinos Resource Centre in the first six months of this year

93 per cent

of the women sheltered at the centre entered UAE on visit visa

Winners of the 2017 Global Media Competition on Labour Migration

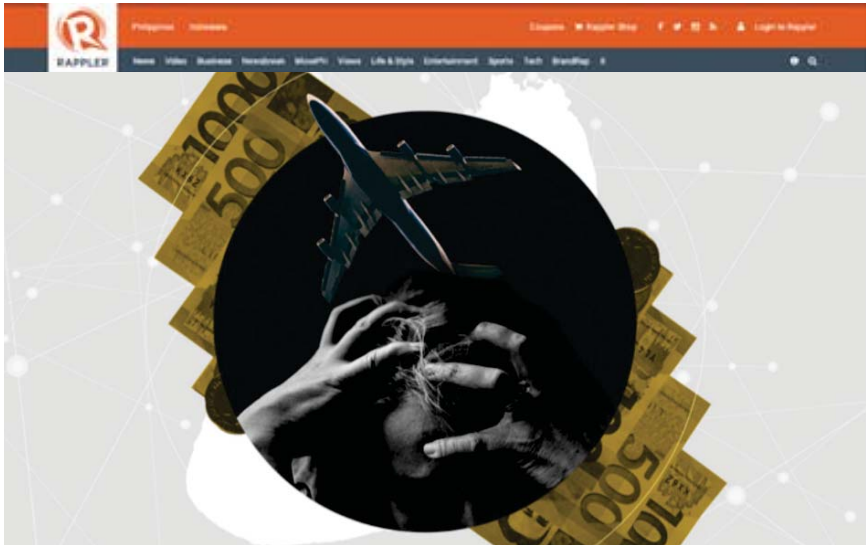
Since 2015, the ILO has successfully launched three Global Media Competitions on Labour Migration. During the first two years a little over 200 entries participated in the competition. In 2017, the organizers reviewed more than 350 entries from 73 countries around the world. The growing interest of media professionals for this competition demonstrates that labour migration and related issues such as fair recruitment are of interest for journalists.

The reporting that the ILO and its partners incites in this competition is all the more significant as media often promotes a toxic public narrative based on nationality, national origin, gender and migratory status misperceptions, reinforcing prejudice, intolerance and stigmatization against migrant workers and their families.

The objective of the competitions has been to recognize exemplary media coverage on labour migration by encouraging professional journalists and reporters to submit one piece of their print or videos/multimedia work. The work that should not overlook the negative aspects of the labour market situation of migrant workers, nor the positive results of fair labour migration governance.

In 2017, the competition was divided into two categories: “labour migration” and “fair recruitment”. Several entries related to the Philippines were submitted to the competition, such as some of the stories that are featured in this anthology. And one of them actually made it up to the final selection, sent to a jury of four prestigious international journalists.

Interestingly, this year, the two winning entries in the “fair recruitment” category come from Filipino journalists. We are pleased to present them in this anthology.



MIGRANT LIFE IN QATAR

The OFW debt trap: Less money, more problems

Workers whose jobs abroad are secured through murky loans and payment schemes leave hopes for a better life buried deep in debt

By Ana P. Santos and Sofia Tomacruz

(FIRST OF 2 PARTS.)

DOHA, Qatar/MANILA, Philippines – The black worn leather wallet contained a pocket-sized family picture and a receipt. One was the reason why Rodel, a 45-year old electrician left the Philippines to work in Qatar; the other was the reason why he could not return.

Rodel turned over the photo of him, his wife, and their six smiling children to reveal six different birthdays scrawled on the back. “I have so many things on my mind, I wanted to make sure that I don’t forget any of the kids’ birthdays,” he chuckled, scratching his head.



“The recruitment process is rarely transparent. It’s very profitable. It’s very easy to exploit people, to sell them dreams,” – Nicholas McGeehan, Human Rights Watch.
Photo by Ana P. Santos

Then Rodel unfurled a small piece of paper in his wallet. It was a receipt from his recruitment agency certifying that he had paid Php39,000.00. This was the “cost” of securing a job in Qatar where Rodel would earn about P14,000.00 monthly working as an electrician. He took out a loan for P60,000.00 to cover the recruitment fees plus a little extra to tide over his family until he got his first salary. (READ: [Are zero placement fees for OFWs scam or solution?](#))

From a separate folder, he pulled out a card about half the size of bond paper. It listed the monthly installments to pay off his loan. The total amount he would have to pay was not listed, but a simple computation showed that Rodel would have to pay an amount totaling P95,565.00 for a P60,000.00 loan.

Rodel does not know how he can possibly pay off the loan. He lost his job in Qatar after two months when the construction company that hired him did not win the building project it had bid for.

Now he works for a small company that pays him “when they have money.”

Any hope Rodel had for financial stability by working abroad, upended by a salary coming in unpredictable trickles and a bundle of debt accumulating interest, was dashed. It’s a dire situation but he has no choice but to stay in Qatar. (READ: [Unpaid wages leave Filipino workers stranded in Qatar](#))



FEES. Paying recruitment fees has become an accepted part of working abroad. Photo by Ana P. Santos

“Paano ako uuwi? May lending ako. Saan ako kukuha ng pambayad? Dito na lang ako,” explained Rodel. (How will I go home? I took out a loan, where will I get money to pay it off? I will just stay here.)

Rodel’s story unravels a multi-layered duplicitous recruitment process riddled with brokers, lenders and collectors who tuck on fees at every step from application to deployment. The result is bloated recruitment fees paid for through loans slapped with usurious interest rates that make it impossible for workers to pay them off.

Rappler shared the details of Rodel’s loan with two independent banking institutions and the Bangko Sentral ng Pilipinas (BSP) to compute for the loan’s effective interest rate.

BSP computations show that an annual interest rate of an astounding 104.27 per cent was applied.

Borrower.....						
Amount.....	60,000.00					
Interest (%)..	104.27					
Term (months):	11					
Month Amort. Begins:	3					
Day Amort. Begins:	27					
Year Amort. Begins:	2007					

Month	Amortization	Interest	Principal	Running Balance	INT. YEE	TOTAL YEE
Mar-07	8,687.72	5,213.50	3,474.22	56,525.78	2,867.43	6,341.65
Apr-07	8,687.72	4,911.62	3,776.10	52,749.68	2,701.39	6,477.49
May-07	8,687.72	4,583.51	4,104.21	48,645.47	2,520.93	6,625.14
Jun-07	8,687.72	4,226.89	4,460.83	44,184.63	2,324.79	6,785.62
Jul-07	8,687.72	3,839.28	4,848.44	39,336.19	2,111.60	6,960.05
Aug-07	8,687.72	3,417.99	5,269.73	34,066.46	1,879.89	7,149.63
Sep-07	8,687.72	2,960.09	5,727.63	28,338.83	1,628.05	7,355.68
Oct-07	8,687.72	2,462.41	6,225.31	22,113.51	1,354.32	7,579.64
Nov-07	8,687.72	1,921.48	6,766.24	15,347.28	1,056.81	7,823.05
Dec-07	8,687.72	1,333.55	7,354.17	7,993.11	733.45	8,087.62
Jan-08	8,687.72	694.53	7,993.19	(0.08)	381.99	8,375.18

Impotent government regulations are poorly implemented and rarely monitored effectively, allowing a loophole where lending agencies can dictate interest rates at usurious rates.

When workers cannot pay, collection agencies – which are largely unregulated – use collection tactics that range from harassment, intimidation and public shaming.

It is a debt trap.

Indebted and in distress

The set up for the debt trap follows a distinct and almost predictable pattern.

First, the prospect of a job abroad and potential earnings is dangled in front of the worker. Then the hoops that the worker has to pass through to get that job are laid out: medical exams, recruitment fees and travel documents.

All this costs money and suddenly, a loan is what stands between them and this opportunity to work abroad – or at least that’s how the recruitment agency will frame it. The recruitment agency will refer the worker to a lending agency where they can be assured of a loan – quick, easy and hassle free.

Workers are cajoled and sweet talked into getting a loan, without asking too many questions or explaining too many details like interest rates.

“The recruitment process is rarely transparent. It’s very profitable. It’s very easy to exploit people, to sell them dreams,” said Nicholas McGeehan of Human Rights Watch (HRW).

Filipino workers Ryan and Mark shared stories that mirrored Rodel’s. Both followed a similar pattern of entrapment.

The two men went to a local job fair at their Public Employment Service Office (PESO) in Iloilo and then started getting calls from a recruitment agency inviting them to apply as service attendants in Doha earning about QAR 1,100 (P14,124.00*) per month.

They were ecstatic when they passed the interview. It would be their first time to go abroad. Mark would be able to support his wife and four children. Ryan was single, but he wanted to take care of his mother in her old age.

For these workers, recruitment fees came out to P40,000.00. Their recruitment agencies, OTG International Placement Agency and iEXCEL Manpower Corporation, referred them to [PJH Lending Corporation](#) which could offer them a loan quick and easy.

Timing was important because there were more than 100 of them set to leave for Qatar. If Ryan and Mark could not pay for the recruitment agency, they would be left behind.

Their loan was quickly approved and a loan agent took them to a bank where they opened a checking account. They were asked to issue 11 post-dated checks to PJH to pay for the loan. It was a tedious act but the loan agent was quick to help.

“The loan agent was nice. I just signed the checks. He said he would fill out the rest,” said Mark.

Both Ryan and Mark are unclear about what the checks were for, especially since they remit payments via cash to their families. Neither were they aware of how much interest they were charged.

After a few months on the job and being exposed to the cost of living in Qatar, it was clear that their monthly salary of about P14,000.00 was not going to be enough to pay off their loan obligations, send money back to their families, and still have enough to survive.

Noel Tolentino of labour rights group Migrante International said they are handling about 180 cases of Filipino workers from Iloilo and Butuan who were deployed by either iEXCEL Manpower Corporation or OTG International Placement Agency. Both recruitment agencies referred workers to PJH Lending Corporation for a loan.

None of them could keep up with the payments.



OFW LOANS, PJH Lending Corporation offices in Iloilo.

The company advertises itself as the ‘premier lender to OFW’s. Photo by Russel Patina

* 1 QAR = P14.13

Loan agencies have been badgering family members for payment; some being threatened with a court case. The workers do not know what to do. Rappler made efforts to reach PJH representatives in Iloilo, Cebu and Manila. In a phone conversation Charles Panganiban, the company's area sales manager in Manila, refuted claims that interest rates levied on their loans go as high as 104 percent, despite being told that interest computations were verified by three different loan institutions, including the BSP. Panganiban insisted that they only charge 8 percent per annum.

PAYMENT, A workers loan schedule lists no interest rate or total amount to be paid. Photo by Ana P. Santos

No formal response was received from PJH as of posting. Rappler also tried to reach out to iEXCEL and OTG in Iloilo. The recruitment agency iEXCEL had closed in Iloilo as of this writing, while OTG offices in Manila have not responded as of posting.

“Recruitment agencies have long been charging excessive placement fees. It means more profit for them. Though there is a law, the government doesn’t have the teeth to prosecute the violators. The process is too long and requires personal appearance of the complainant,” said Tolentino.

Vulnerable

The Truth in Lending Act lists minimum information should be disclosed to borrowers. This includes total amount to be financed, finance charges (including incidental charges and fees), and effective interest rate.

Rappler secured copies of the Payment Guides issued by PJH and none of the [minimum information](#) is disclosed.

“These cases show that Filipino workers are vulnerable to different forms of abuses by the recruitment agencies, lending agencies, and even the government itself,” Tolentino added.

A labour official in Doha, who asked not to be named, said it is common for workers to find themselves in a debt trap.

“Before they even start working and earning money, they are already in so much debt. It is very stressful for the workers. It affects their work, their psyche – everything.”

The labour official confirmed receiving complaints from workers like Mark and Ryan who say their family members in the Philippines are being harassed by collection agents who threaten to charge them with estafa for issuing bouncing checks.

But unless illegal recruitment is established in the form of collusion between recruitment agencies and lending agencies in coercing workers to take out a loan, existing Philippine regulatory policies have no definitive ceiling on interest rates.

In addition to this, regulations do not clearly assign a particular government agency with oversight to prosecute unscrupulous lending agencies. For complainants, the only recourse is to file a case in court.

Loopholes in the law

In the Philippines, the Migrant Workers and Overseas Filipinos Act has safeguards to prevent workers from going into debt to pay off excessive recruitment fees. Recruitment agencies are prohibited from charging fees that go beyond the allowable one month's salary and completely exempts seafarers and domestic workers from paying [recruitment fees](#).

Additional provisions prohibit lending money to migrants at an interest rate beyond 8 per cent annually, as well as using post-dated checks to make workers pay back these loans.

But recruitment agencies have circumvented these regulations by partnering with lending agencies, which under current laws, are largely unregulated.

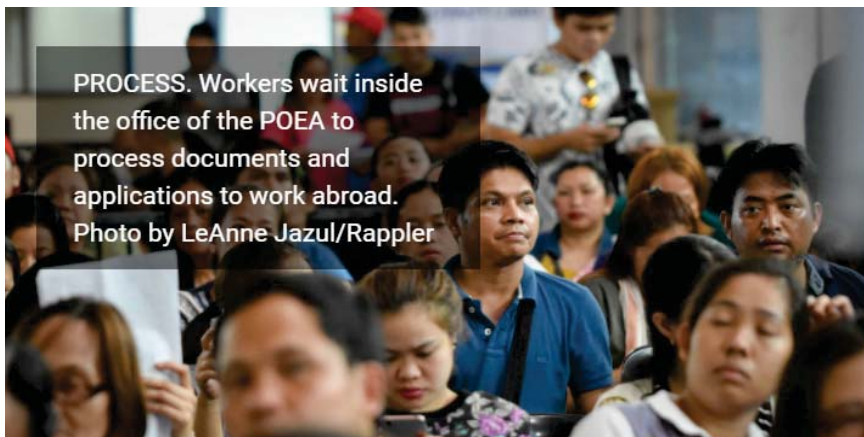
“The modus operandi is that the recruitment agency requires you (to take out a loan) with the lending agency. The supporting documents will be the employment contract as proof that they will be deployed,” said lawyer Cora Toldañes of the Philippine Overseas Employment Agency (POEA) in Manila.

She added, “There is a connection between the lending and the (recruitment) agency because without the documents that will be provided by the recruitment agencies, (the) loan will not be approved.”

Testimonies from workers also state that an employee of the recruitment agency usually “escort” them to the lending agency and in the pretext of offering assistance, see them through the entire process.

However, despite these reports of coercion and duplicity by the lending agency, as a government agency, the POEA's oversight is limited to recruitment agencies only. The POEA can go after lending agencies only if a worker files a complaint with the POEA and if there is cause to show that the recruitment agency was involved in [illegal recruitment activities](#).

Even if a case is filed, Toldañes said it is often dropped in exchange for lending agencies writing off their loans – a more convenient and practical option for workers who are usually waiting to leave to work abroad again and who do not have the time to pursue a legal case.



PROCESS. Workers wait inside the office of the POEA to process documents and applications to work abroad. Photo by LeAnne Jazul/Rappler

By law, the regulation of lending agencies falls under the Securities and Exchange Commission's (SEC) monitoring division of the corporate governance and finance department, but their oversight is limited to compliance with reportorial requirements.

"We have oversight because they (lending agencies) are registered here so we oversee the compliance with the reportorial requirements of the SEC but as to the business operations like that – harassment, how they conduct normal business operations, it's the court that will say (what's unlawful). They'll stop illegal activity," said lawyer Geraldine Pama of the SEC's corporate governance and finance department.

Definitely not the SEC

And who is monitoring and regulating charging of usurious interest rates on loans?

"Definitely it's not SEC," said Leonora Tandoc, Assistant Director of the SEC's Monitoring Division of the Corporate Governance and Finance Department.

"The SEC generally has no jurisdiction to limit the interest rates to a particular ceiling. Only the courts can say that the interest rates are unconscionable so practically the borrowers have to file a case in court to have the interest rates declared unconscionable or excessive," said Pama.



OVERSEAS. Thousands of Filipino continue to leave to work abroad every single day. Photo by LeAnne Jazul/Rappler

In 1982, the BSP suspended usury laws, which determine interest rates. The rationale was that the fierce competition in a free market would drive down interest rates, thereby benefiting borrowers. However, the loans issued to OFWs interviewed for this story, and as verified by the complaints received by Migrante International, show that interest rates go over 100 per cent.

The SEC has received complaints from workers about excessive interest rates but the most they can do is set a mediation between the lending agency and the worker. But even this is limited in scope.

“If possible, we can set a mediation but you have to understand that mediation should have the consent of both parties. So if one of the parties, and most of the time it’s the company – the company refuses to have the mediation – so we cannot really compel the companies to undergo the mediation with the borrowers. That’s why if worse comes to worst, we suggest the borrower file a case in court,” Pama explained.



INSTITUTION. The SEC and BSP both confirmed that interest rates were a matter for the Courts to decide on. Photo by LeAnne Jazul/Rappler

According to Pama and Tandoc, the SEC has already elevated these concerns to the BSP and asked the monetary board for a review of interest rates.

In an email interview, the BSP confirmed that the usury law was suspended in 1982 and thus, “interest can now be charged as lender and borrower may agree upon.”

The BSP, when looking at the experiences of other countries, found that limits on interest rates “resulted in reduced access to credit, increased financial exclusion, and lesser lending transparency.” It also noted that in some jurisdictions where interest rates were capped, “creditors found ways to circumvent rules on interest rate ceilings by increasing loan fees and other non-interest charges.”

But in the absence of an expressed contract or stipulation of interest rate, based on [BSP Circular No. 799](#) issued in 2013, the legal rate of interest is set at 6 per cent annually. Like the SEC, the BSP also said that interest rates were a matter for courts to decide.

The BSP added that when interest rates are excessive and unreasonable, they are illegal and the court is allowed to temper rates when necessary. Neither is it impossible to do so.

Though done on a case to case basis, there have been instances where the Courts have managed to reduce the interest rates agreed upon by parties for being “iniquitous, unconscionable, and/or exorbitant.”

Unfortunately, for workers like Rodel, this does not mean that the higher interest rates would not be allowed by the courts in cases of dispute – it would just have to be justified by the lender. – with reports from Russel Patina/ Rappler.com

READ: Part 2: [The hanging fate of OFWs buried in debt](#)

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MIGRANT LIFE IN QATAR

The hanging fate of OFWs buried in debt

*The burden of reporting illegal recruitment falls on workers.
But with little to no legal recourse, what comes next?*

By Ana P. Santos and Sofia Tomacruz

(SECOND OF 2 PARTS.)

PART 1: THE OFW DEBT TRAP: LESS MONEY, MORE PROBLEMS

DOHA, Qatar/MANILA, Philippines – Greg* first started receiving threats from collectors of his lending agency four months after he returned to the Philippines from Qatar last December 2015.

“Binantaan kami na kung hindi daw kami magbabayad ng loan ay ipapapublish daw ang mga mukha at pangalan namin sa Facebook, TV at diyaryo para ikahiya kami ng aming mga anak at pamilya,” Greg said. He added, “Sabi niya (kolektor) na masama raw ang ugali namin dahil hindi kami marunong magbayad ng utang at ipinadala rin nila ito sa lahat ng taong inilista namin bilang character reference noong nag-apply kami ng loan.”

(They threatened to post our names and faces on Facebook, TV and newspapers so we would be humiliated in front of our children and relatives

* Name changed to protect him from debt collectors' threats and intimidation. Interest rate calculator by Dominic Gabriel Go. Reporting for this story was supported by a grant from the Pulitzer Center on Crisis Reporting.

if we did not pay. The collector said we were bad people because we didn't know how to pay loans and told this to all the people we placed as character references when we applied for a loan.)

Working as a waiter at an Italian restaurant in Doha, Greg is one of the 6,000 Filipinos who [leave daily](#) for work overseas.

Had Greg gotten his way, he would have chosen to stay in [Qatar](#). Despite months' worth of [delayed wages](#) coupled with verbal and emotional abuse in his workplace – all came second to a fact: he had a loan to pay.

“Tiniis kong lahat ang ginagawa sa akin dahil alam kong may obligasyon akong binabayaran sa lending,” Greg said in an affidavit. (I endured everything because I knew that I had an obligation to pay back my loan.)

With his salary withheld for months, Greg could not resign to look for another job. Under the *kafala* system, he would have to secure the permission of his employer before starting an application for other work.

He had heard that there were better opportunities in nearby Dubai, but that would mean resigning plus securing an exit permit from his employer to leave the country – which is not always granted. (READ: [How the kafala system enslaves workers in Qatar](#))

Greg decided he had no choice but to return to the Philippines. And when he did, intimidation, harassment and a mountain of debt awaited him.

Debt bondage

Greg had taken the loan from a lending agency referred to him by his recruitment agency after he informed them he could no longer afford to continue his application to work abroad.

This came despite Greg's reluctance to pursue work abroad due to financial difficulties that stemmed from his son's poor health at the time.



BAGONG BAYANI. In most cases, Filipino leave home for work abroad to provide better lives for their families. Photo by LeAnne Jazul/Rappler

Interest Rate Calculator

Principle

75000

Term

12

Upfront Fees

10000

Monthly Payment

10000

Balance at End of Term

0

Calculate Rate

Input the total amount borrowed next to "principal", the number of months given to pay the loan beside "term", fee prescribed by the loan agency to be paid monthly beside "monthly payment", and keep "balance at the end of the term" as 0. If no "upfront fees" were paid, keep the value as 0. The calculation will automatically show the monthly and annual interest rate of the loan.

“I told them (the recruitment agency) I was no longer interested because I could not afford to pay the placement fee. My son was sick and always had to be brought to the hospital,” he said in Filipino.

Greg secured a loan of Php75,000.00 to be paid off in one year. According to the terms of his loan contract, Greg was to pay P14,646.00 in the first month and P10,551.00 at the end of each succeeding month for ten months. In effect, Greg’s loan had a monthly interest rate of 9.15 per cent and an annual interest rate of 109.75 per cent, an amount blatantly above the annual 8 per cent allowable by law. (READ: [Are zero placement fees for OFWs scam or solution?](#))

Greg managed to pay off only two months of his loan.

Though no total amount was listed on his payment scheme, documents showed that after just nine months, he had needed to pay P113,486.56. Just four months later, the amount grew further to about P138,967.22 because of high interest rates and penalties.

In most cases, OFWs like Greg are unaware of the soaring high interest rates prescribed on their loans. Incomplete information on payment schemes also leave total amounts to be paid unsaid, making it difficult for workers to compute for monthly and annual interest rates. *(To find out what the interest rate on a loan is, refer to the interest rate calculator and input the relevant numbers.)*

There are no official statistics but labour rights groups have received many complaints from OFWs involving debt bondage.

According to a [working paper](#) from the International Labour Organization (ILO), workers bound for countries such as Hong Kong financed costs largely through loans.

“Although there is little statistical data, previous research estimated that two-thirds of domestic workers in HKSAR, for example, finance their recruitment costs through loans or borrowing. One indicator of the prevalence of loans for jobseekers/workers to finance their recruitment might be the presence of hawkers outside of the POEA, who distribute flyers advertising easy and quick loans to OFWs,” it said.



LENDING. Outside the POEA offices, flyers advertising quick and easy loans are distributed to migrant workers. Photo by LeAnne Jazul/Rappler



REGULATED. Although the POEA regulates the licensing of recruitment agencies who deal with OFWs, there is little oversight over lending agencies who give loans to OFWs. Photo by LeAnne Jazul/Rappler

The issue is also largely undocumented.

Though government statistics show that over the last two years, 358 cases and 3,394 cases of illegal recruitment were recorded by the Philippine Overseas Employment Administration (POEA) and Department of Justice (DOJ), respectively, these cover all types of prohibited activities in the Migrant Workers and Overseas Filipinos Act.

Although the practice of giving out loans to OFWs with interest rates higher than 8 per cent is prohibited by law, there are no clear figures on how many cases of illegal recruitment involve such instances.

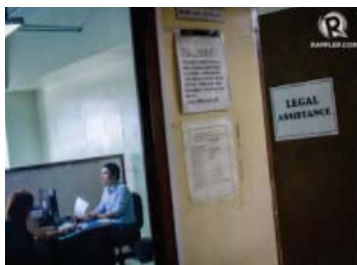
Statistics from the POEA and DOJ do not separate the count of illegal recruitment cases by specific activity. Instead, cases involving any type of prohibited activity fall under the same category and count of illegal recruitment.

Still unable to repay his loan, Greg's lending agency threatened him with a criminal case.

With no money saved, he and his wife visited the office of his lending agency in Manila and pleaded for more time to repay the loan.

At the time, Greg had filed illegal recruitment complaints against his recruitment agency with the POEA and planned to pay his loan with the lending agency from the money he would win. However, his lending agency did not agree to this arrangement.

Back and forth arguments soon left Greg and his lending agency on opposite sides. With no agreement reached, Greg also filed a case against his lending agency with the POEA last September 2016. After the lending agency filed its reply with the DOJ in December of the same year, a series of exchanges occurred – after which the DOJ found probable cause for illegal recruitment. Since then, however, no word has been heard from Greg.



ILLEGAL RECRUITMENT. The POEA assists workers who complain about illegal recruitment activities. Photo by LeAnne Jazul/Rappler

Lending without liability

Greg's case is perhaps one of the few that went as far as the DOJ finding probable cause for illegal recruitment.

But with a system that operates mostly on complaints, the burden to report cases of illegal recruitment is placed on workers. Oftentimes, cases fall through for workers who need to take other opportunities to work abroad.

In other situations, workers may also choose to settle disputes with lending agencies outside of court in an effort to resolve issues quickly.

Lawyer Cora Toldañes of the POEA's prosecution division said that although the problem is not new, there are hardly any cases where lending agencies are held liable for wrongdoing.

She said this partly stemmed from workers' unwillingness to see cases resolved. "The worker is not always willing. It's not just that they are far that they cannot try. Sometimes the worker no longer wants to prosecute the lending agency because he already settled."

Though Greg initially tried to pursue his case, the lack of government oversight on lending agencies has made it possible to circumvent not only the law, but also liability.

"We have laws but apparently, they have no teeth," said Ellene Sana, Executive Director of the Center for Migrant Advocacy (CMA).

According to the Philippines' [Lending Company Regulation Act](#), lending agencies are under the watch of the Securities and Exchange Commission (SEC). By law, this means that the SEC is tasked to "create a new division or bureau within its control to regulate and supervise the operations and activities of lending companies in the country."

But for the SEC, oversight and regulation only go as far as ensuring companies comply with reportorial requirements.

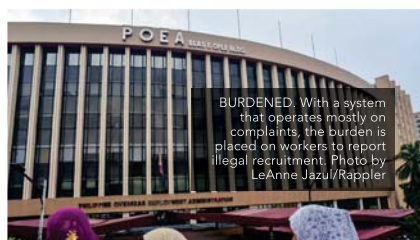
For Marie Apostol, Senior Advisor of Verité Southeast Asia – which pushes for fair labour practices – the current set-up discourages "good players" from entering the labour recruitment industry. "The government applies the same regulations to good players as they would to the bad. They do that to keep the bad players in line but that also keeps good players from entering the industry," she said.

Oversight

The lack of oversight encourages recruitment and lending agencies to circumvent regulations.

Sana said that OFWs continue to be charged with excessive recruitment fees. And to be able to pay, OFWs apply for loans (which are also connected to the recruitment agencies) at usurious rates.

For instance, Sana said that workers bound for Taiwan practically spend the first eight months of their contracts paying off debt.



Sana urged the government under the Overseas Workers Welfare Administration (OWWA) to make loans available to workers again to cover not only costs incurred, but also advance family allowances to be given to families left behind.

This OWWA service was suspended and not superseded in the 2016 OWWA Act. Currently, there is a [pending bill](#) for the credit assistance for migrants which was approved in the House and waiting for its counterpart in the Senate.

But ultimately, Sana said the root of the problem – making workers pay for a costly recruitment process – must be addressed. “Make labour migration process cheap, simple, fast. Make employers pay the costs. OFWs fall prey to usurers, loan sharks and unscrupulous recruiters because of their desperation to get a job abroad, no matter what.”

She added, “The State should seriously work to create decent job opportunities in the country so that migration becomes only an option or a choice, and not one out of necessity.”



We have laws but apparently, they have no teeth, - Elle Sana, Center for Migrant Advocacy. Photo by LeAnne Jazul/Rappler

Burdened

In October 2016, Greg won his case against his recruitment agency.

With an entry of judgment from the Department of Labor and Employment (DOLE), Greg’s recruitment agency was ordered to pay him his unreceived wages, air fare and other costs incurred from his job placement in Qatar.

Greg’s case shows that winning cases is not impossible, but the burden of monitoring compliance and initiating redress for violations falls disproportionately on the worker. What has become clear too is that while laws that would prevent migrant workers from falling into debt bondage exist, implementation and clear oversight of all agencies concerned is lacking.

Although the recruitment process is heavily regulated by government, the business of lending money to OFWs to allow them to pay recruitment fees continues to slip through the cracks. Lending agencies are given latitude to set interest rates at unconscionable levels, making it impossible for workers to pay off their loans. Recruitment agencies also know that workers like Greg will still be desperate enough to underwrite their dreams of a better life – even if it means possibly falling into a debt trap. – Rappler.com

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ASIA PACIFIC

Undocumented migrant workers: Hidden and helpless in ASEAN



Camille Elemia

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PART 1: Despite ASEAN's decade-long intention to protect migrant workers in the region, nothing has been done for the undocumented labour migrants, who continue to endure hardships in silence



HELPLESS IN ASEAN. Undocumented migrant workers in ASEAN, contributing to their host countries in the region, remain unprotected and neglected.



KUALA LUMPUR, Malaysia – Filipina domestic helpers Erika*, 37, and Fe*, 34, face their daily lives with uncertainty, hanging on to daily prayers in the hope that the day would not be the fateful day when immigration officers find them.

Both ran away from their employers – the most common reason why workers turn into undocumented labour migrants in Malaysia, one of the top receiving countries of migrant workers in the Association of Southeast Asian Nations (ASEAN) region.

* Names are withheld to protect the persons' identities and privacy.

But a decade since leaders of the 10-member ASEAN signed the [Declaration on the Protection and Promotion of the Rights of Migrant Workers](#), a deadlock on the creation of an ASEAN treaty to protect them remains. Neither is there final agreement on whether or not undocumented workers should be covered.

These hidden workers, like their documented counterparts, [contribute to the economies and societies](#) of their host governments.

Erika and Fe are just two among the estimated 5 million undocumented labour migrants in Malaysia, according to non-governmental organization Tenaganita. The Philippines is one of the top sending nations in the region, besides Indonesia.

For more than a year, the two were not given days off and correct salaries by their respective employers. Add to that the enormity of their tasks, which were not indicated in their original contracts. (READ: [Migrant workers: Undocumented, unprotected](#))

Contract substitution

The minimum salary set by the Philippine Overseas Labor Office (POLO) for Filipino domestic workers in Malaysia is \$400 (at least 1,700 Malaysian ringgit or Php19,000.00). But more often than not, Malaysian employment agencies don't follow this.

They end up amending the contract between the employer and the worker. Both Erika and Fe received only 1,000 ringgit monthly with a heavier than promised workload.

"They do not comply with the required days off here. If you're a domestic worker here, the agency is the one that tells the employer not to give you any break. I had no day off for one-and-a-half years. I was not allowed to use cellphones and my passport was withheld from me," Erika said in Filipino.

"I was hired as a caregiver. But, it turned out, I would also clean three big houses and seven cars. They did not give me any day off even if it was in my contract," Fe said.

Philippine labour attaché in Kuala Lumpur Elizabeth Estrada admitted that "contract substitution" is indeed one of the major problems faced by overseas Filipino workers, prompting documented workers to run away from their employers, turning them into irregular workers.

But the case is not just limited to Filipinos, as it is the prevailing situation of migrant workers coming from other neighboring countries, said Glorene Das, Executive Director of Tenaganita, a Malaysia-based NGO pushing for migrant workers' rights.

All eyes are now on the Philippines, as it hosts the 50th year of ASEAN, which also coincides with the 10th year of the 2007 Declaration. It was signed on Philippine soil when the country last hosted the conference.

The case of Fe. An excessive workload and stress took a toll on the health of Fe, a single mother of three boys. For six months, her monthly period did not stop, beginning from her first week with her employers.



Photo by Camille Elemia/Rappler

Her employers sent her to a gynecologist for a check up. It turned out, she said, she had hormonal issues and an infection. Her doctor told her to get bed rest for one whole week but her employers would not hear of it.

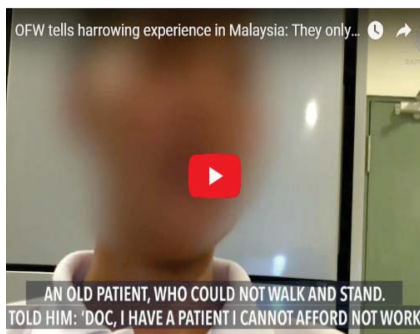
“When the results came out, the doctor told me, in front of my boss, to just rest first. He told my boss: ‘Ma’am, allow her to rest for one week, let her sleep and eat while she’s still recovering,’” said Fe, recalling her doctor’s order.

“Since I didn’t want my employer to get mad at me, I immediately told the doctor that I was taking care of an old patient who could not walk and stand. He told me: ‘What do you want, to go back to the Philippines in a coffin?’”

“That’s because the doctor, and I myself, saw that I looked pale. My body lacked vitamins because they only gave me leftover food. If there’s chicken, they only gave me the bones. If there’s fish, they only gave me the head. I told myself: What kind of food is this? It’s like food for pigs.”

Fe ended up running away from her employer after she was still forced to work, contrary to her doctor’s advice.

“Why is it that just because they are locals, they can do what they want to us? That is why I cannot blame other runaway workers because I myself know and have experienced abuses.”



Toward legalization

Employers have two options in this kind of situation: they can either immediately call authorities to cancel the working visa of the worker or just let it expire. It is, after all, renewed yearly.

Fe was fortunate enough that her employer chose the latter, giving her ample time to get a new Philippine passport. Other workers are not as lucky.

For any migrant worker in Malaysia to be considered legal, he or she has to get a working visa and a contract besides a passport. But for undocumented workers, the process is difficult. Some do not even have their passports, as their employers withhold it from them.

Recruitment agencies take advantage of the situation, asking for payment of at least 7,000 MYR (at least P78,500.00) from poor undocumented workers. Fake agencies also swindle them.

Fe, who now works as a caregiver, said she is now saving money to “legalize” her stay in the country by March. Easier said than done, she admitted, as her family’s house in Surigao province, in the southern Philippine island of Mindanao, was destroyed by a recent typhoon.

“I am afraid of being tricked by agents because it is difficult to earn money. But if it is the will of God, I will slowly do it, hopefully by March. I will just finish our roof back home because my mother and children are sleeping in the kitchen in the meantime,” she said.

Undocumented parents, stateless children

Just like Fe, Erika is a single mother of three in the Philippines. She also left her employer’s home after a year-and-a-half of working without any day off and with a salary of just 1,000 MYR (P11,000.00) a month.

“They will ask you to sign a blank paper. We had an original contract approved by the embassy, saying our salary is \$400, but the agency does not follow it. Maybe they are getting the money meant for us. The employers do not give us days off,” Erika said.

Little did she know that her uphill battle would become even more difficult.



UNDOCUMENTED 37-year old Erika with her 11-month old son in Kuala Lumpur.
Photo by Camille Elemia/Rappler.com

She left her employer in 2014 without any passport or proof of identity. She said her employer immediately cancelled her working permit.

Erika stayed with a Filipina friend and worked odd jobs. There, she met an Indian co-worker. As if it was not difficult enough for her, Erika and her boyfriend faced a new challenge when they had a baby in March 2016.

She had to borrow 3,500 MYR from her boyfriend's employer to pay for a normal delivery in a private hospital. Giving birth in a public hospital was never an option, as authorities would bring her to immigration officials.

She could not register her son with the Philippine embassy, as she had no passport as proof of her identity. The embassy also supposedly told her to first register her son with the Malaysian government, which she could not do as an irregular worker.

She could not register him with the Indian embassy either, even if her boyfriend was a legal migrant worker, for the same reasons. Besides, they weren't married.

Erika, in short, has since passed on her undocumented status to her now 11-month old son. The baby remains stateless to date, having no nationality or citizenship.

No rights, privileges

Her baby has no birth certificate and passport. He has not been baptized into any religion for fear it might lead to her arrest.

All Erika has is the draft birth registration form given by the Malaysian hospital, which is useless because she could not register her son in JPN, or Malaysia's equivalent of the Philippines' National Statistics Office.

"When I was pregnant, I thought of putting him up for adoption because I am undocumented and I know then I would not be able to register him. But when I saw him, I could not take it. I pity my child that is why I want him to be documented and to be able to go back to the Philippines," she said.

The problems do not end there. Undocumented children in the country grow up without any rights and privileges, effectively continuing the vicious cycle.

"If you do not have a permit, your child won't have the right to study here, won't have the right to public healthcare," she said.

"These children grow up without any rights and education. They end up getting trafficked or being the traffickers themselves," Das said.



STATELESS. Undocumented OFW Erika and her 11-month old baby, who is not registered national of any country. Photo by Camille Elemia/Rappler

At present, the baby has had only two vaccine shots. Erika said she could no longer afford it. She has to choose between her son's milk or his vaccine.

"He only had two injections. I could no longer afford it because each costs 550MYR to 650MYR (P6,000.00 to P7,000.00). I don't get it why it is so expensive, in the Philippines it's just free. But here, since we don't have any permit, we cannot go to public hospitals. We need to go to private clinics all the time," she added.

Big money in trading people

For the longest time, intra-ASEAN migration has been phenomenal. In 2012, it generated close to [US\\$40 billion](#) in remittances for the whole region.

But high remittances boost greater migration, encouraging more middlemen, like recruitment agencies, to trade in people.

Unfortunately, not all migrant labourers go through legal channels. It is complicated, lengthy and expensive. Most people, like Erika and Fe, enter legally but end up being undocumented due to the middlemen's abuse.

"It's through the process of placement, employment they become undocumented. Almost all of our cases, domestic workers run away from abusive situations. A migrant worker stops work because she is not paid what is promised. The employer quickly makes a police report, which turns the migrant worker undocumented, said Das.

As the biggest recipient of intra-ASEAN migrant workers, Das said Malaysia should have a coherent and comprehensive policy to support and protect them and local industries that depend on them, such as plantation and manufacturing.

Some of them are highly dependent on a low-wage economy or cheap labour.

"Locals do not want to do the 3D jobs – dirty, dangerous and demeaning. Malaysia, as a host country, needs to have proper comprehensive policy to manage migration," Das said, pointing out that migration is handled by the Ministry of Home Affairs but labour is under the jurisdiction of the Ministry of Human Resources.

Special Report

ASEAN's undocumented migrant workers



Part 1: Undocumented migrant workers: Hidden and helpless in ASEAN



Part 2: The bleak future of undocumented migrant workers in ASEAN



Part 3: ASEAN treaty on migrant workers: Can PH make it happen in 2017?

“Policies are dictated by different ministers, without anything black and white, and the directive is not being followed through. There has to be one set of comprehensive policy to manage migration, from recruitment and placement to redress, repatriation, reintegration,” she added.

Das said the continuing lack of protection of undocumented workers is all about money. Trading people, both legally and illegally, is a lucrative business for the recruitment agencies, government offices and even politicians.

Cashing in

Fe and Erika shared how the police get money, ranging from 500MYR to 2,000MYR (P5,600.00 to P23,000.00) in exchange for not arresting them. Since policemen in their areas already know their faces, they would keep on extorting money from them.

“This is a money-making business. The politicians themselves own agencies and become employers. When you have stayed in Malaysia ten years, five years, you know how the system works: there’s no system. Corruption is embedded in the system. Why would they want to protect them when they are earning from them, from cheating them?” she said.

According to Malaysia’s Bar Council member Dato’ M Ramachelvam, another reason is that the employers and agencies that hire undocumented people go scot-free, both in the receiving and sending countries.

“At the same time we have receiving countries like Malaysia that allow migrants with no proper documents to enter the country and stay on to work. While these undocumented migrants may be detained, we do not see much action taken against the employers and agents who exploit these workers. Hence the demand for undocumented workers continues to escalate, especially when the recruitment fees that employers pay for documented workers increase,” said Ramachelvam, Chairman of the Council’s Migrants, Refugees and Immigrant Affairs Committee.

Rappler reached out to the Ministry of Human Resources, Ministry of Home Affairs, as well as the ASEAN-Malaysia Secretariat but they all declined interview requests.

ASEAN’s silence on undocumented workers

Despite the contribution of migrant workers, undocumented included, there is still no clear regional stand on how to protect their rights. In fact, the 2007 ASEAN Cebu Declaration has no inclusive policy on undocumented workers.

ASEAN, Das said, has been focusing too long on investments and the business climate that it has put the welfare of migrant workers, the people who comprise and help economies, in the backseat.

The 2007 Declaration only has the following non-inclusive provisions:

- “The receiving states and the sending states shall, for humanitarian reasons, closely cooperate to resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented.”
- “Nothing in the present Declaration shall be interpreted as implying the regularization of the situation of migrant workers who are undocumented.”

The issue of undocumented workers and labour migrants’ families is among the three main contentious issues that have delayed the creation of a legally binding instrument to implement the 2007 Declaration.

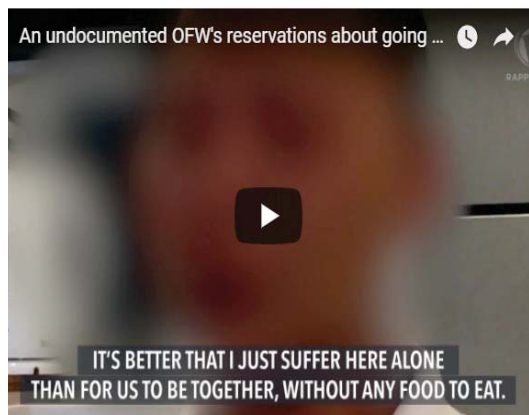
Another issue is the legal nature of the instrument – whether it would be legally binding or just a mere guideline. Receiving countries such as Malaysia and Singapore want undocumented workers and migrant workers’ families excluded from protection. At the same time, they have been pushing for a non-binding instrument.

“It’s hard to get full protection of migrant workers, how much more she, who is undocumented? Because of that status, they are not able to register a child in any mission and the baby becomes stateless. And there are no laws to protect the families of migrants. Even if you look at declaration,” Das said.

“And the other reason Malaysia or Singapore didn’t want to sign is because, [they think] why should we care for the families of migrants? Caring for migrants is already such a big deal, and now you’re heading for family? They’re not going to,” Das added.

As for Fe and Erika, legalizing their stay in Malaysia is their main objective, but not until they save at least 7,000 MYR (P78,000.00), which they will need to pay their agencies to secure an under-the-table working permit and, sometimes, a passport.

“I don’t want to go home yet because I don’t want to see them suffer, too. It’s better that I just suffer here alone than for us to be together but without any food to eat. No one will help us, I told my family,” Fe said.



As for undocumented workers – left with limited options and a system encouraging the status quo – they will continue to endure abuse and discrimination, which to this day, for many of them, is part and parcel of earning a living for their families. – Rappler.com

Next: [*The bleak future of undocumented migrant workers in ASEAN*](#)

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ASIA PACIFIC

The bleak future of undocumented migrant workers in ASEAN



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PART 2: ASEAN countries view the issue of undocumented migrant workers differently. Singapore and Malaysia view it as a ‘security threat’ while the Philippines and Indonesia as a matter of ‘human rights’



BLEAK FUTURE. The ASEAN has long vowed to protect the rights of migrant workers in the region but the inclusion of undocumented workers continue to be controversial to date.
File photo by Saeed Khan/AFP

HOW DOES THIS STORY MAKE YOU FEEL?



Part 2: Undocumented migrant workers: Hidden and helpless in ASEAN

KUALA LUMPUR, Philippines (UPDATED) – Ten years ago, the 10-member Association of Southeast Asian Nations (ASEAN) signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Then as it is now, the plight of undocumented migrant workers remains in the backseat of ASEAN’s agenda.

It has consistently struggled with the protection of documented labour migrants. What more with the highly contentious issue of the millions of undocumented migrant workers in the region? Is there even a future waiting for them?

The draft instrument was stalled from December 2009 to 2011, when the Philippines and Indonesia proposed a legally binding framework to include undocumented migrants. Malaysia and Singapore, the top receiving countries, opposed it. (READ: [Foreign workers less welcome in Singapore?](#))

The desire of the Philippines and Indonesia to include undocumented workers come as no surprise, as the two are the major sending nations in the region.

As of June 2015, data from Malaysia's Ministry of Human Resources show there are 876,339 documented migrant workers from Indonesia – the highest from any other ASEAN member State – and 66,521 from the Philippines.

The highest number of undocumented workers also comes from Indonesia, said Tenaganita, a Malaysia-based non-government organization pushing for labour migrants' rights.

Between the two sending states, it is Indonesia that has been solidly pushing for a legally binding instrument that includes protection for undocumented workers. The Philippines, as host of the ASEAN in 2017, has said it is amenable to a non-legally binding instrument, as long as its parameters are followed.

What is stopping ASEAN from including undocumented workers, who, like their documented counterparts, contribute to the economies and societies of their host countries?

Undocumented as second-class citizens?

In 2015, ASEAN established the Asean Economic Community (AEC), which aims to have a freer flow of goods, services, investment, capital and skilled labour in the region.

However, only eight professions are covered – engineers, architects, doctors, nurses, lawyers and accountants. Migrant workers, more so undocumented ones, are excluded.

For Glorene Das, Tenaganita's Executive Director, ASEAN seems to focus on businesses and investment climate that they tend to put the issue of migrant workers in the back seat.

As for the contrast between professionals and not, she said undocumented and low- to unskilled migrant workers are easier to exploit than so-called "expats" or expatriates.



TENAGANITA. Glorene Das, Executive Director of the Malaysian-based NGO, says the ASEAN has focused more on businesses and the economy than the issues of undocumented migrant workers in the region. Photo by Camille Elemia/Rappler

“I think in terms of expats there’s a certain accountability that’s needed from the state because of their level of education, work, expertise. And it’s not easy to exploit them. And there are legal redress mechanisms in place for them to pursue a case thoroughly,” Das said.

This was a sentiment shared by Aurora De Dios, member of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) that also deals with migrant workers.

“Papaano, sila ang pinaka-useful. (It’s because they are deemed the most useful.) Those highly educated and skilled are needed for their economic industries. Their priority is economic growth. They refuse to acknowledge that the job of domestic workers and other low-skilled workers is actual work,” De Dios said, citing the Employment Act of Malaysia that considered domestic work as part of the “informal” industry.

Leong Sze Hian, President of Singapore-based human rights NGO Maruah, said ASEAN member States argue that it is easier to deal with this group, as dealing with undocumented workers might cause bigger problems with receiving states such as Malaysia and Singapore.

All the more complicated is the issue of undocumented workers’ families – many of whom, like Erika, 37, have children growing up stateless in the region.

“It is a much bigger problem to resolve if you look at both documented and undocumented workers. ASEAN is thinking step-by-step approach to look at documented workers first because it is a less contentious issue in countries where there are millions of undocumented workers. Also, they’d rather deal with the small problems first,” Leong said.

This is not to say, though, that the issue of irregular migration is completely ignored in the ASEAN. It has somewhat started to be tackled, but not as head-on as many would want.

Manuel Imson of the International Labour Organization (ILO) and the Project Coordinator of the ASEAN Triangle Project on Migrant Workers said the issue of the Rohingyas in Myanmar has highlighted the issue in the region. (READ: [Migrant crisis tests Southeast Asia diplomacy](#))

“The issue of irregular migration is a recognized issue within ASEAN of course. If you look at what has happened with the Rohingyas and all, the issue was enhanced. But formally, I think member States are still much focused on doing different issues on regular migrants, less of the undocumented workers,” Imson said.



STATELESS. Undocumented OFW Erika and her 11-month old baby, who is not registered national of any country. Photo by Camille Elemia/Rappler

Another problem, he said, is the lack of statistics on undocumented labour migrants, precisely because of the very nature of their situation. Each country, Imson said, has its own way of estimation.

Fear for national security vs protection of human rights

Since most undocumented labourers are low skilled to unskilled, they give life to the industries that provide so-called 3D jobs – dirty, dangerous and demeaning jobs – which locals frown upon.

One of the stumbling blocks to ASEAN's protection of undocumented worker is the conflicting views of sending and receiving states.

For sending countries, they believe it is a human rights issue, while receiving countries insist it is a national security matter.

Abdulkadir Jailani, former Indonesian Negotiator in the ASEAN Committee on Migrant Workers, said the dichotomy is a product of conflicting interests among member States.

“The divergence of policy is a result of the divergence of the interests among ASEAN countries. Technically speaking, the expansion of the scope of the protection, which include undocumented migrant workers, will create more practical burden for the receiving countries,” Jailani told Rappler.



MIGRANT WORKERS. Myanmar migrant workers look at the phone screen from a relative as they arrive in Yangon airport on August 2016 after being released from detention camps in Malaysia. Photo by Ye Aung Thu/AFP

Dato' M Ramachelvam of Malaysia's Bar Council said undocumented migrant workers are considered “threats” to the country's security.

“Receiving countries perceive undocumented workers as a threat to national security, and as those who contravene the immigration laws and border control. Hence, policies to deal with migrant workers are very often dealt through the security lens rather than labour. [They] do not see migrant workers, let alone undocumented workers, as contributors to their GDP and economy,” said Ramachelvam, who is also the Chair of the Council's Migrants, Refugees, and Immigration Affairs Office.

Receiving states view leniency as an invitation for more undocumented workers, leading to an uncontrollable flow into their territory.

Ibrahim Almuttaqi, head of the ASEAN Studies Programme at The Habibie Center in Indonesia, said receiving states fear that such lenient policy would burden them.

The problem, he said, highlights the huge “income disparity” between member states. Countries like the Philippines, Indonesia and Cambodia are poor and have high unemployment rate while others such as Malaysia and Singapore are well-developed and has a demand for jobs.

“There is perhaps the fear that legally recognizing undocumented migrant workers would lead to the ‘opening the floodgates’ in the region. The current situation of undocumented migrant workers is already alarming for ‘receiving states’ and if ASEAN was to openly deal with them, it will perhaps only encourage more,” he said.

But Das questioned the security issue, saying Malaysia, as a host country, even agreed to take these migrant workers in the first place. These workers, she added, became undocumented because of the lack of a comprehensive policy in the country.

“If it’s real, why would they have them here in the first place? Then Malaysians should start doing their own work. You invite them because Malaysians don’t want to do the 3Ds. We need them that is why you invite them here. But you don’t have comprehensive policies, therefore they become undocumented in the process. And then you regard them now as threats to national security?” Das said.

With nearly two decades of engaging the government and ASEAN on the issue, Das said this is Malaysia’s usual response on it:

“So the only thing Malaysia will say is we’re not just getting everything. They’re sending money remittances from the money in Malaysia. As such, we are doing you a favour. It goes back to that mentality,” she said.

Rappler reached out to the Malaysian Ministry of Human Resources, Ministry of Home Affairs, as well as the ASEAN-Malaysia Secretariat but they all declined interview requests.

Special Report

ASEAN's undocumented migrant workers



Part 1: Undocumented migrant workers: Hidden and helpless in ASEAN



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Political backlash

Jailani noted that receiving states worry of “legal and practical” burden at the national level should they become lenient to undocumented workers.

“Technically speaking, the expansion of the scope of the protection which include undocumented migrant workers will create more practical burden for the Receiving Countries. However, the exclusion of undocumented migrant workers is certainly not agreeable as it is both unjust and ineffective,” he said.

Politicians and leaders may face political backlash from their constituents should they agree with the sending countries.

The topic of labour migration has always been a “touchy, political issue,” said De Dios.

Former Ambassador Wilfrido Villacorta, Philippine Permanent Representative to the ASEAN from 2011-2012, said no country would want to be “flooded” with undocumented workers.

“No country would like to be flooded by foreign, unskilled or undocumented workers, because the locals feel they will be displaced. They will have revolution in their hands,” Villacorta said.

In Malaysia, with more than 2.2 million documented workers as of June 2015, migrant workers “are seen as outsiders and considered an invisible population” to the locals, said Ramachelvam.

“So politically, for any politician, they cannot be declaring open market for migrants, they will always only (support) highly skilled even if they need househelp. The economic requirements of industry will be different from the political requirements in appeasing a population,” said Thetis Mangahas, former ILO Deputy Regional Director. She cited the case of Singapore, which faced backlash from its citizens for importing more foreign workers.

Since the 2011 elections where the ruling People’s Action Party lost the most seats since independence, the government cut foreign worker quotas even while admitting that it needs so-called foreign talents to support one of the world’s fastest aging populations. (READ: [Fewer jobs for Pinoy, foreigners in Singapore](#))

Philippines’ role

Ten years since the ASEAN declaration on migrant workers’ rights was signed on Philippine soil, it remains to be seen how the nation, as host of the 50th year, would push for the rights of undocumented labour migrants, or if it will even raise it at all.



Former Ambassador
Wilfrido Villacorta,
Philippine Permanent
Representative to the
ASEAN 2011-2012.
Photo by Camille
Elemia

Hans Cacdac, Administrator of the Philippines' Overseas Workers Welfare Administration and negotiator for the past decade, was non-committal on the inclusion of the workers in the pending instrument.

He said it is still one of the three main contentious issues the ACMW has to settle before April, the target release of the instrument. The other two are the legal nature of the document and the inclusion of families of migrant workers.

"The ASEAN Declaration makes reference to undocumented workers who became undocumented to no fault of their own. So *meron ng* (there is a) reference in 2007 but beyond what it says, it's a whole different thing. It's a main bone of contention," Cacdac said.

While he maintained the Philippines is still pushing for the group's inclusion, Cacdac also recognized the need to respect other ASEAN member States' national immigration laws.

"Some member States would even want it off the table. But us, we believe undocumented workers should be given proper protections under the law and should also be provided necessary forms of assistance by all member States especially if they are victims of illegal trafficking or illegal recruitment," he said.

But that is all there is to the future of undocumented workers in the region. It is as unclear as how ASEAN moved forward with the 2007 Declaration for ten years now. – **Rappler.com**



DOMESTIC WORKERS. Indonesians wait for their transportation to a maid agency after going through medical check in Singapore in March 2012. Singapore's decision to grant a mandatory weekly day off for foreign maids was welcomed by social workers and human rights group, but some employers were unhappy. File photo by Rosian Rahman/AFP

Next: [ASEAN treaty on migrant workers: Can PH make it happen in 2017?](#)

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Definitions and terms

Brain drain – emigration of skilled individuals from their country of origin to another country, typically for higher wages or better working conditions.

Brain gain – immigration of skilled individuals into the destination country. Also called reverse brain drain.

Circular migration – refers to temporary movements of a repetitive character either formally or informally across borders. Managed or regulated circular migration programmes have emerged as a migration policy tool to mitigate the effects of brain drain and promote development in origin countries through a steady flow of remittances, return of skilled workers, and support for enterprise development.

Citizenship (or nationality) – Citizenship of a state is a form of legal identity. States have the sovereign right to define eligibility for citizenship and determine nationality laws. While all human beings enjoy rights under international law, in practice the legal bond of citizenship serves as the basis for the exercise and enjoyment of numerous human rights including access to education, healthcare, employment, participation in political processes and equality before the law. Citizenship can be conferred at birth, or granted through naturalization or other means. Individuals and groups can lose their citizenship or have it revoked, and they may become stateless as a result (see stateless person). Individuals may have the citizenship of more than one country.

Citizenship laws may be discriminatory towards women. Women often do not have the same right as men to pass on their nationality to their children or foreign spouses. This can result in a range of restrictions for their children and foreign spouses, including in their ability to study, work, travel, access healthcare and to fully participate in society.

Contract substitution – the practice whereby the terms of employment to which the worker originally agreed upon (in writing or verbally) are substituted with another contract with less favourable terms – such as lower pay, poorer working and living conditions, and even a different worksite or job. This practice is illegal. Furthermore, under the kafala sponsorship system, contract substitution may place the worker in a position of irregularity (if they work for an employer other than the one listed on their visa or work permit).

Country of destination or destination country – the most neutral and accurate terms to refer to the country in which a person intends to live or work.

Country of origin – a neutral and accurate term to refer to the country from where a migrant, asylum seeker or refugee originated. It is preferable to ‘sending country’ or ‘home country’.

Debt bondage or bonded labour – is a position whereby a worker becomes bound to work for an employer as a means of repayment for a loan. Labourers may be working in an attempt to pay off an incurred or sometimes even inherited debt. The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses. Employers or recruiters make it difficult for workers to escape from a debt by undervaluing the work performed or inflating interest rates or charges for food and housing. Debt bondage reflects an imbalance of power between the worker-debtor and the employer-creditor, and is an indicator of forced labour. It has the effect of binding the worker to the employer for an unspecified period of time, anything from a single season, to years, or even successive generations.

Decent work – a concept encompassing opportunities for work that are productive and deliver a fair income, security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organise and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men. Decent work is a key element to achieving fair globalisation and poverty reduction. The achievement of decent work requires job creation, rights at work, social protection and social dialogue, with gender equality as a crosscutting objective.

Domestic worker – an individual who performs domestic duties such as cleaning, cooking and care work (children, elderly and disabled) in a household within an employment relationship (i.e. paid work). Domestic workers also include gardeners, security guards and drivers. Domestic workers may be men or women, and are commonly migrant workers. Often domestic workers reside within the household of the employer(s). In 2011 the ILO Convention on Decent Work for Domestic Workers, 2011 (No. 189) was adopted, extending a full range of labour rights protections to domestic workers. The term domestic worker is preferred to ‘domestic helper’, ‘maid’ or ‘servant’ because it underscores that domestic work is work, and that a domestic worker has labour rights.

Due diligence – refers to an enterprise’s ongoing process which aims to identify, prevent, mitigate and account for how it addresses the adverse human rights impacts of its own activities or which may be directly linked to its operations, products or services by its business relationships. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses and communicating how impacts are addressed.

‘Economic migrant’ – not a legal classification, but rather an umbrella term for a wide array of people that move from one country to another to advance their economic and professional prospects. The term is used to distinguish ‘economic’ migrants from refugees, asylum seekers and forcibly displaced persons within broader mixed migration flows. It most often refers to the unskilled and semi-skilled people from less developed or conflict affected countries. It might at times have a generally negative connotation – aiming to distinguish ‘deserving’ and ‘undeserving’ people within mixed migration flows.

Employer – refers to a person or an entity that engages employees or workers, either directly or indirectly.

Enterprise – refers to employers, labour recruiters other than public employment services, and other service providers involved in the recruitment process.

Forced labour – refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to authorities. It is defined by the ILO Forced Labour Convention, 1930 (No. 29) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily.” Forced labour can occur where work is forced upon people by State authorities, by private enterprises or by individuals. The concept of forced labour is quite broadly defined and thus covers a wide range of coercive labour practices. Forced labour, debt bondage and trafficking in persons are closely related terms although not identical in a legal sense.

Labour migration – defined as the movement of persons from one geographical location to another in order to find gainful employment. Labour migration may be internal, for example rural to urban, or international, across borders.

Labour recruiter – refers to both public employment services and to private employment agencies and all other intermediaries or sub-agents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks.

Migrant worker – means a person who migrates or has migrated to a country of which he or she is not a national with a view to being employed otherwise than on his or her own account.

Recruitment – includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship; and

Recruitment fees or related costs – refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

A **stateless person** – someone who is not a citizen of any country either because s/he never had a nationality or because s/he lost it without acquiring a new one. Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and changes in borders between existing States; and gaps in nationality laws. Stateless people may have difficulty accessing basic rights such as education, healthcare, employment and freedom of movement. At the international level, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are the key international conventions addressing statelessness.

Victim – A person harmed as a result of crime, accident or another event or action. For example a victim of human trafficking or assault. Victims may prefer to be referred to as survivors.

Fair perspective: Stories of Filipino migrant workers in the media

The ILO FAIR Project has supported the National Union of Journalists of the Philippines (NUJP) to implement the training of journalists covering the issue of labour migration, and to present ILO's perspective on durable and comprehensive solutions related to employment and the fair recruitment of workers abroad. The collaboration provided an opportunity to involve ILO constituents and other partners to facilitate greater knowledge sharing by presenting empirical findings from research, major accomplishments from projects etc., and networking for the purposes of story production. Ethical issues related to media reporting on labour migration (e.g. on rights-based terminology, protection of sources, among others) were also covered. The stories contained within this anthology are just a snapshot samples of work produced as a result of the training.

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