

HSW Policy Reform Assessment¹

**Center for Migrant Advocacy (CMA)
June 30, 2015**



Supported by Friedrich Ebert Stiftung (FES)

1

CMA thanks Shannon Doyle, former intern of CMA under the Centre for Asia Pacific Initiatives (CAPI) for undertaking this project to assess the Philippine government's policies for Filipino migrant domestic workers.

Qualitative Research on the Effectiveness of the HSW Policy Reforms

Executive Summary

This report presents the findings of a research carried out by the Center for Migrant Advocacy (CMA) in an assessment of the series of policy reforms for Filipino migrant domestic workers that have been passed in the last eight years, i.e., 2007 Household Service Workers (HSW) policy reform package, the ILO C0189, and the recent 2013 HSW bilateral agreement with the Kingdom of Saudi Arabia (KSA). The research and subsequent report is a follow-up to CMA's 2011 Survey Research on the Effectiveness of the HSW Policy Reform Package. The 2011 report found that gaps existed in the implementation of the 2007 HSW reform package and that areas within it could benefit from being strengthened to better protect migrant domestic workers. The original document can be found at <https://centerformigrantadvocacy.files.wordpress.com/2012/06/household-service-workers-policy-reform-package.pdf>.

Major findings from this report emphasize that while the 2007 HSW policy reform package was developed with the intention of providing greater protection for migrant domestic workers (to refer interchangeably with Household Service Workers or HSW in the Philippine setting) through: technical skills training; cultural orientation and language training; stress management training; a minimum age requirement of twenty-three; and a no placement fee policy, the reform package continues to encounter barriers and gaps in implementation. This has impacted the outcome of the policy package and HSW remain vulnerable to many of the same forms of abuse and exploitation. It was found that policy requirements were often not clear to one involved party during one of the following: pre-departure; in-transit; on-site; or reintegration phase, and even if they were, these policies were often circumvented. As such, these policies are failing to impact the beneficiaries in the intended ways.

This research recommends that the identified gaps are addressed by the relevant party i.e. HSW, government agency, recruitment agency, counterpart/foreign recruitment agency, civil society organization, or employer, in order to strengthen the implementation of the policy, therefore strengthening the protections in place for the HSW.

List of Acronyms

CMA — Center for Migrant Advocacy
CPDEP — Comprehensive Pre-Departure Orientation Program
CSO — Civil Society Organizations
FES — Friedrich Ebert Stiftung
FGD — Focus Group Discussion
FSP — Foreign Service Posts
GCC — Gulf Cooperation Council
HSW — Household Service Workers
IACAT — Inter-Agency Council Against Trafficking
ILO — International Labor Organization
KSA — Kingdom of Saudi Arabia
LGU — Local Government Units
MDW — Migrant Domestic Workers
OFW — Overseas Filipino Worker
PAOS — Post-arrival Orientation Seminar
PDOS — Pre-Departure Orientation Seminar
PEOS — Pre-Employment Orientation Seminar
POEA — Philippine Overseas Employment Administration
POLO — Philippine Overseas Labor Office
TESDA — Technical Education and Skills Development Authority
UAE — United Arab Emirates

1. Introduction
2. Objectives
3. Methodology
4. Limitations
5. Literature Review
6. Key Findings
 - 6.1 The Work Environment of the HSW
 - 6.11 Documentation (Passports and Visas)
 - 6.12 Age Requirement
 - 6.13 Contracts
 - 6.14 Communication
 - 6.15 Hours of Rest
 - 6.16 \$400 USD Entry-Level Salary
 - 6.2 Program Findings
 - 6.21 PDOS
 - 6.22 CPDEP
 - 6.23 NC II Skills Training and Assessment
7. Miscellaneous Topics
 - 7.1 KSA Bilateral Agreement
 - 7.2 PEOS
 - 7.3 PAOS
 - 7.4 Welfare Programs
 - 7.5 Recruitment Agency/Counterpart Recruitment Agency/Employer/Worker Relationships
8. Major Reoccurring Themes
9. Contending Factors
10. Good Practices in Recruitment
11. Follow-up Discussion
12. Conclusion
13. Recommendations

1. Introduction

Currently, more females migrate out of the Philippines for work than males. In 2014, 56% of annual deployment was composed of females (POEA, 2015). From 2011-2012 migrant domestic workers (MDW) accounted for 33% of all occupational categories making them the largest occupational category of migrant workers. Both 2011 and 2012 were characterized by an increase in hires of domestic workers, with preliminary data for 2012 suggesting that new hires had increased by 8.3% from 2011. While Asia primarily represented the majority of new HSW hires at 51% in 2011, this shifted to the Middle East in 2012 which accounted for 62% of new HSW hires. Malaysia, Bahrain, Singapore, UAE, Kuwait, Qatar, and Oman were destination countries that saw a surge in new hires while Saudi Arabia saw a 81.9% decrease in new hires. Although Saudi Arabia had a large drop in new hires, Saudi Arabia was the number one country for HSW rehires from 2007-2011 (POEA, 2013). As HSW continue to make up the largest occupational category of migrant workers leaving the country, the need to ensure HSW policies meet their intended objectives and provide effective protection for HSW remains an important endeavour.

Domestic workers are more vulnerable to exploitation and abuse due to the exclusion of domestic work from national labor laws in destination countries. The absence of laws and policies regulating domestic work in destination countries fails to guarantee the same labor rights as other migrant workers and allow room for abuses to occur such as: non-payment, under-payment, and late payment of wages; less than eight hours per day of rest and less than one rest day per week; withholding of passports by employers and recruitment agencies, non-issuance of iqamas (immigration permits) and exit visas, as well as maltreatment, physical and sexual abuse (Report to Congress, Jan-June 2013). These vulnerabilities are compounded by the living arrangements that place domestic workers in the private household of the employer. Restrictions on both mobility and communication are commonplace in many destination countries, particularly in GCC countries. These restrictions can make it extremely difficult for MDW to leave exploitative or abusive situations, or even contact help, and attempts to do so may render the HSW more vulnerable. Destinations with increased HSW deployments such as UAE, Kuwait, Qatar, Malaysia, and Singapore were also reported to be destinations with higher numbers of unresolved welfare cases. This reinforces the need to ensure HSW are protected through all possible means and that policies be implemented to their fullest. (POEA, 2013)

In 2006, the war in Lebanon exposed the realities and vulnerabilities of domestic work. In response to this, the Philippine government promulgated a series of HSW policy reforms through the POEA. These reforms intended to protect HSW from the abuses that were typically encountered. In addition to the policy reforms at the end of 2006, the Philippine government has ratified the ILO CO189 for domestic work and signed bilateral agreements regarding domestic work with the Kingdom of Saudi Arabia (KSA), Jordan, and Lebanon. Agreements with both the KSA and Jordan are in effect, while a ban on new HSW hires to Lebanon is in effect (Sunstar Manila, 2014).

While policy reforms, bilateral agreements, and human rights instruments have been established to provide better protection for HSW and minimize the abuses and vulnerabilities associated with domestic work, HSW continue to remain vulnerable. This research intends to briefly assess the effectiveness of such policies, understand the current weaknesses in the implementation of such policies, and to provide a starting point for new ideas and further thinking on how these policies can be strengthened. As such, the question remains: how can these policies be strengthened and

more effectively implemented with the help of government, migrants rights advocates, the private sector, and the migrants themselves?

2. Objectives

In partnership with the Friederich Ebert Stiftung Foundation (FES), CMA was granted support to carry out the follow-up research to the 2011 policy reform document. The objectives driving this research are outlined as follows:

- A. To put forward more thinking, ideas and recommendations on how to make policies work;
- B. To forward proposals for mechanisms to enable migrants to invoke the policies;
- C. For government agencies to effectively implement policies

3. Methodology

The first purpose of the research was to conduct a brief assessment of whether the policies have had an impact on the situation of HSW. This was done through desk research and a brief literature review of the 2007 HSW policies, the ILO CO189, and the 2013 bilateral agreement with the KSA. A lack of current data on problems encountered by HSW limited this component, however interviews with key informants and a focus group provided insight into this.

The second, and more heavily weighted component of the research was to identify gaps in the implementation of these policies and begin to generate ideas and recommendations on how to make these policies work better. This was based off of findings from eight interviews held with key informants within government, civil society organizations (CSO), as well as with migrants rights proponents, and the private sector. An FGD with eight HSW, all of whom had previously worked in a GCC country for a period of 3 months to over two years, was held. The FGD participants had left the Philippines between 2009 and 2014 and had returned between 2010 and early 2015. This second part largely focused on how the implementation of these policies could be strengthened or more effectively implemented to better protect HSW and minimize the vulnerabilities associated with this type of work.

4. Limitations

Limitations for this research included the availability of key informants. Not all key informants that CMA wished to interview were available due to constraints on time and scheduling conflicts. Time was an additional limitation in the undertaking of this research. Constraints on time reduced the number of interviews that could be conducted and the amount of data that could be analyzed. Lastly, the inability of the researcher to speak and understand Tagalog limited the depth of information that could be gained from the focus group.

5. Literature Review

Following the Lebanon War in 2006 the POEA passed a series of policy reforms, referred to as the 2007 HSW policy reform package, which aimed to provide more protections for HSW. This set of reforms were implemented on December 16, 2006 through the POEA and included:

- a.) no placement fee
- b.) minimum age of 23

- c.) minimum entry-level monthly salary of \$400 USD
- d.) mandatory culture and language training with OWWA, free of charge
- e.) skills assessment and competency certification (NC II) through TESDA

The policy reforms intended to better prepare HSW through occupation- specific knowledge and technical skills, as well as provide cultural, language, and mental preparation, and protection from debt bondage. Overall, the reforms intended to provide better protections and minimize the abuses committed against HSW.

In 2012, the Philippines ratified the ILO CO189, the convention on decent work for domestic workers. The Philippines was the second country to ratify the convention, thus providing the momentum for it to enter into force. The convention recognizes domestic work as work and outlines core labor standards for domestic work. Notably featured in the convention are the following: Article 7, the right to information about terms and conditions of employment including the name and address of the employer and workplace, the type of work to be performed, the daily work hours and weekly rest periods, and the provision of food and accommodation; Article 15 which relates to practices of private recruitment companies; Article 16 which speaks of fair and effective access to justice for domestic workers; and Article 17 which articulates complaint mechanisms for domestic workers (ILO, 2011). To date there have only been seventeen ratifications of the CO 189 and none of the top destination GCC countries that the Philippines deploys HSW to have ratified the convention. In fact, very few destination countries for migrant workers have ratified the convention. While members of government in the KSA openly expressed support for the CO 189, the convention has not been ratified as of yet (DOLE, 2013).

Most recently, and characterized as a historic first for the Philippines, was the signing of a bilateral agreement on HSW between the KSA and the Philippines in May 2013. The agreement provides a HSW standard employment contract and benefits package in an effort to guarantee better protection for Filipino migrants employed as HSW in the KSA. Through the agreement there are shared responsibilities for both countries, as well as responsibilities for each individual country. Responsibilities include the authenticity of the employment contract, the creation of a bank account in the name of the domestic worker, a 24-hour mechanism for domestic workers' assistance, efficient settlement of labor contract violation cases, and facilitation of exit visas for repatriation upon contract completion or during emergency situations (Arab News, 2013; SEC, 2013). While the implementing guidelines for the bilateral agreement are still being determined by the KSA and the Philippines, CMA did a brief review of the situation of domestic workers in the KSA in 2014. The research found that despite the bilateral agreement, abuses and exploitations continue to be committed against HSW, specifically in terms of non-payment, underpayment, late payment and non-payment of wages, along with maltreatment, physical and sexual abuse. While it may not be fair to assess the effectiveness of the agreement without implementing guidelines in place, the agreement was signed almost two years ago, in 2013, for a five year period. This agreement shall be renewed for a subsequent five years unless otherwise indicated by one of the signatory parties (CMA, 2014).

The POEA has acted in a number of capacities to enhance the protection of HSW. As the POEA is the primary agency responsible for the administration of labor migration, the POEA has enforced the HSW reform package through the cancellation of recruitment agency licenses following violations, as well as worked with IACAT on anti-illegal recruitment and human trafficking. Furthermore, the POEA is in the process of developing a PEOS specifically for HSW

and continues to form and strengthen partnerships with LGUs and grassroots organizations (POEA, 2015).

6. Key Findings

In a brief assessment of the current situation for HSW, findings from the FGD and interviews that provided insight into the situation of HSW will be highlighted. This will be broken down by: documentation, age requirement, contracts, communication, hours of rest, and the \$400 entry-level monthly salary. Second, in order to briefly assess the effectiveness and to identify gaps in the implementation of the HSW reform policies, the researcher examined the means through which each policy was implemented. As such, the key findings from the interviews and focus group will be broken down into the following: PDOS, CPDEP, and the NC II skills training and assessment. Additional topics that emerged from the research included subjects such as bilateral agreements, welfare programs, the PEOS, the PAOS, among others. Finally, major themes, considerations, and good practices within the recruitment sector will be discussed.

6.1 The Work Environment of the HSW

6.11 Documentation (Passports and Visas)

In the focus group it was found that out of the eight HSW, seven of whom had been working in Saudi Arabia, seven had had their passports withheld from them by their employer or recruitment agency. In six of the seven cases, an employer had taken them while only one recruitment company had held onto them. Six passports were immediately taken at the airport.

Many HSW who are exploited or abused by their employers run away to escape the situation. Their passport often remains with the employer and HSW are then repatriated with special papers and they must apply for a new passport upon return to the Philippines.

HSW who were repatriated without their passports were the most frustrated by the process and the length of the process required to obtain a new passport from the DFA. Several HSW indicated that immigration and DFA were not consistent in the information they provided in terms of requirements. This was especially frustrating to HSW who live outside Metro Manila and many had to make the trip more than once because they did not have the appropriate documents the first time. Transportation to DFA Passport Office in Pasay constituted a financial strain for HSW, at a minimum cost of two hundred pesos per trip.

6.12 Age Requirement

HSW under the age of twenty-three have been encountered by both private actors and government actors. HSW under the age of eighteen have applied as HSW at recruitment agencies. One recruitment agency confirmed the age of applicants that appeared to be under the age of twenty-three through a dentist. In this particular case, it was discovered that the applicants were under the age of eighteen. The recruitment agency elicited an admission of age from the females and confiscated their passports so they could not re-apply at a different recruitment agency.

6.13 Contracts

Two focus group members did not see their contract until they were at the airport. One of these workers had applied and allegedly been hired as a HSW, however upon receiving her contract at the airport she discovered her contract and visa were for the position of a hospital bed attendant. Upon arriving in the country she was employed as an HSW. More than one informant noted that due to the limited number of HSW visas processed each week, many workers were hired as service workers but upon arrival they were employed as HSW, often with less than the \$400 entry-level salary.

6.14 Communication

Almost all focus group members faced restrictions on communication. Six of the eight were not allowed their cell phones. Some were allowed to text their family once a month to let them know that they were okay. While one of the participants that was allowed to text her family, her employer would enter the number and send the text message. As such, this HSW could not be sure if family actually received the message. One focus group member worked in Abu Dhabi for over two years and was not allowed to make contact with her family during the entire period of employment.

6.15 Hours of Rest

While one HSW reported that she regularly got ten hours of sleep this was not the standard. The majority of the focus group reported an average of four to five hours of rest per night, with one previous HSW reporting a rest period of one to two hours per night.

6.16 \$400 USD Entry-Level Salary

Just less than half of the HSW in the focus group reported receiving their stated salary of four hundred dollars. While one informant suggested that eighty percent of complaints and cases in the KSA involve wages, another participant identified that maltreatment is more common in most GCC countries.

The bilateral agreement with the KSA should help to ensure that HSW are receiving the monthly wage if it is properly implemented and bank accounts are opened for HSW. For countries without a bilateral agreement, another way to ensure this should be established and implemented.

6.2 Program Findings

6.21 PDOS

The purpose of the PDOS, or the pre-departure orientation system, is to orient overseas workers on the country they will be working in. This includes basic information such as how to board a plane, along with general country information and country specifics such as the do's and don'ts. The PDOS is a requirement for all migrant workers departing the Philippines and it is taken approximately two weeks before departing the country.

Issues within the PDOS

Interviews with key informants overwhelmingly found that the PDOS lacks in terms of substance and requires more in terms of information, quality, and effectiveness.

More than one participant highlighted that while the PDOS is supposed to be a full day training, the PDOS is often “beefed up” with additional information. Private actors, such as remittance companies, often make up part of the PDOS training. This minimizes the number of hours that a HSW receives in preparation. In reality, it is suggested that the required PDOS information consists of half of a day.

Another issue that pertains to the PDOS refers to the trainers conducting the sessions. More than one research informant drew attention to the lack of skills the trainer used in imparting PDOS information to HSW beneficiaries. Moreover, from the focus group it was understood that in one PDOS training session, the trainer gave HSW country specific sim cards for their cell phones but did not explain how to use them. Consequentially, in situations such as these, the PDOS distribution of a country-specific sim card is ineffective in achieving its purpose. One focus group informant indicated that the trainer did not seem interested in what they were teaching.

The number of PDOS sessions are limited and from the key informants, it was identified that the number of trainers were limited as well. The number of trainers available to conduct sessions impact the number of sessions that can be offered for departing HSW. Moreover, while the researcher did not have the opportunity to interview OWWA it was understood that OWWA had stopped training trainers. While more trainers would benefit HSW waiting to go abroad, this could negatively impact the quality of PDOS trainers. As such, the guidelines for monitoring and evaluation should be reviewed.

Finally, more than one key informant suggested that the information in the PDOS was largely ineffective for a number of reasons. Primarily, this was attributed to the point in time at which the PDOS was conducted. As the PDOS is taken about two weeks before the HSW is set to depart for their destination country, the HSW has external events in their life that are occurring simultaneously. Documents are being processed, last minute preparations are being made, and families are prioritized. This limits the attention paid in PDOS sessions. Additionally, the PDOS occurs at a point when their papers have already been processed. As such, there is no turning back at this point. This particular informant suggests that the information that is currently presented in the PDOS be presented in the PEOS before the worker has committed their time and resources to guarantee employment.

Closing the gaps in PDOS, Participant Recommendations

More than one participant urged the review of course content in the PDOS in order to make it the most relevant and effective for PDOS beneficiaries. As such it is crucial that the PDOS curriculum should be reviewed and PDOS trainings should be more comprehensive in requirements. The PDOS needs to be country specific for HSW and these orientations should be facilitated by a previous HSW who worked in that particular country. In theory, a HSW that was going to Saudi Arabia would attend a country specific PDOS session only for HSW going to Saudi Arabia. This done in combination with videos that accurately depict the reality of the destination country and the culture of the destination country will enhance the effectiveness of the PDOS training. As the prospective HSW is still engaged with family, is actively preparing to go abroad, and is continuing to fill out documents, the PDOS must be stricter and more rigid due to the distractions and preparations that are simultaneously occurring in the worker’s personal life.

One participant asserted that the PDOS should occur at the PEOS stage before the HSW begins to process their papers. This should include: what to expect as a HSW, the real issues that arise as an HSW, how the HSW will adapt to their new situation, and the impact this experience will have on the HSW.

Another informant suggested that trainers must be regularly monitored and evaluated to ensure competence and effectivity in trainings. Moreover, the number of trainers should be reviewed and adjusted to meet the demand for the PDOS. One participant identified that a feedback mechanism for the PDOS is necessary. It is believed that the most effective way to do this would be to create incentives for the HSW, the PDOS beneficiary, to provide feedback on the content, the trainer, and the effectiveness. One informant noted the large demand for the PDOS, "If it is just the government, they can barely cope with the demand for the PDOS." A hurdle to this is that HSW already has an incentive to move through the process as quickly as possible. Time is a commodity for HSW and many of them are trying to begin work as fast as possible in order to provide for their family. Moreover, the HSW is the program beneficiary. As such incentives must be created for them to provide information regarding the information imparted on them, the quality of the training, and the effectiveness of the session.

6.22 CPDEP

The purpose of the CPDEP is to provide HSW with cultural and language training, as well as stress management training. This is in an effort to better prepare the HSW for the culture they will encounter, gain knowledge of a language relevant to their destination country, and manage stress. The CPDEP is provided free to HSW as a part of the 2007 policy reforms for HSW. The training is three to six days.

Issues within the CPDEP

Issues within the CPDEP pertain to the quality and effectiveness of the cultural, language and stress training.

More than one informant stressed the cultural issues that often arise for HSW. This seems to be the most common in the GCC. For example, in order to be heard throughout large households, the employer will often shout or speak in a raised voice. This may be perceived as reprimanding or aggressive to HSW when in reality it is a normal way of communicating in the Middle East.

One interview participant identified that the first problem a HSW worker will encounter with their employer in the KSA pertains to language and communication. The participant identified the second problem that the HSW will encounter is cultural differences.

Lastly, one participant asserted that while the trainers may know the culture and the language they are not the most effective as teachers. The way in which this knowledge is imparted to beneficiaries with varying educational levels could be done better. This informant suggests that teachers require additional skills to impart teaching on class members.

It seemed that only one HSW in the focus group underwent a five day CPDEP training and one participant indicated that they signed a certificate at the recruitment agency without undergoing the training.

Closing Gaps in the CPDEP, Participant Recommendations

For GCC countries, one participant suggested that more emphasis be placed on basic Arabic language lessons. They also identified that basic English lessons should be provided as well. While it was noted that most employers have limited English language abilities, English may be a helpful alternative when communication in another language does not work. More so, several informants emphasized that a larger emphasis should be placed on cultural differences rather than just focusing on the culture. More participants emphasized the need for greater cultural training over language training.

Several participants highlighted the need for an actual ex-HSW who lived abroad and has actual experience living in a Middle Eastern household should be a part of, or run the CPDEP training. This is essential to explaining the actual experience and what the system is like and how it works within an Arab household.

6.23 NC II Skills Training and Assessment

The purpose of the NC II is to institutionalize HSW skills and to prepare HSW for the type of work they perform abroad. The NC II skills assessment is a requirement for HSW as a part of the 2007 policy reforms and it assesses HSW based on sets of competencies. The training for the NC II is not obligatory for HSW and the assessment may be taken at any time. Upon passing the assessment, a certificate is issued to the HSW that is valid for five years.

Issues within the NC II

Participants identified that the issues within the NC II skills training and assessment pertain to the cost, as well as the quality, effectiveness and depth of the training.

Some research informants suggested as the cost is not currently regulated for the NC II trainings, some recruitment companies will circumvent the no placement fee policy through the cost of the NC II skills training and assessment fees.

The NC II training or skills assessment is not country or region specific. One interview participant pointed out that the skills required for a HSW may significantly vary from one region to another. As such, while an HSW may have former experience and has the ability to submit a portfolio assessment, that does not mean that they will have the necessary skills to work in another region. For example, having experience in Hong Kong does not mean that all skills will be transferable to a Middle Eastern context.

A participant questioned the quality of training provided in the NC II skills training. Some recruitment companies will provide training for departing HSW so the HSW does not have to pay for the training themselves. While these are not certified training centers these informants believed that they could provide better training and preparation than a TESDA accredited course would be able to. Another participant noted that the training in the NC II consists of very basic recognition of appliances and how to use them. This was problematic because many HSW were said to be coming from the provinces where they had no prior experience as a HSW and limited knowledge and experience with household appliances.

More than one participant questioned the difficulty of the assessment test. It was repeatedly emphasized that many HSW would only memorize what was required for the assessment in order to gain NC II accreditation. Several asserted that passing the assessment did not equal proficiency. One of the eight participants in the focus group reported that she failed the cooking portion of the NC II skills assessment, and was required to take it again, and passed on the second attempt. Another participant in the focus group questioned why the NC II assessment certification expires after five years if they had worked as an HSW for the previous five years.

Three focus group members did not take a NC II skills training course or assessment but received a certificate through their recruitment agency. One HSW paid for a half day course that was solely theory and one HSW paid for a full day training and certificate. One group member reported that the trainer asked her to pay an additional fifty pesos. The researcher did a brief scan of the TESDA accredited training facilities on the TESDA website and found that the number of hours offered for a NC II training course ranged from two hundred sixteen hours to nine hundred sixty hours.

Closing the gaps in the NC II, Participant Recommendations

One participant emphasized the importance of the NC II based on personal experience. Several informants highlighted that well trained workers may be better protected from abuses by employers. Moreover, it was understood that part of the reason the NC II was developed was to institutionalize the skills as well as to give the HSW a sense of pride that they were qualified for their profession. The majority of informants felt that the NC II lacked substance. It was repeatedly contended that higher level knowledge was important for HSW, such as knowledge of fabrics and detergents. One informant was quoted, “even from the best, the brightest, they still need it, familiarization with systems.” A strengthening of the NC II is recommended in terms of skills training and the skill assessment. HSW should be required to undergo additional training based on the region they are being deployed to and regional assessments should be implemented. The assessment itself should be strengthened to guarantee that the HSW is qualified for their work and has not simply memorized what is needed for the assessment. One informant strongly advocated for a mandatory ten-day training prior to the assessment, with three days of lecture and seven days of practical. An ex-HSW should help to develop and facilitate training materials and training. Regardless, the skills training and assessment needs to be strengthened to ensure that HSW are properly qualified for their work abroad. The expiration of the NC II certification after five years should also be reexamined. Like the PDOS, monitoring and evaluation should also be strengthened. Feedback mechanisms from the beneficiary should be considered.

The cost should be regulated for the NC II skills training. TESDA is currently conducting an assessment of prices in an effort to regulate the cost of training programs. This cost along with housing, transportation, and food costs should be shouldered by the employer while the HSW undergoes training.

7. Miscellaneous Topics

7.1 KSA Bilateral Agreement

All informants that were questioned about the bilateral agreement agreed on the significance of bilateral agreements. More than one noted that it was the next best thing to having an actual law that covered domestic work. While implementing guidelines are still being discussed, the

bilateral promises to be a significant protection mechanism for HSW as long as detailed implementation guidelines are developed and effectively implemented.

One interview participant advocated for an up-to-date blacklisting system that would include both the name of the employer and their citizen identification number. A system such as this would make it easier to determine the employers who had violated rules and regulations. In many of the GCC countries, employer names are not distinctive, therefore the inclusion of the citizen number would help to further distinguish employers. This should be a dual system involving the Philippine government and the destination country government. Moreover, an employer who was blacklisted in the system could be barred from employing a domestic worker of any nationality.

Access to justice remains a challenge for migrant workers in destination countries. This interview participant urges the development and implementation of a more effective adjudication system for foreign workers. Currently, the settlement process takes months while the worker is forced to stay in the country of destination without their own personal networks of social support. This participant urges the development of a special facility to resolve disputes as fast as possible so the migrant worker may return home. Another challenge is getting a worker to file a case. Many workers do not want their family to know that they have been abused and do not file cases due to the amount of time needed to come to a resolution.

7.2 PEOS

One informant strongly advocated for a PEOS for the employer in the destination country. Due to the fact that the HSW spends almost all of their time with the Madam of the house, the Madam should have to undergo a PEOS before a job order is even signed. This participant felt that the Madam must be made to sign a document outlining the limitations and rights of the HSW and herself. This document would be an agreement to provide: a) an iqama; b) a minimum of eight hours of rest per day; c) one rest day per week; d) medical insurance. This document would educate the Madam on her responsibilities and effectively uphold her to such.

7.3 PAOS

The PAOS was discussed quite thoroughly. Several informants strongly advocated for the implementation of the PAOS, with one noting that if the PAOS was implemented with the help of the host government and employer it would be very effective. It is believed that the PAOS would be effective because the HSW would already be present in the country and have no other distractions at the time. This is unlike the PDOS where simultaneous distractions are occurring. Rights and responsibilities of the both the worker and employer would be reiterated with both present. An additional benefit of the PAOS is that the worker would know where the Post was located.

Another individual indicated that institutionalizing a PAOS was a sign that the PEOS and PDOS have failed their own objectives. Still, this individual emphasized a price cannot be put on protection and if a PAOS would result in increased protections then it should be done. Other concerns in relation to the PAOS included securing the cooperation and trust of the employer.

7.4 Welfare Programs

One participant noted that in the KSA there has been an increase in problems while there has been a decrease in government manpower, reduced to three welfare officers and two labor attachés. This participant advocated for increased manpower in destination countries and maintained that welfare officers should be given a specific assignment or role. Another participant suggested that welfare officers be in regular contact with each HSW. With one HSW noting that food at the POLO was limited.

The focus group brought up a number of issues they had upon return to the Philippines: HSW faced age discrimination making it difficult for them to find work upon return; a desire was expressed for local job opportunities and those going abroad again requested financial assistance until they were able to be deployed again. Several emphasized their need for educational programs or scholarships opportunities for their children. While some HSW qualified for the livelihood assistance program, some choose not to avail of it due to the documents required by OWWA. One participant who choose to avail of it was told that they had run out of funds and therefore was not able to do so. Several participants noted that the information provided at the OWWA main office and regional offices were not consistent with each other.

7.5 Recruitment Agency/Counterpart Recruitment Agency/Employer/Worker Relationships

In an effort to balance the power in the employer-employee relationship, one interview participant asserted that it is imperative that the employer and recruitment agencies be transparent. The worker must understand and agree to the stated responsibilities. The worker should be told family specifics such as the number and ages of the children. It was noted in the focus group that family details provided on contracts were sometimes false. Specifics are essential to achieving this. Duties should be listed, along with the specifics of each duty. For example, if the HSW is expected to wash the car, then how many cars does that include; or if they are expected to garden, how often must they garden. Additionally, specifics on the rest day, working hours, sleeping quarters must be provided. Through this, the HSW employs their own agency in agreeing to the terms of the contract and has a more thorough understanding of employer expectations. Another important element to this, would be a transparent list of costs and fees provided by the employer and both recruitment agencies. All fees that were paid should be listed, along with the cost of each, and all the fees the employer paid to the agency, the fees associated with the Philippine side and the fees associated with the destination state side. Fees should include everything from the cost of passport photos to the cost of flights and who paid for what. This practice would help to mitigate unreasonable costs paid by the employer to the recruitment agency and prevent a sense of ownership over the HSW by the employer.

More than one participant noted the amount of restrictions and rules that recruitment agencies are bound by. One informant strongly advocated for the self-regulation and professionalization of the recruitment industry asserting that a strong recruitment sector was the government's strongest ally in combating recruitment abuses. It was articulated that there is a need "to lift them up" in the recruitment sector and strengthen the recruitment sector institutionally. As both the worker and the employer are both clients of the recruitment company, if the worker fails to collect from the employer they are able to collect from the agency. Since the resolution of cases is a lengthy process in destination countries, the worker will often return home and collect from the agency rather than remaining in the country to collect from the employer. This participant highlighted that the recruitment sector has been gradually acquiring more duties and responsibilities over time while their power is being limited.

Due to limited communication for HSW, one HSW suggested that the counterpart recruitment agency in the destination country should have to personally check in on the HSW once every three months to ensure that everything is okay with both the worker and employer.

MENTAL PREPARATION

Additional Deployment Requirements

The focus group stressed the need for mental preparation. It was understood that none of them were adequately prepared for the isolation and homesickness that they encountered working as an HSW. It is the opinion of the researcher that this component be heavily prioritized.

One interview participant also highlighted the need to survey distressed HSW in destination countries in order to determine what regions, provinces, and barangays they come from in the Philippines. The reasons behind their distress should be determined along with the regional area. If there are certain geographical areas that HSW come from where the same types of problems are encountered, this data may be used to develop information campaigns along with other mechanisms and measures to address persistent issues.

8. Major Reoccurring Themes

A major theme that occurred throughout the majority of interviews was the responsibility of the HSW. Many informants emphasized the need for HSW to take responsibility over their role and their decision to work overseas. One example was given of an HSW who arrived in the KSA and returned to the Philippines the next day. Another participant suggested that the hero culture of OFWs has resulted in HSW becoming more conscious of their entitlements than their responsibilities. Challenges include motivating the HSW to take their job seriously and leave the country as prepared professionals. One solution may include the breakdown of specific job duties and the agreement to these by the HSW, as suggested by one of the participants.

9. Contending Factors

It is important to keep in mind that a major tension complicating all of this is 'time'. This is true for all parties involved: recruitment agencies, government, employers, and the HSW.

The employer wants the HSW as soon as possible. Through the focus group it was understood that it took one to four months to be deployed as an HSW. The majority of which were deployed around the three month mark. The HSW is supposed to undergo the PDOS, CPDEP, and NC II assessment during this time, as well as apply for passports and process papers. This tension is compacted by the acceptance of five HSW visas requests per week in the KSA (DFA, 2015). In all of this, the HSW wishes to leave the country as soon as possible in order to remit money home and provide for their family. This makes them susceptible to abuses by recruitment agencies as well as creates incentives for the HSW to go along with the recruitment company to circumvent requirements in order to leave the country more quickly.

10. Good Practices in Recruitment

Through interviews with two recruitment agencies who ran into minimal problems with HSW, the following were determined to be good practices in recruitment:

- meeting all applicants face to face
- verifying ages
- obtaining copies of the signed contract returned to counterpart agency, and the original copy of the contract brought by the HSW
- establishing a minimum period of time before contracts must be seen
- coming to an agreement with the employer on cell phones
- supplying pre-paid country specific sim cards to HSW

11. Follow-up Discussion

The research provided a platform for a fruitful discussion amongst participants and key informants that verified the research that was presented. The discussion was insightful and included participant experiences, observations, opinions, and recommendations. The discussion communicated the realities the HSW faces in both the Philippines and in the destination country. Points repeatedly emphasized included:

1. The need for an employers' version of a PEOS (pre-employment orientation seminar) in the destination country. Through this, employers will be made aware of their obligations as a employers, and standards and expectations can be set on how to treat their HSW.
2. To make PEOS a requirement for Filipinos looking to secure work overseas. Proof, as a certificate of attendance from PEOS, must be provided to recruitment agencies before applying for employment abroad.
3. For a mandatory PAOS (post-arrival orientation seminar) for OFWs upon arrival in their respective destination countries. The PAOS must be widespread and implemented effectively. This will require the support and cooperation of foreign recruitment agencies, i.e. to pick up OFWs upon arrival in the country, along with support and cooperation from the concerned ministries of destination countries.
4. That the training fee for TESDA accredited NC II courses be regulated.
5. The crucial role of the POLO in verifying individual contracts onsite should be strategically recognized. The POLO is the first point of contact with the employer in the destination country. This occurs even before the contract reaches POEA and processing begins.
6. That HSW undergo mandatory psychological testing before deployment. While this is well-intentioned it is not plausible due to the cost. Furthermore, OFW women encounter 'psychological instability' when they are already employed due to the harsh working and living conditions. Instead more mental preparation must be emphasized in pre-departure preparations.
7. More than one participant indicated that they would like more research to be done on this topic. POEA advocated for more country-specific information relating to other major destinations for HSW, for example, Singapore. This would help to determine similar and different problems that HSW encounter in various regions and countries.
8. TESDA suggested that a focus group for NC II holders be held to gain more insight into the NC II.
9. Several HSW shared their experiences preparing to go abroad and working in Middle Eastern countries. Experiences included: attendance at a PDOS in September 2014 that was supposed to be two days long but it was only two hours long in which the PDOS trainers told the class not to expect a contract, or expect to eat once they were at their place of

employment. Other HSW ran into several problems with recruitment agencies in the Philippines. Abuses ranged from the collection of placement fees, to applications with unlicensed agencies, to the provision of false documents by recruitment agencies, to filing cases against agencies that had their licenses cancelled before a case was resolved. More than one HSW had a contract that stated a different occupation than domestic work, yet upon arriving they were employed for domestic work. The majority of these HSW escaped their employers by running away to the FSP. The need for sensitivity at shelters for distressed MDWs was also stressed by participants.

12. Conclusion

The research demonstrated that the international convention, bilateral agreements, and national policies regarding HSW could be strengthened and more effectively implemented. A wide variety of exploitative practices and abuses continue to be committed against HSW. This is not a new phenomenon. As such, it is essential that the government, the private sector, migrants rights advocates, and HSW each play their part to strengthen the protections for HSW.

As noted from research participants and throughout the follow-up discussion there is a role for each sector in this. Through greater knowledge and preparation, HSW can enter their place of employment equipped for their role as HSW and responsible for their decisions and actions. Through more effective government programs prior to departure and after arrival, along with the implementing guidelines for bilaterals, and along with the utilization of good practices within recruitment, the exploitation and abuses of HSW can be reduced. Migrants rights advocates should continue to constructively engage with the government, private sector, and HSW in order to help reinforce programs, policies, and contribute to new thinking on how HSW protections can be stronger, as well as disseminate information to HSW and build on their own respective organizational strengths.

It is crucial that the government, the private sector, migrants rights advocates, and HSW combine efforts and work together to address the gaps in policy implementation in order to enhance the protection of HSW.

13. Recommendations

PEOS

1. Develop country and occupation specific PEOS that include comprehensive and objective information illustrating the realities, both positive and negative, of domestic work in that country
2. Make PEOS a mandatory step for prospective overseas workers that must be completed, with proof of completion, prior to applying with recruitment agencies
3. Develop a mandatory PEOS for prospective employers in destination countries to outline employment standards and the obligations of the employer, rights and responsibilities

PDOS & CPDEP

4. Combine the PDOS and the CPDEP to form a single program specific to both region and occupation which would cover relevant pre-departure information, cultural knowledge, language training, and stress management training, i.e. a program solely for an HSW bound for Kuwait

5. Review and amend curriculum for both programs to make it the most relevant and useful for HSW

NC II Training and Skills Assessment

6. Require a (10+) day region specific training for HSW prior to the NC II assessment, paid for by the employer at a regulated cost
7. Review program curriculum and update appliances used for assessment

PAOS

8. Develop a mandatory PAOS upon arrival in the destination country where OFWs are picked up by the recruitment agency in the destination country through combined efforts with the relevant host country government agencies

Feedback Mechanisms

9. Create incentives for HSW to act as feedback mechanisms for PEOS, PDOS & CPDEP, and NC II trainings, trainers, programs, and assessments

Contracts

10. Necessitate the breakdown of all fees paid by all parties (employer, counterpart recruitment agency, Philippine recruitment agency, HSW): to whom, by whom, and for what
11. Require detailed information of HSW working environment and the types of tasks that are expected to be performed and how often

HSW

12. Tap and mobilize former HSW to develop modules and materials, as well as to facilitate and run the PDOS, CPDEP, and NC II as facilitators and trainers
13. To be consistent with ILO CO189 and for clarity, please refer to HSWs as migrant domestic workers

Recruitment

14. Determine good practices in HSW recruitment: utilize agencies that encounter minimal abuses to develop a comprehensive list of good practices
15. Institutionalize good practices for HSW recruitment and deployment that are country specific
16. Mandate the check-in/monitoring of HSW by the destination country recruitment agency; face to face check-in every three months
17. Review POEA policies for Foreign Recruitment Agencies with a view to exacting shared responsibility and accountability as the Philippine Recruitment Agencies for the HSW

Bilateral Agreements & Further Research

18. Develop detailed implementation guidelines for bilateral agreements
19. Survey distressed HSW at FSP to determine
 - a.) the reasons and problems that lead to distress;
 - b.) the rate at which these problems are occurring and;
 - c.) the province and barangays of the HSW encountering problems
20. Develop information campaigns and/or welfare programs to address region/province/barangay-specific problems encountered by HSW (as determined from research above)
21. Collect program-specific data on the PEOS, PDOS, CPDEP, NC II programs to determine what additional program content is required

22. Collect country-specific data on HSW conditions
23. Utilize data collected to design country specific implementing guidelines of future bilateral agreements based on determined HSW needs

References

- Cacdac, H. (2015). Opening remarks to the HSW Assessment Review Verification of Findings organized by . Philippine Overseas Employment Administration [POEA].
- CMA. (2014). Impact assessment: Agreement on domestic worker recruitment between the ministry of labor of the kingdom of Saudi Arabia and the department of labor and employment of the republic of the Philippines.
- CMA. (2011). Survey research on the effectiveness of the household service workers (HSW) policy reform package. *Migrants Rights Policy Monitor*. Available from <https://centerformigrantadvocacy.files.wordpress.com/2012/06/household-service-workers-policy-reform-package.pdf>
- Department of Foreign Affairs, Office of the Undersecretary for Migrant Workers Affairs. (2013, Jan—June). Report to Congress: Semi-annual report of foreign service posts on assistance to nationals.
- Department of Labor and Employment. (2013). Statement of secretary rosalinda dimapilis on the signing of the agreement on domestic worker recruitment in kingdom of Saudi Arabia. Available from http://www.dole.gov.ph/ro_polo_updates/view/462
- DFA. (2015). Alleged delay in the processing of documents for filipino household service workers. *Embassy Advisories*. Available from <http://riyadhpe.dfa.gov.ph/index.php/site-administrator/press-releases/1309-pr-054-2015>
- Dinglasan, R. (2012, February 19). The required ‘pre-departure orientation seminar’. GMA News. Available from <http://www.gmanetwork.com/news/story/248571/pinoyabroad/ofw-guide-the-required-pre-departure-orientation-seminar>
- Estimo Jr., R. C. (2013, May 20). KSA, Philippines sign watershed labor pact. *Arab News*. Available from <http://www.arabnews.com/news/452155>
- International Labor Organization. (2011). CO 189: Convention for the better protection of domestic work. Available from http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189
- Philippine Overseas Employment Administration [POEA]. (2013). HSW Figures 2011-2013.
- SEC: Agreement on domestic worker recruitment between the ministry of labor of the kingdom of Saudi Arabia and the department of labor and employment of the republic of the Philippines. (2013, May 19). Available from <http://www.poea.gov.ph/docs/PH%20KSA%20MOA.pdf>.
- Sunstar Manila. (2014, August 14). Deployment ban on HSWs to Lebanon still in effect—POEA. Available from <http://archive.sunstar.com.ph/manila/local-news/2014/08/14/deployment-ban-hswn-lebanon-still-effect-poea-359668>