

International Organization for Migration Training Workshop

Oriental Mandarin, 6-7 February 2007

PROMOTING ETHICAL PRACTICES IN THE MANAGEMENT OF THE OVERSEAS EMPLOYMENT PROGRAM

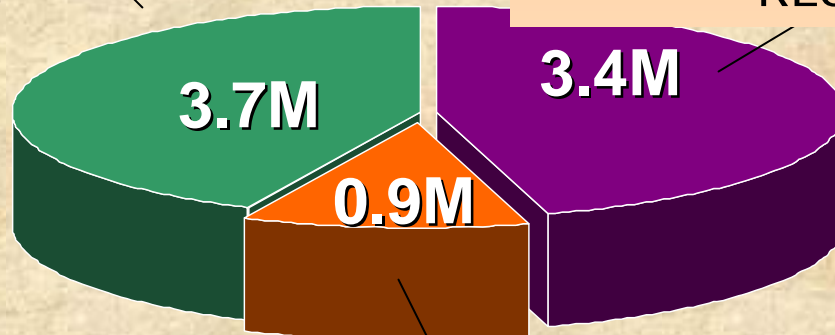
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Philippine Overseas Employment Administration

Stock Estimate of Filipinos Overseas

(as of Dec. 2005)

DOCUMENTED OFWs
43%



IMMIGRANTS/PERMANENT RESIDENTS
46%

7.92 M
Filipinos
Overseas

11%
IRREGULARLY
DOCUMENTED OFWs

Migration of Overseas Filipino Workers

Top Ten Destinations

- | | |
|--------------------------|------------------|
| (1) Saudi Arabia | (6) Taiwan |
| (2) United Arab Emirates | (7) Singapore |
| (3) Hong Kong | (8) Italy |
| (4) Kuwait | (9) UK |
| (5) Qatar | (10) Korea |

Migration of Overseas Filipino Workers

- The Philippines remains a leading supplier of manpower globally
- The OE program is recognized as a model in migration management in the region
- The Philippines deploys an average of 2,900 workers daily
- Filipinos are in more than 190 countries and more than 50,000 ocean-going vessels.
- They are employed in various skills, both in land-based and sea-based jobs

Deployed OFWs By Sector

(as of 31 December 2006)

Seafarers

(24%)

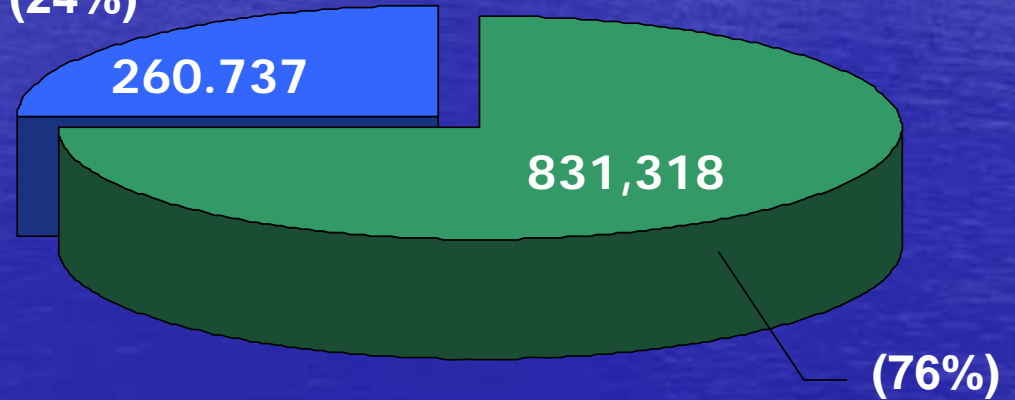
260,737

831,318

(76%)

Landbased Workers

Total
1,092,055



Types of Skills Deployed

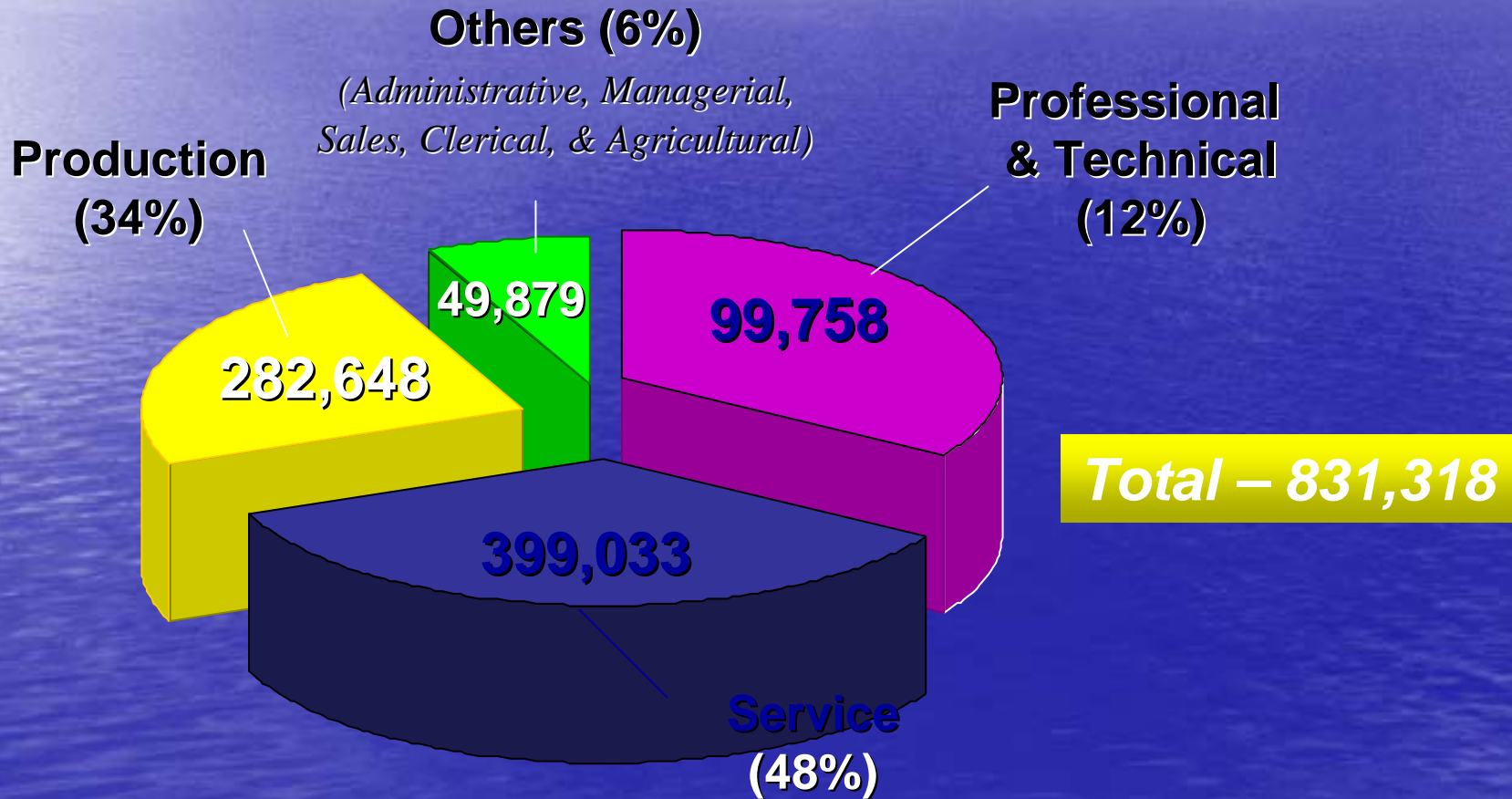
A. Landbased Workers

- Service Workers
- Production Workers, Transport Equipments Operator and Laborers
- Professional, Medical, Technical Workers
- Clerical Workers
- Administrative and Managerial Workers
- Agricultural, Animal Husbandry & Forestry

B. Seafarers

- Marine and Non-Marine

Deployed Landbased OFWs By Major Skill Category 2006



Philippine Legal Framework on Management of OFWs

- Constitutional mandate to afford full protection to labor, local and overseas, organized & unorganized, promote full employment opportunities for all
- The State must maximize the benefits & minimize the costs of overseas employment to the OFWs, his family & the country

Philippine Legal Framework on Management of OFWs

- Philippine Labor Code
- Migrant Workers & Overseas Filipinos Act of 1995 (RA 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.*

Administrative Regulations on Overseas Employment

- **POEA Rules and Regulations:** defines the parameters of legitimate modes of recruitment and placement of overseas workers, and provides administrative penalties and sanctions for violations against the Rules.
- **POEA Governing Board Resolutions**
- **Memorandum Circulars**
- **Issuances from other Administrative Agencies (OWWA, DFA)**

**GOVERNMENT MECHANISMS TO
PROMOTE ETHICAL
RECRUITMENT PRACTICES IN
THE RECRUITMENT AND
PLACEMENT OF OFWS**

Major POEA Policies on Recruitment and Placement of Filipino Workers

- *On recruitment* – only the government through the POEA and its licensed recruitment agencies can recruit and place workers for overseas employment
- *Ban on Direct Hiring* – no foreign employer may hire a Filipino worker for overseas employment except through the POEA or through its licensed recruitment agencies, or those that may be allowed by the Department of Labor and Employment.
(*Art. 13 Labor Code*)
- *Collection of Placement Fee* – (*Charging of Fees*) – a landbased agency is allowed to collect placement fee from its hired worker equivalent to one month salary of the worker, **except** where collection of fees is prohibited in the country where the worker is to be deployed. Seabased agencies are prohibited from collecting any fee from its hired seafarer

Package of Reforms for Filipino Household Service Workers (HSWs)

- Increasing the entry level minimum monthly salary of all our household workers deployed overseas to US\$400.00
- Prescribing the minimum age for household workers to twenty-three (23) years old, regardless of gender
- Requiring the possession of the National Certificate for Household Service Workers (NCII) issued by the Technical Education and Skills Development Authority (TESDA); and attendance in country-specific language and culture orientation conducted by the Overseas Workers Welfare Administration (OWWA)

Package of Reforms for Filipino Household Service Workers (HSWs)

- Prohibiting the collection of placement fee from our household workers, whether collected prior to their deployment or on-site through salary deduction.
- Stricter pre-qualification of foreign employers hiring HSWs

I. LICENSING SYSTEM ^{1/2}

GOVERNMENT EXERCISE OF REGULATORY AUTHORITY OVER PRIVATE RECRUITMENT/MANNING AGENCIES

- Stiff conditions for grant of license
- Joint and solidary liability of foreign employer and the Philippine recruitment agency
- Control over collection of placement fees from the workers
- Imposition of penalties for recruitment violations; rewards & incentives are given to agencies with good track record of performance

LICENSING SYSTEM ^{2/2}

- Pre-application orientation seminar for license applicants
- Agency Education Program to promote professionalism of the recruitment industry

RECRUITMENT NETWORK

There are 1,329 licensed recruitment agencies in good standing as of 31 December 2006

- Landbased – 985
- Seabased – 344
- Supply manpower services to about 24,000 registered principals/ employers in 2006

II. DOCUMENTATION OF EMPLOYERS AND WORKERS

- Registration/Accreditation of employers with process of verification and authentication of recruitment documents through the Philippine Overseas Labor Offices (POLOs)/Philippine embassies/consulates in areas without POLOs
- Documentation of hired workers: e-receipt or overseas employment certificate
- Streamlining of processes to provide efficient environment for employers and agencies to conduct the recruitment business
- Maintenance of electronic database for monitoring purposes

III. EMPLOYMENT STANDARD SETTING

- Setting of minimum employment standards for OFWs based on international conventions & principles
- All workers bound for overseas employment must be covered by a POEA approved contract

IV. PLACEMENT SERVICES BY THE GOVERNMENT

- Provides manpower placement services to foreign government clients, i.e., Government-to-Government arrangement

IV. PLACEMENT SERVICES BY THE GOVERNMENT

- Used as a laboratory or a mechanism to set in place best practices in recruitment, e.g., **Korea and Taiwan**
 - **Employment Permit System for Korea:**
Computerized selection and sending system; no placement fee policy
 - **Special Hiring Program for Taiwan:**
Offered alternative mode for hiring which eliminated the exorbitant charges for mobilization costs of OFWs bound for Taiwan

V. DISPUTE SETTLEMENT

- Grievance machinery by workers & employers (onsite)
- Voluntary Conciliation (in the Philippines)
- Blacklisting system for employers/ principals & workers committing contract violations; effective in getting rid of abusive employers and workers

VI. WORKER EDUCATION PROGRAM

- Pre-employment Orientation Program - to guide the workers in making decision to go abroad or stay in the country
- Pre-departure Orientation Program – to brief the departing workers on their employment contract, responsibilities and obligations, rights, culture of the host country, etc.
- Guidance and Counseling Program – for both worker and family

VII. ANTI-ILLEGAL RECRUITMENT PROGRAM

- Preventive Aspect: through massive public information & education program
- Remedial Aspect: surveillance & prosecution of criminal cases punishable by law
- Anti-trafficking Act of 2003

VIII. ON-SITE WELFARE ASSISTANCE SERVICES

- Welfare programs for OFWs: legal services, conciliation services, repatriation, community organizing, skills training and reintegration services.

IX. PRIVATE SECTOR PARTICIPATION IN POLICY CONSULTATION PROCESS

- Private sector participation in policy formulation
- tripartite consultation process
- Technical Working Groups/consultative meetings
with the private sector on policies & programs

X. COOPERATION ON MIGRATION

- Advocacy/negotiation of bilateral and multilateral agreements and arrangements with receiving countries on information sharing, measures to address illegal recruitment, trafficking, human resource development for supply replenishment, prevention of recruitment malpractice, etc.
- Manpower agencies of sending and receiving countries can also undertake parallel cooperation efforts on migration issues

A background image featuring a clear blue sky with wispy white clouds at the top, transitioning into a deep blue ocean. A bright sun is visible on the left side, creating a shimmering reflection on the water's surface.

THANK YOU!