A study of skilled labor migration from the Philippines

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ABSTRACT—The purposes of this article are to study policies and regulations relating to skilled labor migration in the Philippines, and to study the roles of various sectors in the Philippines in encouraging and supporting labor migration to international labor markets, especially to Thailand. The study uses desk review of documents and qualitative research methods through in-depth interviews with representatives from government agencies, the private sector, and civil society in the Philippines. Qualitative data were analyzed using content analysis and descriptive induction to identify the key mechanisms used in the Philippines to govern migration overseas to work, namely the Migrant Workers and Overseas Philippines Act of 1995 (Republic Act 8042) and various government policies for overseas employment and the establishment of a high standard of protection for the welfare of overseas workers. The suggestions obtained from the research results are as follows: 1) High labor-exporting countries that lack policies to promote labor export should consider labor management in the Philippines as good practices for managing overseas workers. 2) The Philippine Overseas Employment Administration should cooperate with the Office of Foreign Workers Administration in Thailand to supervise and monitor an Exit Clearance Certificate for skilled Filipino workers.

Background

Southeast Asian countries comprise labor-sending countries with relatively well-developed legislation and mechanisms to govern labor migration (e.g., the Philippines, Indonesia and Vietnam) as well as countries that are fairly new to organized labor migration (e.g., Lao PDR, Cambodia and Myanmar). The former send workers to countries in the Association of Southeast Asian Nations (ASEAN) as well as
in East Asia and the Gulf Cooperation Council. For the latter countries, labor migration is directed largely to neighboring countries in ASEAN (ILO 2013).

Although it is a member state of ASEAN, the Philippines is located on the Pacific Rim and is remote from the other ASEAN countries. It has experienced significant influence by two Western countries, namely Spain and the United States of America. During Spanish colonization (1565–1898), Spain introduced government, national identity, Christianity, and the Spanish language, which became an official language of the country. Thereafter, the Philippines was occupied by the United States from 1898 to 1946. During this period, English was taught in all schools and later became an official language of the Philippines. As a result, Filipino people have an advantage of speaking English, a factor which is now helpful to the great number of Filipino people who work overseas. The Philippines is the largest labor migration flow country in ASEAN, followed by Indonesia, Thailand and Vietnam (Battistella and Khadria 2011).

The Philippines has been sending skilled labor to work in foreign countries for over 30 years. From 1981 to 2011, more than 1.8 million Filipinos have emigrated to settle in other countries. Today, the number of Overseas Filipino Workers (OFWs) is approximately 10.4 million distributed in more than 200 countries and territories (IOM 2013). According to data from the Philippine Overseas Employment Administration (POEA 2012), the number of Overseas Filipino Workers (OFWs) increased steadily from 2008 – 2012 as shown in Table 1.

The majority of OFWs work and reside in the Middle East. As of 2012, Saudi Arabia hosted the most OFWs (330,040 workers), followed by the United Arab Emirates (259,546 workers). In ASEAN, Singapore and Malaysia host the most OFWs with 172,690 and 38,407 workers, respectively (POEA 2012).

Filipino movement to Thailand started in the 1970s, consisting mainly of employees of international organizations or firms, a few missionaries and entertainers, and women who migrated for marriage to Thai men. Over the two decades from 1992 to 2012, a shift in migration patterns emerged, particularly as Thailand had become an important tourist destination and a rising economic hub in the region. Data provided by the Embassy of the Philippines and Thailand's Immigration Office in Bangkok show that more and more Filipino
tourists have visited Thailand in recent years. The growing number of formal and informal networks established by Filipinos in the country also highlights the increasing presence of Filipino migrants (Sarausad and Archavanitkul 2014).

Table 1: Number of Overseas Filipino Workers by type, 2008-2012

<table>
<thead>
<tr>
<th>Type</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land-based workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New hires</td>
<td>394,977</td>
<td>362,878</td>
<td>424,977</td>
<td>517,311</td>
<td>554,665</td>
</tr>
<tr>
<td>Rehires</td>
<td>610,561</td>
<td>680,677</td>
<td>780,757</td>
<td>866,783</td>
<td>1,075,202</td>
</tr>
<tr>
<td>Sea-based workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,464,295</td>
<td>1,479,070</td>
<td>1,644,439</td>
<td>1,850,463</td>
<td>2,083,223</td>
</tr>
</tbody>
</table>

Notes: Land-based workers refers to workers who will work for a foreign principal/employer classified as agency hire, name-hire or government hire. Land-based workers consist of: new hires, meaning workers who will work with a foreign principal/employer for the first time; and rehires, meaning workers who finished their contract and are rehired and are returning to the same employer under a renewed contract. Sea-based workers or seafarers refer to workers who are employed or engaged in overseas employment in any capacity on board a ship other than a government ship used for military or non-commercial purposes.

The Ministry of Labor in Thailand reported that compared to other nationalities (excluding Burmese, Laotians and Cambodians), the Philippines ranked 5th in the overall number of skilled workers registered as migrants in Thailand at 8,188, after Japan (27,511), China (9,754), UK (9,108) and India (8,660), as of May 2012. According to the same report, the total number of registered Filipino migrants (i.e., those who received work permits) was 7,515 under the general category of migrants (Ministry of Labor 2012). The Philippines ranked the lowest in the number of migrants found in managerial and executive positions, while highest in teaching, business and entertainment.

The migration of Filipino skilled workers, particularly OFWs, is caused by economic conditions in the country that have been in crisis
for a long time. As a result, the Philippines faces serious social and economic problems such as high rates of unemployment. High cost of living and poverty have caused many Filipino people to migrate overseas to work. Other important factors include the popularity of overseas work among Filipinos and the solicitation of relatives who have worked in other countries. These factors have had a profound effect on labor migration from the Philippines to other countries (Asis 2005). As a result, OFW remittances play a key role in supporting domestic consumption and are the largest driver of the Philippine economy. In 2013, OFW remittances hit a record high of $25 billion and were expected to further grow by more than 8 percent the next year. A World Bank report in 2012 placed the Philippines at the top in ASEAN and as world’s third largest receiver of remittances $24.45 billion (Magkilat 2014). When OFWs transfer money to their families and relatives at home, the money circulates and enables various investments, for example, in immovable properties and education for children.

The Philippines promotes and expands its labor market in other countries by setting target numbers of workers for overseas migration (Kaur 2010). From 1999 to 2003, the Philippines set labor export targets at 2.8 million workers and this number increased steadily until 2012. As such, the country aims to be a service center for providing skilled workers (Kaur 2010). The Filipino government has developed programs and approaches to promote and protect Filipino workers, particularly OFWs, at all stages of the migration process. Filipino migration policy stands out not only for covering all phases of the migration process, but also for its active engagement in bilateral, regional and multilateral initiatives. The Philippines has played an active role in various arenas to further attention to migrants, and it also has ratified the most agreements among countries of origin (IOM 2013). According to the Center for Migrant Advocacy, the Philippines stands out as a “global model in managing international labor migration” because its policies of labor export are comprehensive in terms of labor development, controlling labor export to ensure compliance with the law, labor protection, labor welfare, providing benefits to workers, and litigation when workers have not been treated fairly and measures to accommodate workers upon return to their home country (Center for Migrant Advocacy 2009).
Given this context, this study gives a historical outline of the policies, regulations, and measures relating to labor migration from the Philippines as well as the roles of various sectors in promoting labor migration. An understanding of these roles and policies provide a model for other labor-exporting countries in preparing policies and arranging work processes to promote and protect their workers abroad. This study focuses on the experiences of Filipino workers in Thailand as a case study because Thailand has seen a growing stock of Filipino skilled workers over the last five years. Therefore, various sectors in both in the Philippines and Thailand are involved in facilitating the migration and employment of Filipino skilled workers in Thailand. These will be highlighted throughout the research as an example of the Filipino model for labor migration.

Research objectives and methods

This research studies the policies, laws and regulations relating to overseas Filipino workers (OFWs) of the Philippines, with a case study on Thailand as a destination country, and examines the roles of various sectors in the Philippines to encourage and promote labor migration to overseas labor markets. The study employed documentary research and qualitative research methods via in-depth interviewing as follows.

The documentary research covered a review of policies, rules and regulations of the Philippines related to skilled labor migration. These documents outline the structures, responsibilities and working processes of agencies involved in skilled labor migration the Philippines, namely the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA).

In-depth interviews were conducted with representatives of eight public and private sector organizations which are involved in forming policies, laws, regulations and measures for migration of Philippine skilled workers: Philippine Oversea Employment Administration (POEA); Oversea Workers Welfare Administration (OWWA); and Embassy of the Republic of the Philippines in the Kingdom of Thailand; private sector representatives, including recruitment agencies; scholars of skilled labor migration of the Philippines; and Nongovernmental Organizations (NGOs).

The data collection instrument contained structured questions
about the history, policy, rules and regulations of the Philippines relating to skilled labor migration, the structure and process of each sector in promoting OFWs, and the roles of each sector in encouraging and supporting labor migration to international labor markets.

The quality of the data instrument was verified by testing content validity and analyzing consistency using the value of the index of item-objective congruence (IOC) developed by Rovinelli and Hambleton (1977). This procedure is used in test development for evaluating content validity at the item development stage. The analysis of the results of consistency indicated that all questions had values of consistency greater than 0.5.

The researcher used content analysis from the in-depth interviews and synthesis of documents concerning policies, laws and regulations relating to skilled labor migration of the Philippines to explain the Philippines Labor migration policy rules and regulations as well as roles of various sectors in promoting Oversea Filipino Workers labor migration to overseas labor markets.

**Policies and regulations relating to labor migration from the Philippines**

Labor migration policies emerged in the Philippines around 1970. As the economies in the Middle East countries grew, those countries needed workers to build infrastructure projects. In the meantime, the Philippines was facing economic difficulties which caused high rates of unemployment, political instability and corruption in the country. The government of Ferdinand Marcos saw an opportunity to export young men left unemployed by the stagnant economy and established a system to regulate and encourage labor outflows. In 1974 the government established policies to support workers to work in foreign countries.

*The period of President Ferdinand Marcos (1972–1986)*

Seeing a chance to utilize the Philippines’ surplus labor, President Ferdinand Marcos created a foreign policy called “development diplomacy,”\(^2\) which focused on exporting such surplus labor (Battistella and Paganoni 1992). Furthermore, a labor law, Presidential Decree No. 442, was legislated to encourage Filipino people to work overseas followed by projects to promote OFWs such as the Welfare and
Training Fund Project. At that time, it was expected that export of labor would help to stimulate the economy through remittances which would increase consumption in the Philippines and create more demand for goods. In addition, families who received remittances tended to have higher financial status. A slight decrease in poverty levels was observed as a result.

The Overseas Employment Development Board was established to take charge of the recruitment and placement of land-based workers on a government-to-government basis and to facilitate the hiring of foreign government. However, this approach was unsuccessful because of a growing demand for Filipino workers, which was beyond the capacity of Overseas Employment Development Board to manage. Irregularities in the recruitment and placement process increased and prompted the government to cooperate with the private sector in the recruitment process. With the steady increase in migration, an independent unit was needed to serve as a local support network solely for Filipino migrants. In 1982, the Overseas Employment Development Board and the National Seamen Board were abolished and replaced by Philippine Overseas Employment Administration (POEA). The POEA also managed the licensing and supervision of recruitment by the private sector. Also during the Marcos administration, the Welfare and Training Fund for Overseas Workers was established to provide social and welfare services including insurance coverage, social work assistance, and legal assistance to OFWs. Later on in 1977, it was transformed into the Welfare Fund for Overseas Workers (Iredale et al. 2003).

The period of President Corazon Aquino (1986–1992)

During the presidency of Corazon Aquino, the number of OFWs increased from 378,214 in 1986 to 615,019 in 1991. However, the average unemployment rate over the four years from 1985 to 1990 remained high at 10.5 percent. As a result, President Corazon Aquino reorganized the POEA’s structure, rationalizing its functions and systematizing its operations to enhance its effectiveness in responding to changing markets and economic conditions (Iredale et al. 2003). A more vigorous marketing strategy for Filipino overseas employment was pursued to make working abroad more accessible. The administration created one-stop processing windows and set up regional POEA offices. Marketing missions were sent abroad to look for more
employers of Filipino labor. The target was to deploy half a million Filipino workers every year (Candazo, n.d.). In the late 1980s, the abuse of female migrant workers started to be widely publicized. Following a temporary moratorium on sending Filipino entertainers to Japan, the administration of Corazon Aquino temporarily banned the export of domestic workers in order to protect Filipino female migrants from being abused and exploited in the foreign countries where they worked. However, as NGO activists contended, no matter how well intentioned, the ban was poor policy (Ocampo 1988, 5). Despite these problems, overseas employment still steadily increased in that period.

The period of President Fidel Ramos (1992–1998)

Beginning in the 1990s, the social and domestic problems related to labor migration became more visible and the subject of government action. This was brought to a head in 1995 when a Filipino domestic worker, Flor Contemplacion, was hanged for murder in Singapore, after allegedly killing a fellow Filipino and her employer’s child (Gonzalez 1998; Wong 1996). The case appeared as the culmination of a long series of humiliations suffered by OFWs in Singapore and elsewhere. There was large-scale mobilization by opposition parties, church associations, women’s groups, and labor unions. The Ramos administration was forced to review policies relating to migration of Filipino workers and make efforts to amend the laws to protect overseas Filipino workers. The Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) was enacted “to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers and their families and overseas Filipinos in distress.” (Migrant Workers and Overseas Filipinos Act of 1995, 1995). This is consistent with points made by an interviewee:

The law of migration of overseas workers was legislated due to the situations of the great number of Filipino workers into Singapore in 1995, and the problems occurred with Filipino workers, such as assaults. This caused legislation of Migrant Workers and Overseas Filipinos Act of 1995 to set rules for labor protection, regulating welfare of employment and visas. (Scholars from University of Santo Tomas, interviewed on April 9, 2013).
This law includes details about the most important points and the changes of policies relating to labor migration, which have now been in operation for over 20 years. This law required stricter monitoring of the policies of labor-importing countries to ensure that there were adequate laws to protect migrant workers. The law also tightened regulations on the recruitment of labor in the Philippines and required workers to register with Philippine embassies overseas.

However, this act stipulated that “the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental rights and freedoms of the Filipino citizen shall not, at any time be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development” (Migrant Workers and Overseas Filipinos Act of 1995, 1995).

In addition President Ramos stated, “Overseas employment is not a government program; It is a fact.” Suddenly, everyone realized overseas employment needed to be mainstreamed into the national macro agenda. (POEA 1995, 3). Therefore, the 1995 Act (RA 8042) provided mechanisms to protect Filipino labor migrants from issues such as illegal recruitment and abuse by their employers.

The period of President Gloria Macapagal-Arroyo (2001–2010)

During the government of President Gloria Macapagal-Arroyo, overseas employment was declared to be a “legitimate option for the country’s work force. As such, government shall fully respect labor mobility, including the preference for overseas employment.” Such a statement signaled the shift of the government’s role from merely managing migrant workers in their ventures abroad to actively promoting “international labor migration as a growth strategy, especially of the higher skilled, knowledge-based workers” (IOM 2013). However, some inconsistencies surfaced in policy implementation. The policy of not promoting overseas labor “as a means to sustain economic growth and achieve national development” (RA 8042, sec. 2c) was undermined when a target for annual deployments of one million workers per year was set by President Arroyo in 2009 (Maca-ranas 2004).
The objective of maximizing the benefits of migration was reflected in an increasing volume of remittances. Whether remittances could have a more significant impact on macroeconomic indicators has not been settled. The continuing concern over the social costs of migration have not been supported by conclusive research findings.

Moreover, the government formulated employment-promoting strategies to enhance the skills and competencies of the Filipino labor market by giving them easier access to training programs, and facilitating employment by providing updated information on job opportunities to ensure the matching of workers’ skills and jobs. The government took the initiative in contacting overseas employers, overseeing the recruitment and hiring process, managing preparation of documents prior to travelling, providing training before going to work overseas, and resolving problems of labor abusing in destination countries.

During the Arroyo government, the Republic Act No. 9422 was passed in 2007 (RA 9422) to strengthen the regulatory functions of the POEA by amending for the 1995 Act (RA 8042). This legislation originated from a demand by civil society organizations, such as the Center for Migrant Advocacy, Philippine Migrants Right Watch, Kanlungau Ceuler, Foundation and Alliance for Migrant Workers and Advocates to Amend RA 8042, and a group of professional organizations, such as the Overseas Placement Association of the Philippine and the Philippine Association of Service Exporters, which requested a one-stop facility for the processing of papers needed by OFWs. This Act assigned the POEA to facilitate OFWs by reducing processes of training before leaving to work overseas, creating a One Stop Processing Center for OFWs, contacting with recipient countries and the Ministry of Foreign Affairs by non-profit organizations to help with regulating overseas Filipino workers.

In addition, civil society organizations pushed for legislation to facilitate workers who wanted to work overseas. Civil society in the Philippines has played an active role in promoting, encouraging and supporting Filipino workers to work overseas. Interviewees commented on the benefits including protections of rights or interests of OFWs:

We have found positive results more than negative results. We have policies relating to Philippine labor migration specifically and Phil-
ippine people prefer to work overseas as well. So, we have to issue policies relating to providing welfares for workers to protect them. (Executive of OWW, interviewed in April 11, 2013).

In-depth interviews with scholars showed that governmental policies in all periods focused on temporary labor export rather than permanent labor export. The government in each session also focused on managing labor migration. However, a culture of migration has emerged, with increasing numbers of Filipinos eager to work abroad, despite the risks and vulnerabilities they are likely to face. Most of the migrants have been unskilled workers including nursemaids, housekeepers, and gardeners (Scholars from the University of Santo Tomas, interviewed on April 9, 2013).

Asis (2006) shows that the migration has become a norm for Filipino, and that children aged 10–12 years already have expectations of working overseas. In a nationwide survey of 1,200 adult respondents in 2003, one in five Filipinos expressed a desire to migrate, 47 percent of children aged 10 to 12 reported that they wished to work abroad someday, and 60 percent of children of overseas foreign workers said they had plans to work abroad. Asis (2006) also referred to A survey by Pulse Asia in 2005 showed that an increasing percentage of adult respondents — 26 percent in July and 33 percent in October — agreed with the statement, “If it were only possible, I would migrate to another country and live there” (Asis 2006). Interest in leaving the country is not limited to adults.

**Tasks and roles of agencies involved in management of skilled labor migration from the Philippines**

The documentary research and interviews show that the government policies implemented over a long history of exporting a large number of workers have made the Philippines a global model for the management of temporary labor migration. Rodriguez (2009) notes that the Global Forum on Migration and Development was held in the Philippines because the country has long been held up as a “model” of “migration management” by international organizations because its Temporary Labor Migration Program ostensibly rests on a so-called rights-based framework. That is, the Philippine government
has introduced migration policies that ostensibly ensure that its overseas citizens' rights are protected. At the Forum, papers generated for discussion amongst participating governments lauded the Philippines for displaying "good practices" that promote migrants' protection. A labor expert interviewed for this study shares this view:

The Philippines has considered itself as a global model of managing migration for countries that export their workers as there are so many different agencies to cooperate in managing migration. (Scholar from National Technical University of the Philippines (UP), interviewed in April 10, 2013).

The agencies involved in promoting and encouraging Filipino workers to work overseas temporarily are described below.

**Philippine Overseas Employment Administration (POEA)**

The POEA under the Department of Labor and Employment is responsible for managing recruitment in foreign countries and has the sole power to determine and apply the policies and programs related to the employment of OFWs.

The POEA is tasked with: 1) regulating and enforcing rules and regulations governing the recruitment and overseas placement process, and setting of minimum standards; 2) vetting the qualifications, licensing and providing certification to recruitment agencies; 3) monitoring malpractices and prosecuting violators of recruitment standards; 4) finding overseas labor markets and providing pre-employment services; 5) supporting welfare and hearing complaints in case recruitment agencies do not implement the regulations of the government on the recruitment and employment of OFWs as well as settlement of disputation associated with termination of regulations of recruitment and conditions of labor employment; and 6) providing an Overseas Employment Certificate to ensure that OFWs are properly documented before leaving for employment abroad. The Certificate, sometimes also called the "exit pass," has to be presented at international ports of exit in the Philippines as proof that the holder is a bona fide OFW. Workers have to show an employment contract, a passport, a visa and an air ticket to acquire the Certificate at the POEA. When Filipino workers depart to work overseas, their documents are checked
by immigration authorities at the airport upon departure. A POEA official said in interview:

The Philippine Overseas Employment Administration (POEA) is an agency that manages about overseas labor migration to protect workers in both laws and regulations including registration and licensing offices or recruitment agencies from private sectors and documentation for overseas labor migration. This agency provides support to workers by education and seminars including resolving the problem of illegal workers and dealing with complaints about termination of regulations by offices or employment agencies from private sectors, for example, too expensive service charge and so on. At any rate, we also control various operations by monitoring offices or recruitment agencies from private sectors which have to be licensed by POEA. But if they are international organizations or the government, they can hire labors directly but may have to make labor agreements with POEA. (POEA official, interviewed on April 11, 2013).

In addition, POEA Memorandum Circular No. 3, Series of 1983 (IOM 2005) states that all Filipino workers must receive orientation before leaving to work overseas. All newly hired workers had to attend a Pre-Departure Orientation Seminars (PDOS) and have proof of attendance as part of their exit documentation. These seminars addressed issues about travel regulations, immigration procedures, cultural differences, settlement concerns, employment and social security concerns, and the rights and obligations of Filipino migrants. Private agencies had to be responsible for preparing PDOS for each worker. In addition, industry associations and other business units that were not in the overseas employment business were allowed to run PDOS under the condition that they followed the requirements of the POEA. In 2002, the management of the PDOS program was transferred to the Overseas Workers Welfare Administration (OWWA) and received assistance from several sectors concerning interests and welfare of OFWs. The PDOS program became widely supported by partners including the government, labor groups, and private recruitment agencies as well as associations and NGOs. An NGO representative stated in interview:
Our works are cooperation with OWWA which plays a major role in developing local labor. For international labor, there is 3-day training for labor prior departing to work overseas in a topic of the cultures of destination country. (NGO representative from Center of Migration Research, interviewed on April 10, 2013).

We have coordinated with the government to provide information about labor, labor development and training. (An executive of Scalabrini Migration Center, interviewed on April 8, 2013).

Most Filipino workers who work in Thailand temporarily do not contact private recruitment agencies and do not leave their country as OFWs. Instead, they enter Thailand with a tourist visa. After they receive jobs in Thailand, they change their visas to Non-Immigrant Visa “B”. They work in Thailand until their contracts expire and return back to the Philippines to be registered at the POEA in order to obtain overseas employment certificates allowing them to work overseas legally.

**Philippine Overseas Labor Office (POLO)**

The Philippine Overseas Labor Office (POLO) comes under POEA. It has offices in countries with high rates of hiring Filipino workers, such as Singapore, Hong Kong, and Malaysia. The POLO is responsible for promoting employment of Filipinos in host countries and assisting them in mediating conflicts with their foreign employers. POLO also assists the POEA with registration of foreign employers and checking employment documents of both workers and the company. As Filipino workers can contact the POLO directly, its existence assures them of access to employment assistance and conflict mediation.

In countries where there is no POLO office, such as in Thailand, services of consultation, legal assistance, conflict mediation, and coordination for workers who face difficult circumstances are conducted by the Philippine Embassy, as explained by a POEA official:

If we do not have any agency in that country, we will have an embassy or consulate to handle the responsibilities for us. In case of Thailand, we assign the embassy or consulate to act instead of us. (Executive of POEA, interviewed on April 11, 2013).
There are also informal problem-solving mechanisms for OFWs facing problems in Thailand. As many Filipino workers are Christian, churches tend to be a place at which they meet their compatriots and naturally become a source of help. Communities and networks of OFWs in Thailand take care of and give consultation for those who suffer trouble. They also coordinate with the Philippine Embassy in case of any need for legal assistance.

The church acts as assistant for migrant workers who are in trouble, such as personal problems or family or work problems. For example, they may have problems of contracts, their employers or whatever that they come to consult with us, we will assist in these points.... The church will cooperate with the embassy. One example of our responsibilities is to take care of the Filipino prisoners who were detained in Thailand. There were about 24-25 prisoners and we came to help them. (A Filipino Priest at Holy Redeemer Church, interviewed on March 17, 2013).

**Overseas Workers Welfare Administration (OWWA)**

The Overseas Workers Welfare Administration (OWWA) is an agency under the Department of Labor and Employment with roles of caring and protection as well as providing welfare to overseas workers and their relatives through welfare funds, such as training on overseas working conditions, life insurance, retirement funds, health insurance, loan before departure or even a loan in an emergency. Overseas workers have to contribute to the OWWA in order to receive these benefits. This agency benefits OFWs as they can be assured that when they face unexpected situations or crises, this agency will take care and assist them with finances, education and reintegration.

For skilled workers and unskilled workers, OWWA provides them equal management and benefits. We do not divide them into skilled workers and unskilled workers to give unequal services. For our problems, we faced problems from skilled workers more than unskilled workers. For a group of illegal workers or undocumented workers, we arrange services for an emergency, such as a war, the political conflicts in the countries that workers are working, for example in Syria. (An executive of OWWA, interviewed on April 11, 2013).
Most skilled Filipino workers who work in Thailand are not members of the OWWA from the beginning. However, when they return to the Philippines and have registered with the POEA, they must also register to be members of OWWA and will be covered by the terms and conditions specified in the regulations.

**Technical Education and Skills Development Authority (TESDA)**

For unskilled workers, the Technical Education and Skills Development Authority (TESDA) is an agency that supervises and provides skill development certificates for Filipino workers to prepare them prior to work overseas. This agency is concerned with vocational training and provides certificates for Filipino workers who have followed and passed a skill development program specified by the agency. The role TESDA is to develop industrial skills and skills in information technology and communication, drama, patient care, first aid, rescue and other services. It is more concerned with vocational training. Employers taking on OFWs with certifications from this agency can be assured they have proper qualifications. The highest number of Filipino skilled workers are in the teaching sector, including teachers, lecturers and teaching professors. These workers do not need to pass a skill development program because those who work in the teaching sector in Thailand will meet the needs of employers and conditions of a Professional Council.

**Recruitment agencies**

Recruitment agencies accredited and licensed by POEA, have the following main roles. First, they provide jobs to Filipino workers who need to work overseas. This requires coordination and consultation with employers in destination countries concerning desired qualifications and matching them with qualified workers, as evaluated by TESDA. The workers become TESDA certified once they are evaluated with a competency assessment on technical skills and levels of physical ability. An executive of a private recruitment agency stated:

> Our processes started from finding workers by announcing available positions. Our channels are common channels, such as posting notices or announcing through Facebook and websites relating to job recruitment. After they have applied for our required positions,
we will select, evaluate the applicants and crosscheck qualifications of the applicants with qualifications that employers require. We will review details of salary, housing, travel, etc. and negotiate with employers. Then, we will let employers talk with the workers to assist in the matter of documentation, visa and submitting information of labors, such as personal information, salary and contact details, to POEA. After that, we will provide training to workers to educate them about preparation, readiness including living in destination countries. (An executive of a private recruitment agency, interviewed on April 8, 2013).

Second, recruitment agencies manage the travel documents of all workers in order to protect and ensure their welfare. The recruitment agency will submit to POEA all the worker’s required documents such as contracts which should include terms and conditions as in the original employment contract signed by employer and approved by the POEA through the process of registration or appointment, passports, visas or work permit including certificates of orientation prior to departure. The agency also makes payment to POEA to cover the fees and costs of the recruitment, documentation and placement of worker, including the POEA processing fee, membership in OWWA, visa fee, and a one-year contribution to the Phil-Health-Medicare scheme. All these fees are shouldered by the employer.

Third, private recruitment agencies are responsible for sending workers back to their country of origin at the end of their employment or in case of any necessity for workers to return to their home country earlier. If the recruitment agencies cannot send workers to their home country or causes delay, the government will prepare the travel for them and the recruitment agencies from the private sectors will be responsible for all expenses. In addition, this condition can be effective for repatriating remains and assets in the case of death overseas.

The recruitment agencies are required to take care of workers throughout the employment process. They can supply jobs to workers after receiving licenses from the POEA. The license is given only to recruitment agencies which can show that they are financially capable of responding to the needs of their workers. In setting these requirements, the government guarantees that the recruitment agencies will provide proper work to meet capabilities of the workers. POEA can
also revoke recruitment agencies' license when it finds violations of the POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers. In one example, POEA cancelled the license of a recruitment agency for collecting excessive placement fees from an applicant for a job.

Civil society sector

The civil society sector in the Philippines consists of non-governmental organizations (NGOs) and People's Organizations (POs). They assist OFWs by conducting various activities such as Pre-Employment Orientation Seminars (PEOS) and information campaigns that contain information on issues that may have an impact on migrants at the pre-departure stage, during migration, in the destination country and in the post-return phase.

Government agencies have established partnerships with civil society organizations, particularly NGOs, in promoting and encouraging Filipino workers to work overseas. For example, NGOs have come to play an important role in organizing Pre-Departure Orientation Seminars (PDOS) under the supervision of the OWWA in accordance with POEA regulations that overseas Filipino workers must attend the PDOS before going overseas. NGOs also offer advice about working in other countries and assist OFWs when they face difficulties. NGOs help to coordinate and expedite the work of the government sector, particularly the POEA and the OWWA, in cases where workers face problems while working abroad. In addition, NGOs also play a role in dealing with legal issues and serving as mediators in negotiations between workers and private recruitment agencies. An NGO representative stated in interview:

Our work is in coordination with OWWA which has a major role in developing workers in the country. For overseas workers, there is training about three days before leaving to work overseas to educate them about the cultures of destination countries. (Representative from the Center of Migration Research, interviewed on April 10, 2013).

We act in coordination with POEA and OWWA for mutual managements for workers. This is the significance of coordination
with the government sector. With the private sector, we will cooperate in labor preparation and training with the offices or recruitment agencies from the private sector. In the viewpoint of workers, we will work for assistances if workers have faced problems with the offices or recruitment agencies, such as in the issues of employment or even laws. These issues are considered as critical. (CEO of Scalabrini Migration Center, interviewed on April 8, 2013).

The civil society sector plays a beneficial role in supporting migrant workers to claim their rights, acting as spokesperson for complaints, and providing counseling and assistance to OFWs who face challenges abroad. The civil society sector in the Philippines also coordinates with government agencies in supporting and promoting OFWs.

This is especially evident in Thailand, where the Catholic church assists OFWs working in Thailand. The priest plays an important role in counseling individuals, and there are groups of Filipino workers who assist and advise their peers when they have problems. A priest of the Holy Redeemer Church stated in interview:

Churches are working under cooperation by establishing National Commission for Migrant to take care of migrant workers. Our main responsibility is taking care of migrant workers who are underprivileged or facing problems, such as personal, family or work problems, for example, problems from contracts, employers or whatever. If they ask us for help or consult with us, we will assist them in these issues....

Mostly, our responsibilities are assisting them about money, housing, personal problems and family problems. The churches will take care of disadvantaged workers by visiting and providing accommodation. (A Filipino Priest of the Holy Redeemer Church, interviewed on March 17, 2013).

**Discussion**

The findings presented in this study show that the Philippines is systematic in its management of temporary OFWs through various agencies with a division of responsibility regarding terms of employment, welfare and benefits of workers, as well as skills development to
prepare unskilled workers before working overseas. In addition, the labor policies of the Philippines present a model for promoting OFWs in terms of labor development, ensuring compliance with the law, labor protection, labor welfare, legal support when workers have not been treated fairly, and measures to assist workers on return to their home country. These good practices have promoted Philippines to be a model for the management of temporary labor migration.

The POEA and OWWA are the primary agencies of the government in the management and supervision of OFWs. Both agencies were established to facilitate the promotion and support of OFWs, and, with assistance from other agencies, to cooperate in the management of those workers. The Philippine government invests in the well-being of its workers abroad because of the tremendous economic value contributed by OFWs through the remittances that are transferred back into the country. In 2012, OFWs remitted US$21,391 billion, excluding revenues transferred through unofficial channels. The remittances of OFW reduce the country’s deficit and contribute to the economic stability of the country. Countries in ASEAN with large numbers of overseas workers that still lack policies to promote labor export or protect workers’ rights, such as Indonesia and Vietnam, should consider the model of labor migration of the Philippines. The Philippines offers an example of comprehensive overseas labor management that has contributed to a large increases in labor migration.

The migration of Filipinos to Thailand falls outside the formal recruitment system for OFWs and results in a need for cooperation between the POEA and the Office of Foreign Workers Administration in Thailand to supervise and monitor an Exit Clearance Certificate system for Filipino workers, especially for skilled workers. Filipino skilled workers should be required to submit an Overseas Employment Certificate (OEC) in order to receive a work permit for working in Thailand.

Future research should examine other countries’ policies and laws relating to migration of overseas workers as well as their preparation systems to support overseas workers in order to present a comparative view of the management of migrant workers in ASEAN.
Notes

1 This article is a part of a research project titled “The study of skilled labor migration of the Philippines,” funded by the Thailand Research Fund (TRF).

2 Development diplomacy is simply being cognizant of the situation in which less developed countries possessed a large share of the world’s natural resources, particularly human resources in the case of the Philippines. Marcos thought that he could use the Philippines’ surplus manpower and the high demand labor from oil producing countries to show to other developing nations the virtue of interdependent development.

3 The One-Stop Processing Center simplifies the documentation process. The OFWs can now speedily obtain their documents needed through a one-stop facility they can call their own at the POEA.

4 Filipinos who wish to become OFWs can be assured that if they have been employed by recruitment agencies, especially recruitment agencies that have received Performer Award/Award of Excellence, they will obtain the right job which provided by POEA.

5 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers prohibits recruitment agencies from charging or accepting directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary, or making a worker pay any amount greater than that actually received by him as a loan or advance. POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers. 2002

References


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