

The Philippines

Overview of migration

The Philippines is a major country of origin for migrant workers in Asia. According to official record, 1,836,345 overseas Filipino workers (OFWs) were deployed in 2013¹, while total remittance reached 173.2 billion pesos in 2014². Over 10 million Filipinos currently live or work abroad³.

Overseas employment in the modern days was first intended to be a temporary measure. It was initiated by the Philippine government as an attempt to boost the economy amid the oil crisis in the 1970s.

However, overseas employment has been of continued significance mainly due to the lack of domestic employment opportunities. Unemployment rate in the Philippines, which has always been one of the highest in the region, stood at 6.4% in early 2015⁴. The huge surplus of the labour force also results in high underemployment rate, which stood at 17.8%⁵. Such lack of domestic employment opportunities is driving many Filipinos abroad.

Additionally, it can be said that migration has become a way of life over the years. Working overseas is seen by many as a way to achieve a better quality of life. This has been accompanied by the institutionalization of migration. The Philippine government has legislated a number of regulations to manage outbound migration and protect its citizens migrating abroad.

Relevant policies and migration mechanisms

Regulatory measures

The Philippines has a number of policies to ensure that OFWs are protected overseas. According to Republic Act 10022, OFWs can only be deployed in rights-compliant countries that satisfy the conditions prescribed in section 3 of the Act⁶. Foreign

¹ See table 1 below

² 2014 Survey on Overseas Filipinos, Philippine Statistics Authority

³ Stock Estimate of Overseas Filipinos as of December 2013, Commission of Filipinos Overseas

⁴ April 2015 Labour Force Survey, Philippines Statistics Authority

⁵ Ibid

⁶ *“The State shall allow the deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of overseas Filipino workers: (a) It has existing labour and social laws protecting the rights of workers, including migrant workers; (b) It is a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions*

employers who intend to hire Filipino workers are also required to go through an accreditation procedure administered by the Philippine Overseas Employment Administration (POEA)⁷.

In addition, recruitment agencies must be licensed according to the POEA Rules and Regulations. Agencies are obliged, *inter alia*, to negotiate the best terms and conditions of employment on behalf of the workers. They must also disclose to migrant workers all terms and conditions. Importantly, agencies have to assume joint and several liability with the employer. Newly licensed agencies are charged one million pesos deposit (approx. USD 22,000) in order to ensure compliance with the Rules⁸.

Migrant domestic workers are regulated and protected under the 2006 Household Service Workers (HSW) Policy Reform. Under the HSW policies, only qualified persons may work as domestic workers. Workers should be at least 23 years old and must acquire certain certificates to ensure their competence. Importantly, under the HSW Reform, migrant domestic workers should not be charged placement fees. Also, a minimum monthly salary of USD 400 is prescribed⁹.

Education and training

In order to familiarize OFWs with their destination country, a pre-departure education program (PDEP) is provided by the Overseas Workers Welfare Administration (OWWA). Workers are provided with practical information such as airport procedures, working and living conditions abroad, information about their country of employment and information on where to seek help. Domestic workers receive additional training on language, culture familiarization and stress management. The PDEP is supplemented by pre-employment orientation seminars (PEOS) and post-arrival orientation seminars (PAOS)¹⁰.

Insurance

The Philippine government devised a number of policies to ensure OFWs working overseas are well-insured. First, OFWs are covered by a compulsory insurance scheme.

relating to the protection of workers, including migrant workers; and (c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino Workers. Provided, That the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs (a), (b) and (c) hereof."

⁷ International Organization for Migration, *Country Migration Report, The Philippines 2013* at p. 147

⁸ *Ibid*

⁹ *Ibid* at p. 154

¹⁰ OWWA official webpage, available at <http://www.owwa.gov.ph/?q=content/programs-services>

The insurance covers accidental and natural death, permanent total disability, repatriation costs, subsistence allowance benefit, money claims, compassion visit, medical evaluation, and medical repatriation¹¹. Secondly, legally deployed migrants are enrolled in the Philippine Health Insurance Corporation (PhilHealth), which covers workers' hospitalization overseas¹².

Overseas support

On top of that, the Assistance to Nationals (ATN) Fund was established to support workers overseas. The fund covers repatriation, welfare assistance to OFWs in distress, shipment of remains and personal effects, determination of whereabouts, follow-up death/accident benefits etc.¹³ It is noteworthy that the ATN Fund is available to all Filipino nationals abroad regardless of their legal status¹⁴. Therefore, it serves as a safety net for workers who are in an irregular situation. The ATN Fund is supplemented by the Legal Assistance Fund (LAF), which specifically supports legal assistance to OFWs.

In addition, the OWWA has Overseas Filipinos Resource Centres in a number of major destinations for OFWs. These centres mainly operate as shelters where workers can get emergency assistance¹⁵.

Repatriation

The OWWA is also responsible for facilitating the return of distressed OFWS and bringing back human remains. Repatriated OFWs are further provided with airport assistance, temporary shelters, psycho-social counselling and stress debriefing and transportation services.¹⁶

Reintegration services

Finally, workers will be provided with reintegration services when they return to the Philippines. Services include job referrals, business counselling, community organizing, financial literacy seminar, networking with support institutions and social preparation programs. A 2 billion peso (approx. USD 44 million) Reintegration Fund for enterprise development is also available for returning OFWs.¹⁷

¹¹ Ibid n7 at p. 89

¹² Ibid n7 at p. 96

¹³ Ibid n7 at p. 95

¹⁴ Ibid

¹⁵ Ibid n7 at p. 92

¹⁶ Ibid n10

¹⁷ Ibid

Issues

Ineffective implementation and evaluation of policies

Despite having comprehensive migration governance policies and emphasis on protection of rights and benefits of OFWs, implementation gaps exist.

The 2006 HSW Policy Reform is a case in point. The minimum monthly salary of USD 400 is poorly implemented, with many destination countries refusing to comply with its terms. As pointed out by Migrant Forum Asia, prevailing wage in Gulf countries and other Asian destination countries of domestic workers remain from USD 200 to 250¹⁸. The no-placement-fee policy is also inconsistently applied. For example, the collection of placement fees by recruiters based in Hong Kong is often acquiesced. According to a survey conducted by an NGO, 88% of the domestic workers in Hong Kong had to pay a private recruitment agency for placement in 2011¹⁹.

A common strategy employed by recruitment agencies to circumvent HSW policies is contract substitution. Workers are often coerced into signing “false” employment agreements that ostensibly satisfy official requirements. Upon arriving the destination country, a new employment agreement will be entered into, under which workers are paid much less than the prescribed USD 400 minimum wage and have to shoulder placement fees. Workers are generally reluctant to report such cases to the POEA for fear of losing employment opportunities. They also find legal processes lengthy and costly.

Migrant workers are also subjected to exploitation in other respects due to poor implementation of government policies. For instance, employers or recruitment agencies are supposed to pay a membership fee of USD 25 to the OWWA on behalf of workers. However, they are often assumed by the workers themselves. Similarly, the cost for the compulsory insurance is often passed on to workers illegally.²⁰

Responses

Government initiatives

In order to strengthen the protection of OFWs overseas, the Philippine government has been negotiating with various destination countries on social security provision to

¹⁸ Migrant Forum in Asia Submission of Information for the Second Periodic Report of the Philippines on the Implementation of the Convention on the Rights of All Migrant Workers and Members of their Families, UN Committee on Migrant Workers, 20th Session 2014

¹⁹ Philippine NGOs Trade Unions Submission of Information for the Second Periodic Report of the Philippines on the Implementation of the International Convention on the Rights of All Migrant Workers and Members of their Families, UN Committee on Migrant Workers, 20th Session 2014

²⁰ Ibid n7 at p. 89

OFWs. As of 2013, 9 countries have concluded bilateral agreements with the Philippines in the area of social security²¹. Currently, no Asian country has yet entered into any agreement with the Philippines in this regard but negotiations with Korea are ongoing.²²

Another strategy employed by the government is to extend Social Security System (SSS) membership to OFWs. The government has been intensifying promotional efforts to broaden the reach of SSS to more OFWs. As of 2012, SSS has 738,000 OFW members²³.

Services provided by NGOs

The Philippines has a vibrant civil society community, and many of them are actively advocating at both national, regional and international levels, to improve the rights protection for migrants.

A number of NGOs also provide legal services to file cases against violators in case of rights violation, especially concerning illegal recruitment and contract violations.

Other NGOs provide services aimed at economic empowerment of migrant returnees and migrants' families. The Economic Resource Centre for Overseas Filipinos Philippines and Unlad Kabayan Migrant Services Foundation are two leading organizations. Initially launched as a pilot of Asian Migrant Centre (AMC) in Hong Kong, Unlad Kabayan to date has evolved its strategy into providing economic empowerment to migrant returnees and migrants' families through the provision of training on financial management as well as through assisting social investment.

Finally, a number of NGOs also provide psychosocial counselling to migrant workers when they fall victim of abuses.

Numbers and Statistics

Table 1: Number of deployed OFWs by type 2009 - 2013²⁴

²¹ The 9 countries are Austria, United Kingdom, Spain, France, Canada, the Netherlands, Switzerland and Belgium

²² Ibid n7 at p. 98

²³ Ibid

²⁴ 2013 Compendium of OFW Statistics, Philippine Overseas Employment Administration, available at http://www.poea.gov.ph/stats/2013_stats.pdf

TYPE	2009	2010	2011	2012	2013
Total	1,422,586	1,470,826	1,687,831	1,802,031	1,836,345
Landbased Workers	1,092,162	1,123,676	1,318,727	1,435,166	1,469,179
New Hires	349,715	341,966	437,720	458,575	464,888
Rehires	742,447	781,710	881,007	976,591	1,004,291
Seabased Workers	330,424	347,150	369,104	366,865	367,166

Table 2: Total number of OFWs from 2010-2014²⁵

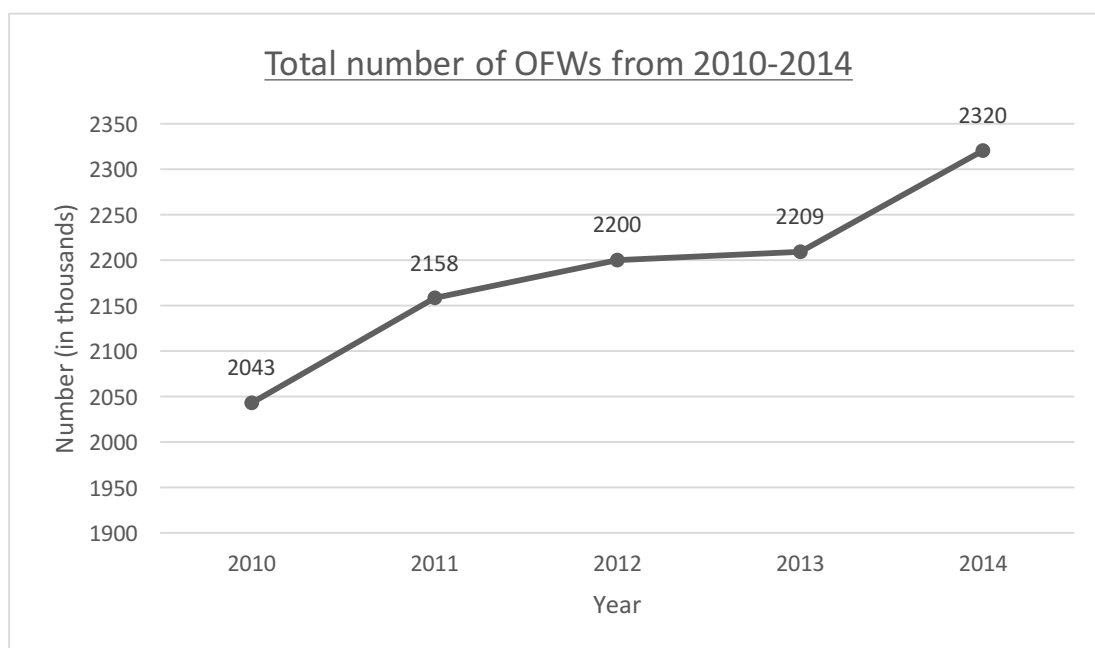


Table 3: Distribution of OFWs by age group and sex 2014²⁶

Age Group	Both Sexes	Male	Female
Philippines	2,320	1,149	1,170
Number (In thousands)			
Total	100.0	100.0	100.0
15 - 24	8.2	7.5	8.9
25 - 29	24.8	19.8	29.8
30 - 34	23.7	22.7	24.8
35 - 39	15.8	16.2	15.5
40 - 44	11.6	12.5	10.7
45 and over	15.8	21.4	10.4

Table 4: Distribution of OFWs in major occupation groups 2014²⁷

Major occupation group	Percentage of OFWs (%)
Officials of gov't and special-interest organizations,	2.5

²⁵ Data retrieved from the 2014 Survey on Overseas Filipinos, available at <http://web0.psa.gov.ph/content/statistical-tables-overseas-filipino-workers-ofw-2014>

²⁶ Ibid

²⁷ Ibid

corporate executives, managers, managing proprietors and supervisors	
Professionals	11.4
Technicians and associate professionals	6.1
Clerks	5.3
Service workers and shop and market sales workers	16.5
Farmers, forestry workers and fishermen	-
Trades and related workers	12.8
Plant and machine operators and assemblers	12.5
Labourer and unskilled workers	32.8

Table 5: Key countries of destination 2014²⁸

Destination	Percentage of total OFWs (%)
Saudi Arabia	24.8
U.A.E.	15.6
Singapore	6.4
Kuwait	5.3
Qatar	5.3
Hong Kong	5.0
Taiwan	4.8
Malaysia	3.3

Table 6: Ratification status of international conventions

Document	Year of ratification (if ratified)
ICCPR	1986
ICESCR	1974
ICERD	1967
CEDAW	1981
CRC	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	1995
Migrant Workers	
ILO29 (Forced Labour)	2005
ILO105(Forced Labour)	1960
ILO87 (Freedom of Association)	1953

²⁸ Ibid

ILO98 (Collective bargaining)	1953
ILO100 (Equal remuneration)	1953
ILO111 (Discrimination in employment and occupation)	1960
ILO97 (Migration)	2009
ILO143 (Migrant Worker)	2006
ILO189 (Domestic Worker)	2012

Useful links

International Organization for Migration, Country Migration Report, The Philippines 2013

- <https://www.iom.int/files/live/sites/iom/files/Country/docs/CMReport-Philippines-2013.pdf>

Department of Labour and Employment

- <http://www.dole.gov.ph/>

Overseas Workers Welfare Administration

- <http://www.owwa.gov.ph/>

Philippine Overseas Employment Administration

- <http://www.poea.gov.ph/>

National Reintegration Centre for OFWs

- <http://www.nrco.dole.gov.ph/>



Source: International Organization for Migration
<<http://www.iom.int/news/overseas-filipino-workers-return-home-syria>>