

The Feminization of Migration in the Philippines

**Center for Migrant Advocacy (CMA)
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Executive Summary

In August 2014, the Center for Migrant Advocacy (CMA) held a roundtable discussion regarding the feminization of migration in the context of decent work and female empowerment. This policy brief analyzes the feminization of migration in the Philippines and the implications this holds for female migrant workers. The common forms of employment for Filipino women are highlighted, with an emphasis on females employed as domestic workers. Exploitations and abuses that often occur in the top ten destination countries and current issues within the Philippines are discussed. This brief finds that there are both empowering and disempowering elements of migration and illustrates ways in which women can continue to be empowered throughout the migration cycle. The brief concludes with recommendations which are representative of both the research carried out and the roundtable discussion.

1. Introduction	5
2. The Feminization of Migration	5
3. Marriage Migration	5
3.1 Marital Problems and Domestic Workers	6
4. Migration for Work: Push Factors and Consequences	7
5. Vulnerable Female Migrant Workers	8
5.1 Domestic Workers	8
6. Top Ten Destination Countries: Laws	9
7. Top Ten Destination Countries: Recurrent Problems	11
7.1 Employment, Gender, and Status	11
7.2 Late Payment and Non-payment of Wages	11
7.3 Contract Violation/Substitution	11
7.4 Maltreatment, Mistreatment, and Abuse	12
7.5 Placement Fees	12
7.6 Withholding of Passports	13
7.7 False Allegations	13
7.8 Cultural and Language Barriers	14
7.9 Health Problems	14
8. Problems within the Philippines	15
8.1 Access to Justice	15
8.2 Sex for Flight	15
9. Impact of Migration on the Role and Status of Filipina Migrants	17
9.1 Positive Aspects of Female Migration	17
9.2 Negative Aspects of Female Migration	17
9.3 Female Migration: Empowering or Disempowering?	18
10. Forms of Resistance For Vulnerable Workers	19
11. Use of Technology	20
12. Conclusions and Recommendations	20
13. Strategic Agenda for the Feminization of Migration in the Philippines	21
14. References	23

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1. Introduction

The Center for Migrant Advocacy, supported by the Friedrich Ebert Stiftung Foundation, organized a round table discussion on women and migration in August of 2014. The discussion centered on the topic of the feminization of Filipino migration. In an effort to discuss the feminization of migration in the context of decent work and female empowerment the discussion provided a means for input from various civil society organizations, government representatives, and private actors. The roundtable aimed to create a dialogue around three questions:

1. What are the key elements/aspects of feminization of Filipino migration?
2. In what ways do these elements/aspects impact the role and status of women migrants?
3. Given your responses to 1 and 2 above, what do you think should be our strategic agenda vis-à-vis the feminization of Filipino migration?

In addition, Filipino migrants groups were contacted in Israel, Taiwan, Hong Kong, and Denmark, and asked for their perspective and input on the three questions. What follows is a policy brief on the feminization of migration in the Philippines in the context of decent work and female empowerment.

2. The Feminization of Migration

The feminization of migration refers to both the increasing number of women migrating on their own and the gendered roles that women typically fill as migrant workers (United Nations International Research and Training Institute for the Advancement of Women [UN INSTRAW], 2007). As of 2014, and for two decades prior, more than fifty percent of migration outflow from the Philippines has been composed of women (Philippine Overseas Employment Administration [POEA], 1993-2010). While women used to predominately migrate for the purposes of reunification with their families or to accompany their husbands abroad for work, the majority of women now migrate independently (UN INSTRAW, 2007). In general, female migrant workers tend to dominate certain sectors and are usually employed for reproductive labor or within the service sector (POEA, 1993-2010). Lower wages and higher vulnerabilities often emerge as a result of the gendered roles that female migrant workers fill. Common forms of employment include domestic work, entertainment work, factory work, and nursing, as well as various jobs within the service industry. Additionally, many females migrate undocumented.

3. Marriage Migration

More Filipino women than men engage in marriage migration. As of 2013, 455,458 Filipino nationals had married a foreign national and migrated out of the country. Out of this number, 416,489, or over ninety percent are females (Commission on Filipinos Overseas [CFO], 2011d). The top countries of destination, in order of most populated, include; USA, Japan, Australia, Canada, Germany, South Korea, UK, Taiwan, Sweden, and Norway (CFO, 2011a). Close to half, or forty percent, of Filipinos migrating out of the country for marriage are educated at the college

level or are college graduates (CFO, 2011c). Over half of Filipina brides are between twenty and twenty-nine years of age (CFO, 2011b). UN Women describes marriage migration as a phenomena that usually involves a female from a lower-income country marrying a male from a higher-income country (Franco, 2014; UN Women, 2011, pp.5-6).

There are several push factors within the Philippines which make marriage migration desirable for women. Regardless of the driving force, marriage migration is an act of agency on behalf of a female. Marriage migration often occurs for romantic reasons but may also intersect with economic factors, a desire for personal-liberation or societal acceptance, or be enabled by marriage brokers (Franco, 2014). Many of these factors are inter-related. Economic reasons may include overseas work in another country, where marriage legalizes the immigration status and the right to work, or for the economic stability of an individual in a destination country (Piper & Roces, 2003; UN Women, 2011). Additionally, structural factors regarding the legality of divorce in the Philippines are push factors for females. This may occur for personal-liberation or societal acceptance (Constable, 2010). However, marriage migration to Europe and North America often represents a paradox. Females may choose to marry foreigners because they are perceived to be more liberal in their views of marriage, whereas foreign males often seek wives that will fill traditional marriage roles. (Constable, 2010; Piper & Roces, 2003, p. 6). Others posit that females migrate for marriage in order to escape employment as a domestic worker. This is ironic since many males that marry Filipinas seek wives that will continue to perform these gendered roles (Piper & Roces, 2003, pp.1-9). Females also marry and migrate for romance and love. It is important not to overlook that many marriages are genuine love affairs. Despite the exact reason women choose to engage in marriage migration, there are often a combination of structural, social, economic, and romantic factors that influence their decision to do so.

While marriage migration is an act of agency on behalf of a female, there are still problems that females encounter as the wives of foreign nationals. Many of these are similar to the problems encountered by women that migrate for work. Frequently encountered problems include a lack of social insurance coverage, lack of economic and political opportunities, difficulty with language and cultural immersion, and breaking out of the traditional role of 'care-giver.' (Piper & Roces, 2003).

3.1 Marital Problems and Domestic Workers

Filipinos may encounter marriage problems when they are in their country of destination. The Singapore Report to Congress highlights that marital problems are a large issue for migrant workers in the country. The Report specifies that cultural problems between Filipina domestic workers and South Asian construction workers in relationships may lead to emotional stress and further result in violence (Philippine DFA: Singapore, January-June 2013, p.340). Marital problems were also highlighted for Malaysia. Filipino women married to Malaysian nationals were reported to have difficulty retaining custody of their children when getting a separation. Additionally, in Malaysia it was emphasized that Filipina wives are dependent on their spouse to

renew their annual dependent pass which allows them to stay in the country thereby making them vulnerable to circumstances (Philippine DFA: Kuala Lumpur, January-June 2013, p.258).

4. Migration for Work: Push Factors and Consequences

There are a combination of social, political and socio-economic factors that push women to migrate for work. A primary reason for female migration includes the need to economically provide for the family. This includes the provision of the family's basic needs and may also include additional savings for education, health care, and housing. There is a desire to improve the quality of life for family back home. Other females will find work overseas in order to escape poverty and unemployment and some females leave the Philippines in order to escape relationships or family life (Inputs from Hong Kong, 3 August 2014).

Moreover, due to the gendered roles that female migrant workers are expected to fill they are restricted from finding employment outside of these roles in the labor market. This is especially prevalent within the domestic work sector. This cumulates to Filipinas accepting jobs that are not commensurate to their education, previous experience, and skills. In Italy, women are encouraged to migrate ahead of their families due to the large networks of Filipinas in the domestic sector which facilitate secured employment. Yet this restricts Filipinas from finding work outside of the typical prescribed roles and further inhibits their ability to participate in other activities due to the long working hours and living arrangements associated with domestic work. (Philippine DFA: Milan, January-June 2013).

Filipinas that leave the country for work are educated, often with a university degree (Parreñas, 2000, p.566). Even so, official recognition of education and skills in foreign countries is difficult to obtain. Filipina migrant workers are often overqualified for the jobs they are employed in and receive minimum wage. Italy is an example of this. Reports to Congress indicate that the monthly salary for migrant workers with diplomas is very similar for those who only have a primary school education; 980 euros in comparison to 963 euros (Philippine DFA: Milan, January-June 2013, p.486).

Females are perceived to be more reliable in sending home remittances. While men have higher salaries on average, female migrant workers send home larger percentages of their salaries than men (Usher, 2005, p.45). This encourages families to send females abroad as they believe females are more dependable in sending remittances home (Jolly & Reeves, 2005, p.10).

Lastly, family dissolution is associated with female migration. Many females who work abroad have left families behind in the Philippines. This can lead to a number of things such as family problems in the Philippines in which the absence of the mother can have a detrimental effect on children. This can result in early pregnancy, drug use, and other social consequences, as well as marital problems. Moreover, changes in lifestyle occur for both the female migrant as she integrates into another culture and for the family back at home as they become accustomed to

remittances and a monetary presence in place of the mother's physical presence. (Inputs from Hong Kong, 3 August 2014)

5. Vulnerable Female Migrant Workers

Some female migrant workers are more vulnerable than others. Vulnerable job categories include domestic workers, entertainers, factory workers, and undocumented workers. In particular, domestic work continues to be one of the most vulnerable employment sectors for female migrant workers due to their proximity to employers, their dependency on employers for legal status, and the unregulated work environment that domestic work exists within. Based on statistics from the Philippine Overseas Employment Administration (POEA) one third of the annual deployment figures for new hires are domestic workers. Each year, 98 percent of new hires employed for domestic work are women (POEA, 2010).

5.1 Domestic Workers

Domestic work is a reflection of the female's traditional role as a care-giver. Domestic work is considered to be a female's job. It is "reproductive work" which is "unpaid" as opposed to "productive work" which is "paid". Reproductive work is not considered to be "work" in many countries. Domestic workers are employed in an unregulated work environment in the private spaces of their employers. The work place is also where the domestic worker often spends their time off as many have live-in arrangements, thus increasing their vulnerability and leaving them at the mercy of their employer. Due to the duality of roles women are expected to fill, in terms of domestic duties and the expectation to join the labor force, women in European and North American countries have increasingly hired domestic workers as a cheap form of labor (Inputs from Denmark, as cited by Malu Padilla & Ninit Mongaya, 6 August 2014). This increased the demand for cheap domestic labor and in order to augment their livelihood, provide their families with basic needs, and contribute to education, health care, and housing needs, Filipinas have increasingly taken on these roles.

Domestic workers are an especially vulnerable population of female migrant workers. This can be attributed to the live-in situation of domestic workers with their employers and the informal work setting. This increases the risk of exploitation and abuse. Many of the top destination countries for domestic workers are countries in the Gulf Cooperation Council (GCC) where migration is managed through a sponsorship system known as the Kafala system. The Kafala system requires each migrant worker to have a sponsor which increases the dependence of the employee on the employer and transfers the responsibility for protection from the state to the individual. Prior to leaving for work in many of the top ten destination countries, initial payments to recruitment agencies and salary deductions by employers may total several months of a migrant workers salary. These are illegally deducted from the migrant worker and result in a large indebtedness on behalf of the migrant worker before they even leave the Philippines (Pande, 2013, p.422). Debt bondage deters domestic workers from leaving abusive situations and

results in a greater risk of exploitation when abroad. The combination of these factors and the Kafala sponsorship system results in the migrant worker's legal and economic dependence on the employer (Pande, 2012, pp.6-7). On top of this, domestic work is excluded from many labor laws and legal protections measures in countries such as the United Arab Emirates (UAE), Qatar, and other countries in the GCC and Asia.

6. Top Ten Destination Countries: Laws

The top ten destination countries for Filipino migrant workers, in order of Filipino population are; Saudi Arabia, United Arab Emirates, Singapore, Hong Kong, Qatar, Kuwait, Taiwan, Malaysia, Italy, and Bahrain. The Filipinas working in these countries are often employed in domestic work. Moreover, in many of these countries domestic workers are excluded from labor laws and therefore are excluded from many social security protections against minimum wages, the number of hours in a working day, time off, insurance, and social and health benefits.

New laws have been enacted in Kuwait that provide more benefits to workers and hold harsher punishments for illegal recruiters. These laws do not apply to domestic workers as they are explicitly excluded from the labor law (Philippine DFA: Kuwait, January-June 2013, p.648.) This makes domestic workers more vulnerable to abuse and maltreatment, as their work conditions are left up to the employer.

Additionally in Qatar, domestic workers are not able to file complaints against their employers in the Labor Relations Department of the Ministry of Labor (LRD-MOL) if they do not receive their salary or are underpaid, suffer from mistreatment, or fail to be issued an exit permit by their employer. All other workers can use the LRD-MOL which mediates and conciliates individual cases. This is a result of the exclusion of domestic workers from the labor law. Domestic workers are only able to use the Search and Follow Up Department which aids in the negotiation and resolution of grievances. (Philippine DFA: Doha, January-June 2013, p.622)

Although the UAE has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), domestic workers continue to be excluded from the country's labor law. The exclusion of domestic workers results in a disadvantage against women. All other forms of employment are covered by the labor law in the UAE and have protective provisions for workers, such as the wage protection system which electronically monitors the payment of salaries in the country. One of the most common grievances cited by domestic workers in the UAE is the non-payment or late payment of wages. As such, the exclusion from the labor law deprives domestic workers of certain rights and opportunities for redress that are afforded to other migrant workers. In this, the UAE has violated their ratification of the CEDAW by discriminately depriving domestic workers of their rights for no legitimate reason. Moreover, while the UAE expressed their support for the International Labor Organization Convention 189, for domestic workers, however they have yet to adopt the convention. (Human Rights Watch, 2014, pp.27-30)

While domestic work is not usually included in the national labor laws of top destination countries for Filipinos, there has been recent progress in many countries that will theoretically provide advanced protection for domestic workers.

Previously, Jordan was the only Arab country that included domestic work in the national labor law. Prior to 2012, Bahrain did not provide employee benefits for domestic workers. However, the new amendment to Labor Law No. 23 by Labor Law No. 36 include the provision of annual leave, maternity leave, and sick leave for domestic workers (Philippine DFA: Manama, January-June 2013, p.653). Hong Kong also has a standard employment contract which include humane working conditions for domestic workers and entitles them to free medical treatment and free legal services (Philippine DFA: Hong Kong SAR, January-June 2013). Other improvements include Singapore which has new laws that limit placement fees, increase the minimum wage and stipulate a minimum of one day off per week for domestic workers. (Philippine DFA: Singapore, January-June 2013, pp.332-343). In Malaysia, while there is no minimum salary for domestic workers there is a stipulation in the Employment Act that demands equality between local and foreign workers in terms of wages and conditions of service (Philippine DFA: Milan, January-June 2013).

In May of 2013, the Department of Labor and Employment in the Philippines signed a bilateral agreement on domestic worker recruitment with the Ministry of Labor of the Kingdom of Saudi Arabia. The agreement outlined the adoption of a standard employment contract for domestic workers in order to protect the rights of domestic workers and employers. Ethical recruitment, recruitment costs, and the right to competent recourse were included in the agreement. (Agreement on Domestic Worker Recruitment, 2013)

There have been recent discussions regarding a unified contract for Filipino domestic workers in the UAE. However, speculation suggests that the proposed legislation may have both positive and negative implications for domestic workers. For example, the contract is believed to include one paid non-working day per week, along with annual vacation leave, and sick days. On the negative side, the contract is rumoured to have stiff financial and criminal penalties for domestic workers that expose the secrets of their employer. In addition, it has been suggested that individuals who aid run away domestic workers with shelter will face criminal penalties. (Human Rights Watch, 2014, pp.27-30; Philippine DFA: Abu Dhabi, January-June 2013)

While there have been positive legal developments, this does not mean that the implementation and enforcement of these laws are guaranteed. The implementation of laws and agreements are difficult to monitor, especially when domestic workers reside in the private space of their employer. There are a large number of Filipino female migrant workers that continue to be repatriated from the top ten destination countries.

7. Top Ten Destination Countries: Recurrent Problems

The January to June 2013 Reports to Congress for the top ten destination countries for Filipino migrants highlight recurrent problems which include; marital problems, jobs that are not commensurate to education with an emphasis on undocumented workers, wage differences based on gender, work environment problems, underpayment, nonpayment, or delayed payment of salaries, overworking, contract substitution, maltreatment, physical abuse, and sexual abuse, charging of excessive placement fees, withholding of passports and important documents, and false allegations against migrant workers.

7.1 Employment, Gender, and Status

This was identified to be common in Italy for women. In addition to women accepting jobs that were not commensurate to their education, on average women were paid less than their male counterparts. The report identifies that on average female migrants from the Philippines received a yearly salary of 5,780 euros whereas Filipino males earned an average of 9,041 euros per year. This represents a 36.1% pay difference between genders. (Philippine DFA: Milan, January-June 2013, p.481)

There are problems in Malaysia surrounding Sabah and the large number of undocumented workers. There are a large number of undocumented Filipino workers in the Sabah region, along with smaller numbers in Peninsular Malaysia. An estimated 20,000 undocumented migrants are in peninsular Malaysia while an estimated 400,000 undocumented migrants are in Sabah. This is almost twice the amount of documented migrant workers. Reports to Congress highlight that undocumented workers are more vulnerable for a number of reasons, however due to their irregular status many forms of employment are readily accepted even though employment may not be commensurate with education or experience (Philippine DFA: Kuala Lumpur, January-June 2013, pp.252-257).

7.2 Late Payment and Non-payment of Wages

This includes a number of things ranging from non-payment to underpayment of wages. Late payment and non-payment of wages is one of the most common grievances throughout most of the top ten destination countries that Filipinos are deployed to. This includes Malaysia, Singapore, and many of the countries in the Gulf Cooperating Council (GCC). (Philippine DFA: Dubai, January-June 2013; Philippine DFA: Kuala Lumpur, January-June 2013; Philippine DFA: Manama, January-June 2013; Philippine DFA: Riyadh, January-June 2013)

7.3 Contract Violation/Substitution

Contract substitution is usually negative for the migrant worker and the new contract often results in inferior terms. Under the kafala system the migrant worker must have written

permission from their current employer to change employers and the new employer may be charged exorbitant fees. It is not uncommon for these additional fees to then be passed onto the migrant worker which results in debt bondage. Due to incurred debts, migrant workers often stay in abusive and exploitative situations. In essence, debt bondage binds the employee to their employer and work abroad (Philippine DFA: Dubai, January-June 2013; Philippine DFA: Kuala Lumpur, January-June 2013; Philippine DFA: Manama, January-June 2013; Philippine DFA: Riyadh, January-June 2013)

In Bahrain, many migrant workers are not paid the original amount that their contract stated (Philippine DFA: Manama, January-June 2013). While the Household Service Workers Package of 2007 raised the minimum wage for domestic workers to four hundred US dollars per month, many domestic workers arrive in Qatar and have their contract violated. Instead of four hundred dollars, the salary is cut in half and many domestic workers only receive two hundred US dollars. There is a Philippine Overseas Employment Administration (POEA) Standard Employment Contract (SEC) for domestic workers, yet this is rarely enforced by the country of destination and contract substitution often occurs (Philippine DFA: Doha, January-June 2013, p.622).

7.4 Maltreatment, Mistreatment, and Abuse

This can range from verbal abuse to physical abuse to sexual abuse and rape. Additionally, it is common for domestic workers to be overworked and undernourished. Domestic workers may work from twelve to eighteen hours in a day. Long hours are common for domestic workers in most of the top ten destination countries. Due to their live-in situation, domestic workers are reliant on their employer for food, yet many employers do not provide domestic workers with adequate food. Undernourishment and starvation are two serious consequences of this.

Overworking and inadequate provisions of food are common in most of the GCC, as well as Malaysia and Singapore. From January to December 2012, the Philippine Overseas Labor Office and Overseas Workers Welfare Administration (POLO-OWWA) received 5466 cases from distressed domestic workers in Kuwait that involved verbal, physical, and sexual abuse, as well as poor living conditions and working conditions. Approximately 84,000 Filipinos are employed as domestic workers in Kuwait. (Philippine DFA: Kuwait, January-June 2013, pp.641-644).

7.5 Placement Fees

Many OFWs (Overseas Foreign Worker) pay excessive placement fees in order to secure employment overseas. Despite the 2006 no placement fee policy for Filipino domestic workers, there remain a significant number of domestic workers that pay high placement fees. The POEA Governing Board explicitly states that placement fees may not be collected from domestic workers prior to their deployment or through salary deductions once they are in their country of destination. The collection of high placement fees is especially prominent in the recruitment of domestic workers to Hong Kong. A recent report, *License to Exploit*, exposes the excessive costs domestic workers pay in recruitment fees. The report found that recruitment agencies in the Philippines charge domestic workers an average of PHP 74,433 (HK\$14,178) in recruitment

fees. Once the domestic worker arrives in Hong Kong, the partner employment agency charges an additional recruitment fee of approximately PHP 42,647 (HK\$8123). Prior to the no placement fee policy, placement fees for domestic workers were limited to one months salary and in Hong Kong there is a mandated ceiling of ten percent. While an average monthly salary for a domestic worker in Hong Kong is HK\$ 3743, before beginning work most domestic workers have incurred over HK\$20,000 in debt. Not only do the placement fees incurred by domestic workers in the Philippines and in Hong Kong violate the policies of both countries, but they also grossly exceed both the one month provision and the ten percent ceiling. The incurred fees result in debt bondage that tie the migrant worker to overseas employment. (License to Exploit, 2013)

Another example of this is in Taiwan. The Report to Congress indicates that migrant workers in Taiwan frequently encounter problems with unauthorized placement and service fees. The Report suggests that this is an absence of the Philippine and Taiwanese governments working together. The problem is further attributed to migrant workers accepting receipts that do not show the correct amount has been paid or not demanding receipts. No documentation or the false documentation of charges make these issues difficult to resolve in Taiwan. (Philippine DFA: Taipei, January-June 2013, p.351)

7.6 Withholding of Passports

Although it is a violation of national laws, many employers and sponsors withhold the passports of migrant workers. This is especially common for domestic workers and is of particular concern in Singapore, Malaysia, along with the UAE, Saudi Arabia, and Kuwait. (Philippine DFA: Dubai, January-June 2013; Philippine DFA: Kuala Lumpur, January-June 2013; Philippine DFA: Riyadh, January-June 2013; Philippine DFA: Singapore, January-June 2013)

Another problem that seems to arise in the GCC, is the non-issuance of iqama or residence identification by the employer. While employers are required to pay for the iqama the costs are often transferred to the migrant worker. This is indicated to be an issue in Qatar, Saudi Arabia, and the UAE. This becomes problematic when the migrant worker's contract ends and they still do not have a residence permit. Additionally, in Saudi Arabia employers hold onto migrant workers until their replacement arrives thereby delaying the return of migrant workers to the Philippines. (Philippine DFA: Doha, January-June 2013; Philippine DFA: Dubai, January-June 2013; Philippine DFA: Riyadh, January-June 2013)

7.7 False Allegations

Under the Kafala system, sponsors are responsible for their employees. When domestic workers face inhumane conditions and run away in order to escape their living situation, they are liable to be charged with absconding. Absconding is a criminal offence that may lead to fines and imprisonment. In fear of being charged with absconding, migrant workers often accept abusive and exploitative situations. This was presented as a large problem in the UAE. The report

indicates that most Filipinos were either not aware of these laws or disregarded the laws (Philippine DFA: Abu Dhabi, January-June 2013; Philippine DFA: Dubai, January-June 2013).

Charges of immorality are also common in the GCC. Immorality may include unwed sexual relations, adultery, and homosexuality. Additionally, an unmarried woman in the company a male can result in immorality charges. In Qatar, approximately 80 percent of legal cases involving Filipinos were due to immorality charges. In Saudi Arabia, from January to June 2013, there were 323 legal cases involving females. Two hundred fifty-six of these cases were based on immorality charges. (Philippine DFA: Doha, January-June 2013; Philippine DFA: Jeddah, January-June 2013)

In Kuwait, it was highlighted that domestic workers jump from windows in order to escape their employers and living situations. This implicates them and makes them liable for attempted suicide. In addition, domestic workers in Kuwait that were runaways due to physical or sexual abuse were charged with absconding and prevented from defending their rights. (Philippine DFA: Kuwait, January-June 2013) Migrant workers also face charges of theft, this is common in most countries in the GCC.

Many employers file countercharges when the migrant worker decides to report cases of abuse or exploitation. The employer then drops the charges when the migrant worker decides to drop theirs. Among others, theft is the most common countercharge that employer file against their migrant workers.

7.8 Cultural and Language Barriers

In many of the semi-annual Reports to Philippine Congress on the top ten destination countries it was highlighted that OFWs face many cultural and language barriers. This makes it difficult to integrate into the culture and many problems originate from this. The GCC is very culturally different than the Philippines and this was identified to be an issue for migrants employed throughout the GCC. Moreover, many migrants struggle due to a lack of knowledge about the local language. Language barriers pose large challenges when migrant workers encounter problems with their employer. This was noted in the Report from the UAE. Additionally, the Report cited that many migrant workers did not appear to be aware of their rights in the UAE. This has made migrants vulnerable to abusive living situations as migrants were not sure how and where to request assistance from. (Philippine DFA: Dubai, January-June 2013; Philippine DFA: Riyadh, January-June 2013)

7.9 Health Problems

Health is cited to be a problem in many countries in the GCC. This may be due to overworking, undernourishment, and a lack of medical and health insurance (Philippine DFA: Dubai, January-June 2013). Additionally, undocumented workers may be denied medical treatment and workers

that are not covered by medical insurance may incur excessive health expenses (Philippine DFA: Jeddah, January-June 2013, p.638).

8. Problems within the Philippines

Destination countries are not solely responsible for the disempowering elements of female migration. Problems exist on the Philippines side that contribute to vulnerabilities and the exploitation of Filipina migrant workers.

8.1 Access to Justice

There continue to be many barriers in the pursuit of justice for female migrant workers. A primary issue pertains to the management of cases by the Philippine Post in destination countries.

In December 2013, a Filipina domestic worker in Abu Dhabi contacted the Center for Migrant Advocacy (CMA) in an effort to escape the conditions she was living in. The domestic worker was working up to twenty-two hours per day and was only allowed to sleep for two to three hours each night. Moreover, she was only fed twice a day. Although she had been employed for one month already, her employers claimed that they did not have enough money to pay her. All of this was in violation of the conditions that her contract from a recruitment agency in the Philippines stipulated. Assistance was requested from the Philippine Post in Abu Dhabi, yet the said female was not immediately contacted by the Post. The domestic worker was disconsolate and her living conditions were negatively impacting her health. Her employer had her passport and structural restrictions on her mobility made it difficult to act without the assistance of the Philippine Post. One month later, after significant pressure from CMA, the domestic worker was picked up from her residence, taken back to the embassy and repatriated to the Philippines.

This case illustrates that the Philippine Post does not always efficiently and effectively respond to female migrant workers in distress. Issues involve how the Post defines violence and what is recognized as an emergency. Physical violence often receives more immediate action. The failure to promptly respond to requests for assistance can result in further vulnerabilities and consequences for domestic workers. Thus, the current processes and procedures undertaken by the Philippine Post are not the most receptive to migrant workers in distress. Moreover, in many cases, the government advises the worker to settle with their employer. This perpetuates wrongdoings committed against female migrant workers. Currently, access to justice continues to be largely inaccessible for female OFWs, especially those in the domestic work sector. (Center for Migrant Advocacy, 2013)

8.2 Sex for Flight

Rights and gender-based violations against female migrants are not only perpetuated by their employers and non-state agents. It was reported that abuses were committed by officers and

government personnel against distressed migrants under protective custody, particularly with reference to those employed in Philippine Foreign Service Posts. The sex-for-flight scandal was exposed last year by Akbayan representative and Chair of the House Committee on Overseas Workers Affairs (COWA), Walden F. Bello.

In early 2013, several Filipina migrant workers made allegations of sexual abuse and forced prostitution against personnel from the Philippine Department of Foreign Affairs (DFA) and the Department of Labor and Employment (DOLE). These personnel worked at Embassy Posts in destination countries and the alleged abuses were committed during times of distress in which these females were especially vulnerable. Distressed female migrant workers that requested assistance in the Middle East and GCC countries were reportedly offered plane tickets back to the Philippines in exchange for sexual favours. Moreover, these accusations of abuse and exploitation by Philippine embassy personnel were widespread in various countries. This demonstrates the severity of the problem when those meant to protect migrant workers are reported to have committed abuses against them. (Committee on Overseas Workers Affairs, 2013)

In addition, the Republic Act (RA) 9710 prohibits gender-based discrimination by employees of the Philippine government. The act mandates government employees to undergo gender sensitivity training and act in a gender sensitive manner. Regardless of this law, there is a general lack of sensitivity when assisting female domestic workers in times of distress. Domestic workers that had run away from their employers were aided by government officials at the embassy and in shelters where alleged insensitive and sexist comments were made to the distressed workers. It was reported that obscene terms for undergarments were used, along with inappropriate statements regarding rape. This demonstration of sexism within the government highlights the low regard of government officials for their own domestic workers. Female and male migrant workers from the Philippines do not receive equal treatment from the government. The sex-for-flight scandal illustrates the use of sexist language and general gender insensitivity when handling gender based violence. Domestic workers are often forced to run away as it is their only escape from abusive employers. The lack of respect and sympathy from government officials is problematic. Although there has been an effort to equip Philippine Foreign Posts with female labor attaches this does not address the real issue at hand and this should not be a substitute for discriminatory behaviour. Moreover, female labor attaches are not automatically gender sensitive. (Congress of the Philippines Senate, 2013)

Proceedings from the scandal did not result in conclusive action. The Acting Labor Attaché in Jordan, Mario Antonio, only received a four month suspension without pay for “simple misconduct” for using inappropriate and vulgar language, as well viewing pornographic materials on an office laptop. Riyadh Assistant Labor Attache, Adam Musa, only received a one month suspension after accusations of covering up the attempted rape of a female migrant worker by his driver. DOLE found him liable for “neglect of duty.” The third accusation resulted in three females who came forward with complaints against Riyadh Assistant Labor Attaché

Antonio Villafuerte. Villafuerte was accused of sexual harassment but was only found culpable for telling sexist jokes. (Committee on Overseas Workers Affairs, 2013)

9. Impact of Migration on the Role and Status of Filipina Migrants

9.1 Positive Aspects of Female Migration

In response to a request from the Center for Migrant Advocacy, a number of female migrant workers in various destination countries identified positive and empowering aspects within female migration.

The Progressive Labor Union for Domestic Workers (PLUDW) in Hong Kong identifies several positive aspects of migration for females. Primarily, freedom is highlighted, along with being a breadwinner. In this role women possess the freedom to make substantial financial decisions on their own and on behalf of family. The labor union also identified empowerment as a large positive aspect along with the development of a woman's full potential. (Inputs from Hong Kong, 3 August 2014)

In a European migrant group it was emphasized that female migration is a product of changing gender relations and it contributes to increased female agency and independence. This results in empowerment and additional agency to make major financial decisions back at home. Finally, migration leads to spaces for personal development where women are able to act as their own agents of transformation. (Inputs from Denmark, as cited by Malu Padilla & Ninit Mongaya, 6 August 2014)

9.2 Negative Aspects of Female Migration

There are also negative aspects that correspond with female migration. In addition to the already identified aspects of feminization, several Philippine migrant groups identified how the elements and aspects of the feminization of migration have negatively impacted the role and status of female migrants. There are commonalities between all groups regardless of the destination country, however there are also visible regional differences.

Domestic workers in Hong Kong identified that separation anxiety and depression are common problems for female domestic workers, along with the development of financial dependency among the family members on the migrant workers. Increased income often results in a change of lifestyle for family members and for the migrant worker. Moreover, there may be a provision of financial excess in the absence of the mother. This is a commodification of motherhood. Indebtedness and long working hours lead to mental, physical, and health problems for females. Finally, female domestic workers may abuse their freedom and engage in relationships even when they have families and children at home. (Inputs from Hong Kong, 3 August 2014)

A domestic worker from Taiwan asserts that the term “Filipina” has become affiliated with “Nanny” and has a negative connotation to it. This association results in a reinforcement of the gendered roles that Filipina migrant workers continue to fill. They are restricted from breaking out of these roles and finding other employment in the labor market which is better suited to their skills and experience. Lastly, they discern that women coming from the developing world are stereotyped into the lowest category of jobs although they provide highly skilled and qualified labor. (Inputs from Taiwan, 5 August 2014)

Domestic migrant workers from Israel highlight that deep structural changes occur within their families and communities at home as a result of long-term separation from home. Females leave their home and children to care for other children who live in affluent countries. As a result, the domestic worker must hire someone to look after her own children. This is the chain of care. Finally, there is a relationship between the working conditions, wages, and remittances of the female which connects to economic development in the Philippines. (Inputs from Israel, 6 August 2014)

In Denmark, female migrant workers draw our attention to a number of negative consequences. Primarily, migrant workers identify the unequal and unjust division between rich and poor in Europe and the failure of the Philippines government to address the problem of poverty and unemployment at home. Furthermore, female migrant workers are more vulnerable to gender-based discrimination based on their form of employment and corresponding social status. Many females are employed in demeaning jobs and their vulnerabilities are augmented due to their gender, especially if they are undocumented. Female migrant workers discern that racism, sexism, social exclusion, and social discrimination are common adversities that are encountered. While male migrants often work in groups, females often work alone and lack easy access to information and support networks. At the same time, they suffer from intellectual stagnation due to the monotony of their tasks. Moreover, female migrant workers in Europe highlight that their residence status is dependent on others. This can refer to their work contract with their employer, or a relationship status with a European national. Dependency on other individuals for a female migrant worker to maintain her residence status can result in negative repercussions and may even lead to domestic violence. Lastly, language barriers pose an obstacle to integration within Europe. (Inputs from Denmark, as cited by Malu Padilla & Ninit Mongaya, 6 August 2014)

9.3 Female Migration: Empowering or Disempowering?

There are both empowering and disempowering elements of female migration. Through migration females gain agency and they are able to make significant financial decisions. Additionally, migration provides space for personal development. At the same time there are numerous aspects within migration that are disempowering for women. Females are vulnerable at all stages of the migration cycle, this includes pre-departure, onsite, and return. Moreover, the gendered work roles that they fill add to their vulnerability. They are exposed from everything to forms of sexual, physical and verbal abuse to maltreatment and excessive placement fees. For females, the negative aspects of migration currently outweigh the positive. In order to empower

females in the migration cycle it is necessary to continue to highlight the vulnerabilities and recurrent problems in the migration cycle.

10. Forms of Resistance For Vulnerable Workers

Female domestic workers have found their own ways to resist to unjust working conditions. Even in the most restricted settings they have found ways to communicate, and develop information networks and social support systems. Female domestic workers are able to navigate their own circumstances based on speaking to others. The most restricted workers make use of “Balcony talks”. Female domestic workers that have their mobility confined to their place of employment make use of the balcony. Domestic workers in Lebanon are often confined to certain places in the house, this includes their bedroom, the kitchen, and the balcony. Many make use of the balcony to talk to neighbouring domestic workers when their mobility is severely restricted. Through these alliances important information can be communicated, such as, how to negotiate a day off, along with salary and contract negotiations, among other things. Additionally, the balcony can be used to develop support structures with neighboring migrant workers. Some domestic workers have even made spaces, such as the balcony, within their employers’ house for their own. For example, a domestic worker reports that when she is mad at her employer she will go out to the balcony and her employer understands that this is the domestic workers space and does not disturb her there. These methods are extremely important and are efforts on behalf of female migrant workers to challenge their social exclusion and transform spaces of restriction into spaces of resistance. Public and private spaces, such as churches and apartments, are also used for forms of resistance where migrant workers can organize and participate in public activities to demand their rights. (Pande, 2012)

Undocumented workers have also found their own ways to resist the conditions they are forced to live in. In Lebanon, up to twenty undocumented workers may live in a single apartment. Some of these workers include runaways. Running away is a form of resistance in itself. In these occupied spaces, female migrant workers have the ability to discuss problems they encounter, as well as receive assistance and suggestions on how to handle and resolve conflicts with their employer. Women also contribute money to assist those in jail or subsidize transportation costs for females returning home. While domestic workers are an extremely vulnerable class of migrant workers, some of them have found their own ways to resist to the structural inequalities that are at play. (Pande, 2012)

In Hong Kong, resistance comes in different forms. This can be attributed to the different obstacles and problems domestic workers encounter in comparison to the Middle East. The PLUDW identifies five different forms of resistance. Primarily, domestic workers will report and file complaints through the labor department and immigration department in the country. In addition, they will report grievances to the POLO in Hong Kong. POLO provides support for Filipino OFWs in destination countries. Domestic workers that wish to end their employment with their employer must give one month notice in order to terminate their contract. This is required by law for both the employer and employee. In cases of verbal abuse, domestic workers

will record instances of abuse and then file a police report. In cases of physical abuse, domestic workers will get a medical examination before filing a police report. Finally, if domestic workers wish to leave their situations immediately they may create a situation in which they make their employer angry enough to terminate their contract without the required one months notice. (Inputs from Hong Kong, 15 October 2014)

The PLUDW highlights the importance of unions for domestic workers. Unions are legal and recognized in Hong Kong. Primarily, for domestic workers and other OFW sectors in Hong Kong, unions are important in terms of protection. Unions aid migrant workers in attaining their rights and assist them in disputes. Moreover, being part of a union contributes to the awareness of rights as a domestic worker and contributes to personal empowerment. As a union member, there is gained respect from the labor department and immigration department in the country. Finally, when employers have a unionized worker they are hesitant to commit violations against them. (Inputs from Hong Kong, 15 October, 2014)

11. Use of Technology

Research carried out in Lebanon and Jordan sought to better understand what type of information and resources migrants workers require along with how migrant workers are able to access and utilize technology while in isolated work environments. The study focused on domestic workers, as they are the most vulnerable migrant workers due to their living conditions. It was identified that female migrant workers primarily rely on social networks to procure information about working overseas. These networks consist of friends, family, colleagues, recruitment agencies, and intermediaries. Social networks do not always highlight the negative aspects of migration. Even if they do, many migrant workers decide to their own fortune. Once arriving in the Middle East many discover that they are not aware of the local language, culture, customs, and many are not aware of their own rights and how to access help.

It was found that in terms of accessing information in Jordan and Lebanon, most of which would translate to other Arab countries, that the use of radios and cell phones are the most accessible for the majority of domestic workers employed in these countries. Cell phones can be used to communicate and are especially important in aiding migrant workers in at-risk situations. Moreover, the study found that radio programs for migrant workers would be the most useful in terms of communicating health tips, legal information, as well as entertainment and news from their home countries. Regular shows that aired in the evening would be the most effective in reaching the majority of isolated migrant workers. (Frantz, 2014).

12. Conclusions and Recommendations

While female migration currently has more elements that makes it a disempowering experience there are a number of solutions that lie among the female migrants themselves. Filipina migrant workers can be equipped with the appropriate knowledge and resources. In doing so, many of the problems encountered by females in the migration cycle could be mitigated or even avoided.

Although some of the disempowering elements of female migration cannot be completely eliminated at this point in time, such as the exclusion of domestic workers from labor laws, there are other strategies and forms of resistance that can aid in the emancipation from such exploitations. As such, it is important to empower the women themselves even further.

13. Strategic Agenda for the Feminization of Migration in the Philippines

Expand and intensify pre-departure training programs

1. Provide additional cultural training that explains laws, customs, traditions, as well as common problems encountered to OFWs that is specific to the destination country.
2. Expand language training to adequately prepare OFWs with a strong language base for their destination country, as well as materials that will aid them in continued learning.

Provide migrant workers with adequate knowledge and resources on legal rights

3. Provide more interpreters and translators that are fluent in both Tagalog and the local language of the destination country at Embassy Posts.
4. Provide lawyers for Embassy Posts.
5. Increase the legal budget of Posts.
6. Create a regular radio program that provides migrant workers with up-to-date information on laws, legal rights and resources, as well as communications that affect migrant workers.

Expand protection mechanisms

7. Monitor and regulate the recruitment fees for domestic workers.
8. Develop new monitoring mechanisms and involve civil society organizations in this process.
9. Expand partnerships between CSOs and POEA in order to monitor and ensure the implementation of protection mechanisms.
10. Strengthen current monitoring mechanisms to ensure implementation of bilateral agreements and laws.
11. Ensure gender sensitivity in Embassy Posts and all in aspects of the migration cycle.
12. Develop specific agendas for regions that address the specific problems and nuances per region.
13. Expand the capacity of Filipino Workers Resource Center (FRWC) in order to accommodate all distressed OFWs and provide them with basic necessities.
14. Develop an agenda for transgender OFWs.

Expand social security and health insurance programs

15. Employ a full-time medical doctor at all FWRCs.

Expand available data on domestic workers, including Filipino domestic workers at the national level

16. Collect data on children and gender specific data at national and international levels.

Expand and harmonize laws

17. Incorporate anti-trafficking laws into the ASEAN region in preparation for the upcoming economic integration in 2015.

18. Work towards bilateral agreements that allow migrants the freedom to find other employers in the destination country.

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