



**NETWORK OPPOSED  
TO VIOLENCE  
AGAINST WOMEN  
MIGRANTS**



**Yes! To protection of migrant Filipina domestic workers,  
No! To GMA's Super Maids and Labor Export Program**

The Alliance of Migrants and Advocates to Amend RA 8042 (AMEND) and the Network Opposed to Violence Against Women Migrants (NOVA) recognize recent efforts of the Department of Labor and Employment (DOLE) to protect migrant Filipina domestic workers (FDWs) by issuing stricter rules regulating their deployment. However, the “protection package” of the DOLE may come to nothing if the Gloria Macapagal-Arroyo (GMA) administration continues its aggressive labor export program, which commodifies and therefore dehumanizes the overseas Filipino workers (OFWs) that it purports to protect. Moreover, as it is, the “protection package” may even be used by unscrupulous recruitment agencies and training centers to extort money from prospective migrant FDWs. We object to the lack of consultation in the process of crafting the policies and reiterate that government adhere to its declaration that it recognizes and guarantees “the right of Filipino migrant workers and all overseas Filipinos to participate in the decision-making processes of the State ...” (Sec 2(f), RA 8042).

We have always maintained that women’s reproductive work is “real work.” Performed by women inside their own homes, household or domestic work is romanticized as “mothering.” When hired domestic workers perform the same work it becomes low-wage work. In both instances, however, domestic work remains undervalued simply because it is “women’s work”. Paid domestic work is prone to abuse and exploitation as it is usually not covered by labor and social legislation. Further, vulnerability of domestic workers is heightened by class and racial discrimination.

We welcome the efforts of the DOLE to protect our migrant FDWs but express our reservations regarding specific regulations and their implementation:

#### 1. Minimum Age Requirement

We recognize the minimum age of 23 as a critical step to prevent young Filipinas from going abroad and exposing them to abuse and exploitation as “household service workers”. Experience and research have shown how younger women are most vulnerable to maltreatment and sexual violence, including trafficking.

## 2. Skills Certification

As a way of recognizing the skills of Filipino household service workers, skills certification is desirable. The problem lies in the payment of Php10,000.00 up to Php15,000.00 that the migrant FDWs have to shell out for the training and the additional Php1,000 for certification. The prospective FDWs should not be burdened with training fees. If the government considers skill certification as necessary to market “super maids”, then it should shoulder the cost of the skills training and the certification. The government can also compel the recruitment agencies to shoulder the training cost and the certification since the latter would be getting higher placement fees from foreign principals.

In the past, even without this requirement, many recruitment agencies and their training centers had forced their applicants to undergo some kind of training for domestic workers. Cases handled by us show applicants paying Php7,000 to Php10,000 for a one-week training which consist of rendering household services for the owners and staff of the recruitment agencies and training centers – cleaning their houses, washing their clothes, fetching water, and the like (Kanlungan case files). We fear that unscrupulous recruitment agencies and training centers will use the skills certification requirement to extort money and to exact unpaid domestic labor from prospective migrant domestic workers. We have also noted the ready made certificates being issued by these agencies to extract money from the already financially burdened workers.

We are alarmed that the DOLE has assigned the Technical and Skills Development Authority (TESDA) to be in charge of accrediting assessment and training centers for household service workers and issuing the skills certifications. We are afraid that this system might resurrect the historical corruption in TESDA where officers connived with private agencies at the expense of prospective workers. This was the case when TESDA was in charge of accrediting talent and promotions agencies for overseas performing artists (OPAs) and for issuing the Artist’s Record Book (ARB). Corrupt officials in TESDA schemed with talent and promotions agencies for the “sale” of ARBs, thereby compromising legitimate entertainers and transforming the legal deployment of OPAs into a mechanism for the trafficking of Filipinas to Japan.

## 3. OWWA Culture and Language Orientation

We recognize the value of migrant FDWs undergoing country-specific culture and language orientation. We appreciate that this will be free. We recommend that the orientation should include the rights and entitlements of the migrant FDWs in the receiving countries as well as under international instruments. Moreover, DOLE should once more regulate the Pre-Deployment Orientation Seminars (PDOS) to ensure that it does not become a “certificate for sale”. Recruitment agencies have put up “pseudo-NGOs” that have been selling PDOS certificates.

Workers undergoing orientation should also be given a list of contact numbers, particularly that of embassies or consular offices and non government organizations.

#### 4. No placement fee

We support this specific provision and we urge the government to ratify ILO Convention 181, which expressly states that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

For this specific provision, however, we propose that the illegal placement fee collection be penalized. There are many cases where workers' salaries are subjected to deductions the moment they arrive in their work destinations. We strongly feel that simply prohibiting the agencies to collect placement fees without fine or imprisonment is nothing but a carrot stick.

#### 5. Minimum wage of US\$400

We welcome this development. The increase of the minimum wage from the measly US\$200 to US\$400 is long overdue.

Our main concern, however, lies in monitoring the enforcement of this new minimum wage for household service workers. DOLE also needs to clarify the redress mechanism to help the workers in articulating and asserting their rights. Specifically, DOLE has to set up an effective process to address contract and human rights violations. The government should also address the demand side – the foreign employers and the brokers in the receiving countries who violate the rights of migrant workers. Embassies and consular offices should have the monitoring of migrant workers' situation as their primary task.

While we recognize these efforts, we would also like to express our concern as to how the Philippine government will translate these policies from paper to actual institutional mechanisms and processes that will really protect migrant FDW given the vulnerabilities in our bureaucratic processes that enables individuals and businesses engaged in the deployment of migrant FDW to find ways and means to circumvent protection policies in order to ensure the steady flow of profit.

We reject the Super Maids and the Aggressive Labor Export Program of GMA. Government has always hailed OFWs as the nation's heroes but in fact it has treated them shabbily and with disdain. During Israel's aggression on Lebanon, for instance, the government failed our migrant Filipina domestic workers. It feigned surprise at the stories of abuse and exploitation. It promised reintegration services; but it came up with a Super Maids Program and now, this package of regulations.

The government continues to ignore the biggest problem pushing our women to risk life and limb in foreign lands as domestic workers. And this is the lack of gainful and sustainable employment and livelihood opportunities in the homeland. We demand that the government live up to its commitment to "continuously create local employment

opportunities and promote the equitable distribution of wealth and the benefits of development” (Sec 2 [c], RA 8042).

In 2004, GMA promised one million jobs every year. She has not delivered and instead, has tweaked the unemployment and underemployment figures to deny the existence of a jobs crisis. She has repeatedly rejected workers’ demand for a P125/day across-the-board increase and spread the myth that local workers are shooing away foreign investors by their demands. She continues to sell our natural resources and peddle our workers to foreigners. How can one million jobs be generated in the homeland under this president? Is DOLE a Department for Overseas Labor and Employment?

We have remained consistent in our critique of government’s over-dependence on the export of Filipino labor especially since the aggressive deployment of Filipinos for overseas work has taken top priority over the State’s responsibility to create and provide gainful local and sustainable employment opportunities for its people. And while we do recognize that migrants and their families have benefited from this phenomenon, we also cannot also turn a blind eye to the social costs of migration. We demand that government put back the agenda of full employment and the creation of decent work for everyone. An administration that cannot fulfill these should be replaced.

Signed:

Alliance of Migrants and Advocates to Amend RA 8042 (AMEND)

Network Opposed to Violence Against Women Migrants (NOVA)

Alliance of Progressive Labor (APL)

APL-Hong Kong

BATIS Center for Women

BATIS-AWARE

Coalition Against Trafficking in Women-Asia Pacific (CATW-AP)

Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino (KAKAMMPI)

Kanlungan Centre Foundation, Inc.

Kanlungan ng mga Migranteng Manggagawa (KAMIGMA)

MARINO

Migrant Forum in Asia

Samahan ng mga Manggagawang Migrante at Kapamilya (SAMMAKA)

Unlad Kabayan Migrant Reintegration Services