



# Social Protection of Women Migrant Workers

## The Philippine Experience

Mary Lou L. Alcid

University of the Philippines

***The Philippine  
population is about  
79.5 million***

About 35.126 million or  
44% are in the labor force.

Overseas Filipinos  
account for 19.6% of the  
total labor force

# Overview on Filipino Labor Migration

**Illustration courtesy  
of IBON Foundation**

**An estimated 7-8 million overseas Filipinos are spread out in 191 countries, both documented and undocumented, sea-based and land-based, and contractual or on a permanent basis.**

# Estimated Number of Overseas Filipinos By World Region 2003

Region	Undocumented	Documented OFW and Overseas Filipinos
Americas	186, 918	2,585,008
Asia and Pacific	549,091	1,433,705
Europe	119,442	441,451
West Asia and Africa	77,196	143, 232
<b>Total</b>	<b>932,647 (14%)</b>	<b>5,892,396 (86%)</b>

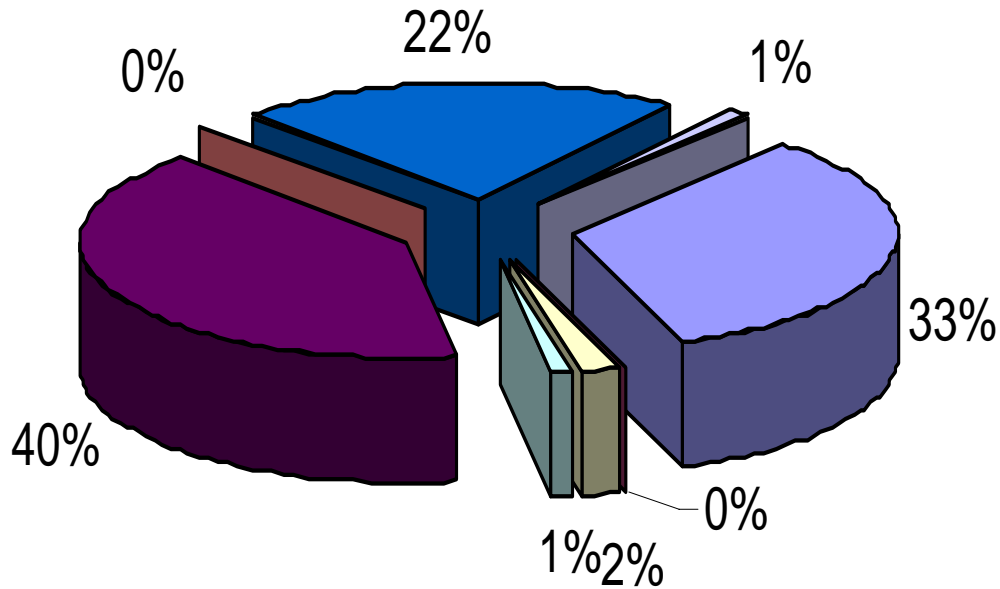
Source: Department of Foreign Affairs

# Land-based New Hires by Skill Category (2004)

<b>Skill Category</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Professional/ Technical Workers	79,862	13,144	93,006
Administrative and Managerial Workers	151	339	490
Clerical workers	3,054	2,167	5,221
Sales workers	2,741	1,162	3,903
Service workers	101,595	11,261	112,856
Agricultural workers	20	645	665
Production workers	20,713	41,978	60,708
For reclassification	258	1,368	1,626
<b>Total</b>	<b>208,411</b>	<b>72,064</b>	<b>280,475</b>

Source: POEA

## Land-based New Hires by Skill Category (2004)



■ Technical/Professional Workers 33%

■ Clerical 2%

■ Service 40%

■ Production 22%

■ Administrative and Managerial 0%

■ Sales 1%

■ Agricultural 0%

■ For reclassification 1%

# Top Ten Destination Countries 2004

<b>1. Saudi Arabia</b>	<b>188,107</b>
<b>2. Hong Kong</b>	<b>87,254</b>
<b>3. Japan</b>	<b>74,480</b>
<b>4. United Arab Emirates</b>	<b>68,386</b>
<b>5. Taiwan</b>	<b>45,059</b>
<b>6. Kuwait</b>	<b>36,591</b>
<b>7. Italy</b>	<b>23,329</b>
<b>8. Singapore</b>	<b>22,360</b>
<b>9. Qatar</b>	<b>21,360</b>
<b>10. United Kingdom</b>	<b>18,347</b>

In her inaugural address last year, Pres. Gloria Macapagal-Arroyo promised to create 6-10 million jobs during her six-year term.

In the first semester of 2005, the Philippine Overseas Employment Administration (POEA) reported that the total number of deployed workers was 527,573 representing a 6.8% increase

Annual deployment has been increasing at an average of 2.27 per cent annually in the last 5 years.

Target annual deployment: 1 million

# Overseas Employment as an Economic Lifesaver

- 2002-2004: average annual remittance has been US\$7.7B
- 2005: first semester alone, remittances reached US\$4.88 B. Thus, they are expected to be between US\$9-10 B by year-end.
- # 1 dollar earner, buffer during economic crises
- The economy continues to be driven mainly by consumption and remittances, not by “productive, sustainable activities.”(NEDA)

# Culture of Migration

- The State has promoted and facilitated overseas employment since 1974.
- Labor migration has become intergenerational.
- Going abroad is the fastest and surest way of ensuring family survival and children's education
- Families have become dependent on remittances.

# ***Benefits of Migration***

- a. Education for children**
- b. Better living conditions**  
**e.g. food, shelter, clothing**
- c. Opportunity to travel for family members**
- d. Higher social status in the community**

# Social Costs

- Break up of families
- Non-support of husbands to wives and children left behind
- Millions of children who grew up, are growing up without one or both parents (“emotional orphans”)
- Looming health crisis as doctors and nurses migrate
- Health problems arising from migration: mental health concerns, HIV/AIDS, cancer
- Death : an average of 2-3 return in boxes

# Increasing Feminization

*There is a steady increase in the percentage share of women among newly hired land-based workers from 1995-2004.*

*In 1999, women made up only 64% of the new hires. Five years later, they comprise 74.3% of new hires. What has not changed is the nature of their jobs. The jobs are still in the service sector and entertainment.*

**Women's work abroad reflects gender stereotyping. Newly hired women migrants workers took jobs as:**

- Entertainers 68,206**
- Domestic Workers 61,624**
- Caregivers 19,400**

***Domestic work, entertainment and caregiving are usually unregulated jobs (excluded from labor and social legislation), making women vulnerable to abuse and exploitation.***

# **Increase in the number of rights violations against migrants, especially women**

- ✦ Physical Attack
- ✦ Verbal Abuse
- ✦ Psychological/Emotional Abuse
- ✦ Deprivation of Material Resources  
for their Well-being
- ✦ Sexual Assault

# Commodification of women and girls

- ✓ Prostitution

- ✓ Trafficking in women and girls

- ✓ Violence Against Women

# Social Protection ....

- Is premised on the recognition and protection of the rights and interests of overseas workers, regardless of legal status
- Requires the State to be a regulator and guarantor of the common good
- Requires collaboration and partnership among the State, migrants' organizations and unions, NGOs, organizations of families and returnees, church, business and finance

# Social Protection....

- Requires integration of gender at the level of policy and operations
- Involves multi-strategies at various levels
- Involves transnational networking
- Is the product of a dynamic, protracted, often adversarial engagement between the government and civil society actors

# Stakeholders

- Government
- Non-government organizations
- Organizations/unions of migrants workers
- Organizations of families of overseas workers and former overseas workers
- Trade unions
- Church

# Philippine Government

- *Labor legislation* : R.A. 8042 The Migrant Workers and Overseas Filipinos Act of 1995. It has pro-migrant policies (including gender sensitivity), defines the programs and services to be provided migrants, defines the functions of government agencies
- Membership of workers in the Overseas Workers Welfare Administration (US\$25fee is paid by workers per contract)
- Establishment of the Migrant Workers Resource Centers in countries with a concentration of workers
- Joint and solidary liability of recruitment agencies

# Republic Act No. 8042

*An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes or simply The Migrant Workers and Overseas Filipinos Act of 1995*

***The Magna Carta for Overseas Workers (R.A. 8042) was enacted June 1995 in the wake of public furor over the government's inept handling of the Flor Contemplacion case which led to her execution in Singapore.***

# The State commits itself to:

- “... at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular.”
- “....afford full protection to labor.....promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers.”
-

# The State commits itself to...

- affirm "... fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply **gender sensitive criteria** in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers."

# The State commits itself to...

- provide “free access to the courts and quasi-judicial bodies and adequate legal assistance...”
- protect the rights of both documented and undocumented workers
- recognize and guarantee the right of “...Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment  
.....”

# Programs and services

- Pre-departure orientation seminars
- Pre-employment orientation seminars
- Legal aid
- Medical assistance
- Repatriation (eg. mandatory repatriation of underaged migrants)
- Loans : pre-departure and return

# Issues

- The pro-migrant policies are compromised by ...economic pressures : minimum deployment target of 1M annually
- ...competition from other Asian countries (“race to the bottom” of wage levels)
- ...perceived lack of political will by the government in the face of political and economic pressures from rich destination countries

- ...reported absence of funds and personnel to enforce policies, rules and regulations specially on recruitment, payment of fees
  - diplomatic and labor officials and personnel who are not properly oriented and trained to respond to the particular needs and issues of women migrants , specially gender-based rights violations

# Danger signals

Sec. 29 and 30 of R.A. 8042 provide for deregulation of the labor export industry

- ***Section 29*** – Comprehensive Deregulation Plan on Recruitment Activities.
- Migration of workers becomes strictly a matter between the worker and his foreign employer

***Section 30*** – Gradual phase-out of Regulatory Functions

Phase-out of the POEA's regulatory functions within five (5) years, or by year 2000, "*pursuant to the objectives of deregulation*"

# Deregulation means...

1. Faster processing of application papers
2. Diminution of workers' benefits and entitlements
3. Removal of the role of government as the regulator and guarantor of the common good
  - *Gradual phase-out of POEA regulatory powers*
  - *Possession of skills is the best protection of a worker against abuse*
  - *Employment is a matter between employer and employee*
  - *Employment standards are waived and to be determined by market forces*

# NEW OWWA OMNIBUS POLICIES

In 2003, the Overseas Workers Welfare Administration made major changes in its policies covering OFW entitlements

In pursuit of fund viability, the following changes were made:

Membership is co-terminus with contract

Time prescription for claiming of benefits

Scrapping of General Financial Assistance Program

# Organizations of Migrants, Families/Returnees, and NGOs

- Most view labor migration as an outcome of the government's inappropriate development paradigm. Thus, initiatives go beyond provision of social assistance to include addressing root causes and building alternatives.
- They work with various systems : micro (individuals and families of migrants), mezzo (communities), and macro (national and international).

# Multi-Strategy Rights-Based Praxis

- Use of gender/feminist perspective analysis and methodologies
- Combination of direct services with policy and legislative advocacy, and organizing of women migrants, families, returnees
- Claim-making
- Use of theatre
- Awareness raising : structural basis of labor migration; rights as persons, as migrants and as women; entitlements; gender issues
- Organizing of children
- Community-based structures of care
- Union organizing

# Addressing root causes and building alternatives

- Engagement in governance at the national and local levels
- Development of programs with preventive and reintegrative objectives

# Area-based Integrative Approach

- Economic: savings mobilization, investment in small / medium-scale enterprises
- Political: advocacy, organizing families, migrants, returnees, maximizing available and creating new spaces of engagement
- Socio-cultural: gender training, organizing community-based structures of support, re-thinking consumerist values and practices, cost-benefit analysis of migration, services for women survivors of violence.

# Weaknesses

- Limited scope in terms of no. of people and geographical areas served because of limited funds and personnel.
- NGOs have been honed in socio-political, not economic work.
- The government does not provide appropriate and necessary support to NGOs and organizations of migrants, families and returnees. The GAD budget is not always appropriated.

# Neglected Areas of Work

- Social insurance
- Husbands/partners of women migrants
- Children
- Collaboration between NGOs/migrants' organizations/church and trade unions

# Challenges

- The government should prioritize consistently migrants rights over market forces. Labor is not just an economic variable. Human beings and families are involved.
- It should operationalize fully and consistently gender sensitivity.
- It should rethink its economic development model. The current model has not led to real economic growth that creates jobs, reduces the gap between the rich and the poor, and provides other options apart from overseas employment.