

New POEA Training Scheme: A New Racket for Extortion, A New Burden for Filipino Domestic Workers

Critique of the Pre-qualification of Filipino Household Service Workers (HSW) Scheme

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After receiving criticisms from various sectors with regards to the handling of Overseas Filipino Workers (OFWs) in Lebanon during the Israel-Lebanon war, Philippine President Gloria Macapagal-Arroyo issued promises of improvement in the lives of OFWs.

In line with her promises, GMA has coined the term “Supermaids”.

Simply put, the “Supermaids” scheme aims to improve the skills of Filipino domestic helpers to make them more competitive and, purportedly, for them to fetch higher wages.

A few months after the “Supermaids” catchphrase, the Philippine Overseas Employment Administration released a series of Memorandum Circulars that outline the Pre-qualification of Filipino Household Service Workers (MC NO.10), Transition Period to Implement the Governing Board Resolution Affecting Household Service Workers (HSWs), Low/Semi-skilled Female Workers and Applicants for New License using HSWs as their New Market (MC No.11), Prequalification of Foreign Placement Agencies Hiring Filipino Household Service Workers (MC No.12), Requirements for the Verification, Registration and Documentation of Overseas Household Workers and Selected Skills (MC NO.14), and the Guidelines on the Deployment of Filipino Household Service Workers (<http://www.poea.gov.ph>).

Every time that the Philippine government announces “improvements” in the protection of rights and promotion of wellbeing of migrant workers, OFWs always stay on guard. This is understandable because in the experience of OFWs, such improvements in services always come with a price tag.

Moves to supposedly protect the rights are either just lip service or, in reality, only intensify the vulnerability of OFWs to abuse. Policies that are stated to promote the welfare of OFWs actually add more to the burden of migrant workers.

When the HK\$212.50 authentication fee was re-instated by the Philippine Consulate General in Hong Kong in 2004 after collection was stopped for about one year, its resumption was also “justified” by the promise of service improvement. When the plan to make SSS contribution of OFWs mandatory was announced, the promise of more services was also made.

When the E-card was issued, it was also supposedly for service. When the OWWA Omnibus Policies came, it was also packaged as “service improvement”. When the OWWA Medicare was transferred to Phil Health, it was also due to service improvement.

Protection of rights and services improvements are terms that have been so overused by the government that these have become tiresome and shallow phrases for promises that never came true.

The policies of the Philippine government almost always reveal its real intent which is to get more income from OFWs and the export of Filipino labor.

Such is shown by the new POEA memoranda and guidelines recently released.

The Mission for Migrant Workers, as a service institution that gives assistance to foreign workers in Hong Kong who are largely domestic workers, and the Asia Pacific Mission for Migrants, as an NGO that works in countries in the Asia-Pacific and the Middle East, presents the following concerns on this new scheme:

On the requirement for OFWs to undergo training and obtain the National Certificate for Household Service Workers from TESDA and the Language and Culture Certificate of Competence from the OWWA

1. The requirement for training is but a scheme to generate more revenues from foreign domestic helpers.

The required training is an additional financial burden to OFWs. Even now, before the circulars are formally implemented, OFWs in Hong Kong have reported that some of their friends or relatives are already being forced to cough out P5,000 to P10,000 to undergo the training.

According to POEA MC No.10 (Item C.1.b) “.... The HSW may also apply for assessment without undergoing the TESDA-prescribed training....” Further on the same circular (Item C.2.a) “the HSW may apply for assessment for competence on language and culture at OWWA without undergoing the language and culture orientation....” This means that, though an option has been given to not undergo the training, the requirement for the certificates still applies and, thus, payment will still exist.

When will state extortion of OFWs stop?

It should be pointed out that OFWs are already up to their neck with the various fees that the government charges on top of the monstrous payment they have to make to recruitment agencies. In a study of MIGRANTE International, government fees alone charged to each OFW leaving the country amount to P17,000. Within the whole process of migration, each document and each signature has a price tag.

Worse, as shown by the unresolved anomalies involving funds generated from OFWs, the money is just eaten up by corruption, misappropriation and mismanagement. Up to now, the issue of the OWWA Medicare Fund transferred to Phil Health and used in the 2004 elections still remains unsolved. With the looming 2007 elections, it is not far-fetched to

think that the funds generated by the training scheme shall again be utilized for such a purpose.

2. Aside from the income directly collected from OFWs, the new training scheme is projected to improve the marketability of Filipino domestic helpers for increased chances of employment and thus increased remittances for the Philippine economy.

Once again, the Philippine government has shown that its most prized commodity for export is its own people. Coated with promises that improved skills shall improve the condition of Filipino domestic workers, the new training scheme underscores the reliance of the country on its labor export program.

3. The new prequalification requirements will also be a rich breeding ground for corruption. Taking into account the desperation of many Filipinos to seek work abroad, they are very much vulnerable to extortion by unscrupulous agents – government or private – in exchange for obtaining the certificates.
4. The training scheme even worsens the bureaucratic of the whole process of migration. Such unnecessary procedures unduly burdens OFWs. It makes other government orientation scheme such as the Pre-departure Orientation Seminar (PDOS) and the Post-arrival Orientation Seminar (PAOS) redundant.
5. For re-contract OFWs, the requirement to undergo an assessment to obtain the certificates will even take away days from the short vacation they are allowed with. The shortened time to be with their loved ones will even make worse the social impacts of forced migration to OFWs.

On the provision of US\$400 as the minimum wage for domestic helpers and the “no placement fee” policy

1. Part of the “package” of the government is the promise of a US\$400 minimum wage and the scrapping of the placement fee charged by recruitment agencies. In a glance, such provisions are beneficial to foreign domestic helpers (though it should be noted that the minimum wage set by the Philippine government is even lower than the Minimum Allowable Wage set by the Hong Kong government). However, the government has failed to come up with the mechanisms and procedures to enforce such policies.
2. Wage of foreign domestic helpers are set by the host countries. In Hong Kong, the MAW is annually reviewed by the government. In other countries, minimum wage law does not exist any and wages are subjected to the movement of the market. How then will the Philippine government make true of its own policies?

It should be recalled that in the last two wage cuts for foreign helpers in Hong Kong, the responses of the Philippine government are either lukewarm or totally absent. Worse, at

the height of the campaign of foreign domestic helpers against the HK\$400 wage cut in 2003, President Arroyo herself has been quoted as saying that “5% (wage cut) is a good idea.”

In the succeeding years of the campaign for a wage increase, the Philippine government has failed to make even a single act of active support for the call. If this is the attitude of the Philippine government on the wage cut issue, is there really something to expect from them for the protection of the wage of domestic helpers?

Moreover, in the Kingdom of Saudi Arabia, former Labor Secretary Patricia Sto. Tomas in 2004 forged an agreement with the KSA labor office and private recruiters of foreign labor in the said country that pegged the wage for domestic helpers in the kingdom at US\$100 to US\$150. This was even lower than the minimum wage pegged by the government which was US\$200 that time!

The commitment of the government to enforce this standard is highly questionable.

3. With regards to the “no placement fee” provision, it is also right, based on our experience, to question the will of the Philippine government to enforce such rule.

There already exists a policy that says placement fee charged by private recruitment agencies should not exceed the equivalence of one month salary of the OFW in the host country. Yet, our experience tells us of numerous cases of overcharging by recruitment agencies through various modus operandi.

Many of these erring recruitment agencies who have cases of overcharging go scot-free with nothing but mere slap in the hand in the form of returning just a part (oftentimes miniscule) of the amount overcharged to the OFW. This is because of the marked inefficiency and slowness of the process of prosecuting erring recruitment agencies that forces victims of overcharging to accept the amount offered by the agency during the conciliation meeting in exchange for the bleak picture of long, costly, and unsure legal battles.

Even agencies who have been convicted of overcharging and whose license has been taken away merely open up under a new name or new management and recoup their losses through other victims.

Meanwhile in other countries like Taiwan and Korea, the government goes into special labor agreements with the receiving countries so that labor export to said countries shall be exempted from POEA guidelines. A case in point is the Balik-Manggagawa Program wherein OFWs in Taiwan who are under the said program, due to an agreement with the Taiwan labor office, are still made to pay placement fees even though they should already be exempted as the program stipulates.

On the provision of a minimum age requirement of 25 for domestic helpers

The rationale behind such a provision is unclear. Even the perceived reason that domestic helpers who are 25 and can better fight for their rights is weak and unsupported by objective facts.

It boils down to the reality that unemployment in the Philippines is getting graver every day. To set such a minimum age requirement implies that those below such age are gainfully employed in the country or will have other jobs other than domestic work abroad.

According to Ibon Databank, a respected research think-tank in the Philippines, one in four new graduates in 2006 will be jobless. However, “the three who do get jobs will have to take whatever jobs are available even if these have no relation to the college degrees they worked four or more years for” (Ibon Facts and Figures, 30 April 2006”.

What is the alternative that the government is offering to those who are below 25 and are without a decent job or no job at all? Nothing. This provision may even lead many Filipinos into more vulnerable situation by forcing them to fake their age and obtain fake documents just so they can go abroad.

To summarize, the POEA circulars and the Guidelines on the Deployment of Filipino Household Service Workers are blueprints for increased government exaction particularly to Filipino domestic helpers. For all the motherhood statements of the Philippine government and platitudes toward their “economic heroes”, the new guidelines and the government package again reinforces the belief that, for the Philippine government, overseas Filipino Workers are nothing but a bottomless well of income for the government and the cash-strapped economy.

The new training scheme is an unnecessary burden that misses out on the urgent and real issues and problems of Filipino domestic helpers. The absence of real protection of the rights of migrant workers and the promotion of their wellbeing reveals that the new scheme is but a sham ploy to worsen the condition of Filipino domestic helpers.

Thus we believe that:

1. The new POEA guidelines must be scrapped. Attempts to “professionalize” domestic work and make Filipino domestic workers more marketable does not bespeak of a government concerned with the rights and wellbeing of their nationals but of a government that is desperate to trade its own people as commodities in the global labor market.
2. Rights education and training must be strengthened among Filipino domestic helpers. Such an education should be coupled by the institutionalization of mechanisms that will allow the practice of such rights as well as the strong political will of the Philippine government to assert the rights of their nationals violated by a foreign agent especially the host government.

At this point, it is also important to take note of the experience of Indonesian domestic helpers in Hong Kong. Indonesian domestic helpers undergo similar – in fact, even more intensive – skills training before they come to Hong Kong. In our experience, even with

such training, many cases of non-payment of wage and a whole gamut of labor and migrant's rights violations prevail.

3. The immediate, widespread and concrete issue that the Philippine government must address is the miserable state of its program for assistance to distressed Filipino domestic helpers and the undiminished cases of overcharging of fees by recruitment agencies.

It is very disappointing that the already insufficient assistance given before is still being reduced by policies such as the OWWA Omnibus Policy and the cases of corruption, misappropriation and mismanagement of the OWWA Fund.

Meanwhile, concerns over practices of recruitment agencies have been repeatedly raised by different groups to the Philippine government. Yet, the government's response remains insufficient.

It is notable that though an Undertaking of Foreign Placement Agencies is contained in Memorandum Circular No.12 (Item B.3) and an Undertaking of Employer is in Memorandum Circular No.14 (Item B.6), the circulars contain not a whit of punitive provisions if the employer or the FPA does not comply with the stated undertaking.

4. Lastly, the government must recognize that forced migration is a problem and not a solution. To glorify forced migration is an insult and not a compliment to Overseas Filipino Workers (OFWs). Still the call for decent employment and living wage in the Philippines is a just call and the main matter that should be addressed by the Philippine government.