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# **An Assessment of the Policy Reforms for Household Service Workers (HSWs) in the Philippines**

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Advocacy (CMA)**

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## **Executive Summary**

This report presents the research findings of the Center for Migrant Advocacy (CMA) in an assessment of the series of policy reforms, conventions and bilateral agreements that concern Filipino domestic workers and were passed in the last eight years. These include: the 2007 HSW policy reforms, the ILO C189, 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 the policy reform package could benefit from being strengthened to better protect female 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 research emphasize that while the 2007 HSW policy reform package was developed with the intention of providing greater protection for HSWs through: technical skills training; cultural orientation and language training; stress management training; 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 outcomes of the policy package for HSWs. As such, HSWs often continue to remain vulnerable to abuse and exploitation. It was found that policy requirements were often not clear to one of the involved parties during one of the following phases of migration: pre-departure; in-transit; on-site; or reintegration, and even if they were these policies were often circumvented. Moreover, despite the Philippine's ratification of C189 and their commitment to a bilateral agreement with the KSA, domestic work continues to be excluded from labor laws in destination countries and subsequently lacks employment standards that are afforded to other workers.

This research recommends that the identified gaps are addressed by the relevant party i.e., HSW, government agency, recruitment agency, counterpart recruitment agency, civil society organization, or employer, in order to strengthen the implementation of the policy and corresponding programs, as well as establish mechanisms for monitoring and evaluation with the intent to strengthen the protections in place for HSWs.

## 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 Worker**  
**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**

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## 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 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 an 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 HSWs 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 HSWs remains an important endeavor.

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 for domestic workers as it does for other migrant workers. As such, it is common 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 and exit visas, as well as maltreatment, and 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 MDWs to leave exploitative or abusive situations, or even contact help, and attempts to do so render the individual more vulnerable. The sponsorship system in the GCC ties the domestic worker to their sponsor. The sponsor is also their employer. In this relationship, the domestic worker is dependent on the sponsor for their employment and residence visa, and subsequently their immigration status. Destinations with increased HSW deployments such as the UAE, Kuwait, Qatar, Malaysia, and Singapore were also reported to be destinations with higher numbers of unresolved welfare cases. This has reinforced the need to ensure HSWs are protected through all possible means and that the current policies be implemented to the fullest. (POEA, 2013)

In 2006, the war in Lebanon exposed the realities and vulnerabilities of domestic work. In response the Philippine government promulgated a series of HSW policy reforms through the POEA. These reforms were intended to protect HSWs from the abuses that were typically encountered. In addition to the policy reforms at the end of 2006, the Philippine government ratified the ILO C189 on the rights of domestic workers, 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 remains (Sunstar Manila, 2014).

Even though policy reforms, human rights instruments, and bilateral agreements have been established with the intent to provide better protection for HSWs and to minimize the abuses and vulnerabilities associated with domestic work, HSWs continue to remain vulnerable. This research intends to briefly assess the effectiveness of such policies, to understand the current weaknesses in the implementation of such policies, and to provide a starting point for further thinking and new ideas on how these policies and their implementation 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 Friedrich 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 HSWs. This was done through desk research and a brief literature review of the 2007 HSW policies, the ILO C189, and the 2013 bilateral agreement with the KSA. A lack of current data on problems encountered by HSWs limited this component, however interviews with key informants, along with 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 to begin to generate ideas and recommendations on how to make these policies more effective. This component utilized findings from eight interviews held with key informants within government, civil society, migrant's rights proponents and the private sector. A FGD was held with eight HSWs, all of who had previously worked in a GCC country for a period ranging from 3 months to over two years. 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 HSWs 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 personal constraints on time and scheduling conflicts. The amount of time available to the researcher was an additional limitation in the undertaking of this research. The restrictions on available time reduced the number of interviews that could be conducted and the amount of data that could be analyzed. Lastly, while an interpreter was used during the focus group, the inability of the researcher to speak and understand Tagalog limited the depth of information that could be gained from the FGD.

#### **5. Literature Review**

Following the Lebanon War in 2006 the POEA passed a series of policy reforms, referred to as the 2007 policy reform package, which aimed to provide more protections for HSWs. 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 HSWs through occupation specific knowledge and technical skills, as well as provide cultural, language, and mental preparation, along with protection from debt bondage through the no placement fee provision. Overall, the reforms intended to better prepare HSWs for employment abroad and prepare them for their new environment. As a result of such protections it was hoped that the abuses MDWs currently faced would be reduced.

In 2012, the Philippines ratified the ILO C189, the convention on decent work for domestic workers. The Philippines was the second country to ratify the convention and this provided 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 which asserts 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 to 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 C189. None of the top destination countries for Filipino HSWs in the GCC 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 C189 the convention has yet to be ratified (DOLE, 2013).

Most recently, and characterized as a historic first for the Philippines, was the signing of a bilateral agreement on HSWs between the KSA and the Philippines in May 2013. The agreement provides a standard employment contract for HSW and benefits package in an effort to guarantee better protections for Filipino migrants employed as HSWs 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; Philippines-KSA Bilateral Agreement, 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 HSWs, specifically in terms of non-payment, underpayment, late payment of wages, 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. As per most bilateral agreements, the agreement may 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 HSWs. 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. Furthermore, the POEA is in the process of developing a PEOS specifically for HSWs and continues to form and strengthen partnerships with LGUs and grassroots organizations (POEA, 2015).

## **6.0 Key Findings**

In a brief assessment of the current situation for HSWs findings from the FGD and interviews that provided insight into the situation of HSWs 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, and worker/employer/recruiter relationships. Finally, a major reoccurring theme, considerations, and good practices within the recruitment sector will be discussed. This research paper concludes with recommendations from both a follow-up discussion and the research.

### **6.1 Documentation (Passports and Visas)**

In the focus group it was found that out of the eight HSWs, seven of who had been working Saudi Arabia, seven had had their passports withheld from them by their employer or recruitment agency. In six of the seven cases, the employer had confiscated the passport. In the last case a recruitment company seized the passport. Six of these seizures occurred immediately, before even leaving the airport.

Many HSWs who are exploited or abused by their employers run away to escape their situation. While employers are not permitted to hold onto their domestic worker's passport, this is often done. As such, HSWs that escape must do so without their passport. HSWs are repatriated with special papers and must apply for a new passport upon return to the Philippines.

HSWs who were repatriated without their passports were most frustrated by the process and the length of the process required to receive a new passport from the DFA. Several HSWs indicated that immigration and DFA were not consistent in the information they provided in terms of requirements. The DFA office is located in Cavite and often HSWs had to make the trip more than once because it was not clear what documents were needed the first time. Transportation to Cavite placed a financial strain on HSWs, at a minimum cost of two hundred pesos per trip.

### **6.2 Age Requirement**

HSWs under the age of twenty-three have been encountered by both private stakeholders and government officials at overseas posts. Females who were younger than eighteen have applied for overseas domestic work at recruitment agencies in the Philippines. 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, 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 were not able to apply at other agencies.

### **6.3 Contracts**

Two focus group members did not see their contracts until they were at the airport. One of these workers had applied and allegedly been hired as a HSW, yet at the airport she discovered her contract and employment visa were for the position of a hospital bed attendant. Even so, upon arriving in the country she was employed as a HSW. More than

one informant noted that due to the limited number of visas processed for HSWs each week, many individuals would be hired as service workers but upon arrival they would be employed as HSWs. This often coincided with a monthly wage less than the \$400 entry-level salary.

#### **6.4 Communication**

Almost all focus group members faced restrictions on communication. Six of the eight women were not allowed to keep their cell phones. Some HSWs had employers that would allow them to text their family once a month. While one of the participants was allowed to text her family from her employer's phone, the employer would be the one to enter the phone number and send the text message. As such, this HSW could not be sure her family received the message. Another informant that worked in Abu Dhabi for over two years was not allowed to make contact with her family during her entire period of employment.

#### **6.5 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 female reporting a rest period of one to two hours per night.

#### **6.6 \$400 USD Entry-Level Salary**

Less than half of the HSWs in the FGD reported receiving their stated salary of \$400 USD. One interview participant contended that eighty percent of complaints and cases filed in the KSA involve the non-payment, underpayment or late payment of wages.

#### **6.7 PDOS**

The purpose of the PDOS, the Pre-Departure Orientation Seminar, 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 do not's. A 2012 news article described the PDOS as a program that intended to empower migrant workers by providing them with necessary information and the capacity to access necessary information before encountering a situation where it is required (Dinglasan, February 2012). The PDOS is a requirement for all migrant workers departing the Philippines. It is taken approximately two weeks before departure for employment overseas.

##### **6.7.1 Issues within the PDOS.**

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

More than one participant highlighted that while the PDOS is supposed to be an entire day of training it is often “beefed up” with additional information. Private actors, such as remittance companies often make up part of the training. It was suggested that the number of training hours are often reduced and that the PDOS curriculum only consists of half the day.

Another issue pertained to the trainers conducting the sessions. Multiple informants drew attention to the lack of skills PDOS trainers had when communicating curriculum to beneficiaries. An example of this was during one PDOS training session the trainer gave the participants country specific SIM cards for cellular phones but failed to explain how to use them. In situations such as this the distribution of a country-specific SIM card prior to deployment may be ineffective and participants may not know how to use it without the proper instruction. More than one focus group informant noted that the trainer lacked interest in the information that was being communicated.

The number of PDOS sessions and trainers for the sessions are limited. The number of trainers available to conduct sessions impacted the number of sessions that could be offered for departing HSWs. Moreover, while the researcher was not able to interview OWWA it was understood that OWWA had stopped training trainers. Additionally, while more trainers could benefit HSWs waiting to go abroad as more training sessions could be offered this also has the potential to negatively impact the quality of PDOS trainers. As already mentioned, issues regarding the quality of the trainers was raised. It was also suggested that the government was limited in their capacity to monitor and evaluate the PDOS sessions and the trainers.

The information in the PDOS was suggested to be 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 country of destination there are external events that are simultaneously occurring in the HSW’s personal life. Documents are being processed, last minute preparations are being made, and families are being prioritized. All of these factors limit the attention paid to in the PDOS. Additionally, the PDOS occurs at a point when the contract of the HSW has already been processed and a job has already been secured. As such, attention to the PDOS may be limited and the content may not be taken as seriously.

### **6.7.2 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. It is crucial that the PDOS curriculum be reviewed and PDOS trainings are more comprehensive in requirements. The PDOS should be country specific for HSWs and these orientations should be partially facilitated by a previous HSW who has significant work experience in

that particular country. In theory, a HSW that was going to Saudi Arabia would attend a country specific PDOS session only for HSWs bound for Saudi Arabia. It was suggested that this be done in combination with videos that accurately depict the reality of the destination country and the culture of the destination country in order to enhance the effectiveness of the PDOS training. As the HSW is still engaged with family, is actively preparing to go abroad, and is continuing to fill out documents, it is essential that the PDOS be more strict due to the distractions and preparations that are simultaneously occurring in the worker's personal life.

In an effort to enhance the effectiveness of the sessions, one participant suggested that the PDOS should occur at the PEOS stage. As such, the information that is currently presented in the PDOS would be presented in the PEOS before the worker committed time and resources to guarantee employment. Information prior to securing employment should include: what to expect as a HSW, the real issues that arise as an HSW, how the HSW could adapt to their new situation, and the impact this experience may have on the HSW.

Trainers must be regularly monitored and evaluated to ensure competence and effectiveness in trainings. The number of trainers should be reviewed and adjusted to meet the demand for the PDOS. In addition, a feedback mechanism for the PDOS is necessary. It was suggested that the most effective way to do this would be to create incentives for PDOS beneficiaries, in this case HSWs, to provide feedback on the content, on the trainer, and on the overall effectiveness of the program. One informant noted that the demands of the PDOS on the government, "If it is just the government, they can barely cope with the demand for the PDOS." It was highlighted that the government currently does not have the means to monitor and evaluate the PDOS program. As such, the beneficiary of the PDOS would be the most effective and reliable form of feedback, and no additional strain would be placed on the government. Even so, hurdles exist to this. The HSW already has an incentive to move as quickly through the process as quickly as possible. For them, time is a valuable commodity and many HSWs would like to begin working as soon as possible in order to provide financial support for their family. Moreover, since the HSW is the program beneficiary there is no current incentive to act as a feedback mechanism. Incentives must be created for HSWs to provide information regarding the depth of the information imparted on them, the quality of the training, and the overall effectiveness of the session.

## **6.8 CPDEP**

The purpose of the CPDEP is to provide HSWs with cultural and language training, along with stress management training. This is in preparation for the culture and language in the destination country. The stress management training would teach HSWs ways to manage and cope with stress originating from their new cultural and work environments. The CPDEP is provided free to HSWs as a part of the 2007 policy reform package. The training ranged from three to six days depending on the recruitment agency and service provider (OWWA, 2015).

### **6.8.1 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 that difficulties and misunderstandings often arise for HSWs due to differences in culture. This seems to be the most common in GCC countries. For example, in order to be heard throughout large households, employers will often shout or speak in a raised voice. To Filipinos this may be perceived as reprimanding or aggressive when this is a typical way of communication in Middle Eastern households. The perception of a raised voice as reprimanding represents only one of the large cultural differences that HSWs encounter in their country of work. Another participant identified that many problems that arise between the employer and worker due to challenges with language and communication.

Lastly, one participant asserted that while the trainers may know the culture and the language of the destination country it does not mean that they are effective as teachers. Topic knowledge does not equate effective transmission of knowledge. Teachers require certain skill sets in order for their students to be successful as learners. Moreover, the beneficiaries of the CPDEP have varying levels of education and may have different learning styles or require additional help in certain areas. As such, it is important that trainers be committed, flexible, patient, and understanding. This informant suggested that the CPDEP trainers either acquire additional skill sets or be required to have certain skill sets in order to teach the classes.

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

### **6.8.2 Closing Gaps in the CPDEP, Participant Recommendations**

For GCC countries, it was suggested that more emphasis be placed on basic Arabic language lessons in addition to the provision of basic English lessons. While it was noted that most employers have limited English language abilities, English may be a helpful alternative when communication in another language, such as Arabic, is not effective. More so, several informants emphasized that rather than solely focusing on the culture more attention should be paid to cultural differences, as this was a source of problems for MDWs.

Several participants highlighted the need for a previous HSW to either run or be a part of the CPDEP training. In order for this to enhance the effectiveness of the training the previous HSW should have had substantial experience living and working in region that was CPDEP training was targeting. This would be essential to explaining the actual cultural and work experience in a destination country, and what to expect within a household in a particular region, as well as stresses that may be encountered.

## **6.9 NC II Skills Training and Assessment**

The purpose of the NC II is to institutionalize HSW skills and to prepare HSWs for the type of work they will perform abroad. The NC II skills assessment is a requirement for HSWs as a part of the 2007 policy reforms. The NC II assessment assesses HSWs based on different sets of competencies. It is not obligatory for HSW to enroll in the training for the NC II. Only the skills assessment is required as part of the policy reform package. The assessment may be taken at any time and upon passing the assessment, a certificate is issued that is valid for five years. The cost of the skills assessment is 100 pesos (TESDA, n.d.).

### **6.9.1 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 depth, quality, and effectiveness of the training.

Research informants suggested that because the cost is not currently regulated for the NC II trainings, some recruitment companies circumvent the no placement fee policy through an increased cost of the NC II skills training and assessment fees.

The NC II training or skills assessment is not country or region specific. One individual pointed out that the skills required for a HSW might significantly vary from one region to another. Even so, HSWs who have experience in any region may submit a portfolio of their work such as previous contracts and other documents that would then be assessed. Those who had their portfolio approved did not need to undergo the NC II assessment. As such, while a HSW may have former experience in one region and has the ability to submit a portfolio assessment this does not mean that they will have the necessary skills to work in another region. The required skills of a HSW will vary based on the region of work. For example, having experience in Hong Kong does not mean that all skills will be transferable to a Middle Eastern context. Duties within the household often vary depending on the regional context.

Moreover, the quality of training in the NC II skills training was questioned. Some recruitment companies provided training for departing HSWs so they did not have to pay for the training themselves. While these were not TESDA certified training centers the informants believed that they could provide better training and preparation than an accredited course. Another participant noted that the training in the NC II consisted 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 in domestic work and limited knowledge and experience with basic household appliances. Even those with knowledge of appliances may not be accustomed to the types of appliances encountered in the homes of well-off employers in regions such as the Middle East.

Many of the interview participants inquired about various components of the NC II assessment. The difficulty of the test was questioned and it was asserted that passing the

assessment did not equal proficiency or adequate knowledge of subject matter. Many HSWs are coached by their recruitment agency to only memorize what is required to pass and gain NC II accreditation. One of the eight participants in the FGD reported to have failed a portion of the NC II skills assessment but was passed after a second attempt. Even so, it appears that there is no limitation on the number of times a HSW may take the assessment as long as they pay per assessment. This cost of the assessor fee is 100 pesos (TESDA, n.d.). FGD participants did not understand why the NC II certification expired after five years even if they had worked as a HSW for the five years after receiving certification.

Three focus group members did not take an 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 another 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 an NC II training course ranged from two hundred sixteen hours to nine hundred sixty hours (TESDA, 2015).

### **6.9.3 Closing the gaps in the NC II, Participant Recommendations**

One participant emphasized the importance of the NC II based on her own personal experience as a HSW. It was highlighted that well-trained workers may be better protected from abuses by their employer. 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 HSWs; an example of this would be knowledge of fabrics and detergents. For example, some HSWs going to the GCC region may be required to clean Persian rugs. These types of topics are not covered in the skills training yet upon arriving in their new work environment, HSWs will be expected to familiar with this type of knowledge. One informant stated, “even from the best, the brightest, they still need it, familiarization with systems.”

A strengthening of the NC II is recommended regarding the diversity of skills, along with a stricter skills assessment. HSW should be required to undergo additional training based on the region they are being deployed to and the NC II assessment should be designed based on the region of work. The assessment itself must 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 training. Previous domestic workers are needed to help develop course content, as well as facilitate training. It is crucial that the skills training and assessment be strengthened to ensure that HSW are properly qualified for their work abroad. Moreover, the expiration of the NC II certification after five years should be reexamined. While TESDA indicated that the reasoning behind the five-year expiration was to ensure familiarization with modern appliances, yet if the trainings and assessments do not these types of appliances then the

certification should not expire if a HSW has been continuously employed as a HSW. Lastly, like the PDOS, monitoring and evaluation should also be strengthened. Using the beneficiary as a feedback mechanism 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. The employer should shoulder this cost along with housing, transportation, and food costs 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 such 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 were that 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 HSW of any nationality.

Access to justice remains to be a large challenge for migrant workers in destination countries. An adjudication system for foreign workers that is effective must be developed and implemented. Currently, the settlement process takes months while the worker is forced to stay in the country of destination without their personal networks of social support. The development of a special facility to resolve disputes as fast as possible so the migrant worker may return home is needed. 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. Currently, there is no document that the Madam of the house has to sign and she may not even be aware that there are responsibilities on her side that must be upheld. This document would educate the Madam on her responsibilities and bind her to such.

### **7.3 PAOS**

The Philippine government has implemented the post-arrival orientation seminar (PAOS) in some countries of destination. It is not a requirement for all destination countries at this time.

The PAOS was discussed quite thoroughly and several informants strongly advocated for the implementation of the PAOS. The PAOS would occur upon arrival in the destination country, ideally within the first week of arrival. The HSW would already be present in the country and have no other distractions at the time; as such it was believed that the PAOS could fill the gaps of the PDOS regarding rights and responsibilities. It was mentioned earlier that during the PDOS HSWs had simultaneous distractions occurring alongside their requirements. It was noted that if the PAOS were implemented with the help of the host government and employer then it would be the most effective. Employer and government cooperation would be key because the employer picks up the HSW from the airport. In an ideal PAOS, both the worker and employer would be present to have their respective rights and responsibilities reiterated. An additional benefit of the PAOS is that the worker would know where the Post was located. A concern related to this included challenges in securing the cooperation and trust of the employer.

Another participant asserted that the institutionalization of the PAOS was a sign that the PEOS and PDOS has failed their objectives. Even so, protection was noted to be the primary concern, and the implementation of PAOS was advocated for if it would result in an increased level of protection and increased knowledge of rights and responsibilities.

### **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 that has been 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. One HSW noted that food at the POLO was limited.

The focus group brought up a number of issues they had upon return to the Philippines: HSWs 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 HSWs qualified for the livelihood assistance program, some choose not to avail of it due to the documents required by OWWA. One participant who chose 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 Worker/Employer/Recruiter Relationships**

In an effort to balance the power in the employer-employee relationship 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 of children, along with their ages and character traits. It was noted by both the focus group and by other participants that family details provided on contracts were sometimes false. As such, specific information regarding the family and contract work is essential to balancing the power in the employer-employee relationship. Duties should be listed, along with the specifics of each duty. For example, if the HSW is expected to wash the car, then the number of cars must be included; or if they are expected to garden, the number of hours they are expected to garden each day must be provided. Additionally, detailed information on the rest day, working hours, and sleeping quarters must be provided. Through this the HSW is able to employ agency when choosing to agree to the terms of the contract. Moreover, with details such as these the HSW has a more thorough understanding of employer expectations and their own responsibilities. Another important element to this would be the inclusion of a list of all fees paid by the employer and the recruitment agency in both the country of origin and country of destination. All fees that were paid should be listed, along with the cost of each. For example, 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 would be included. Everything should be listed from the cost of passport photos to the cost of flights. 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 individual strongly advocated for the self-regulation and professionalization of the recruitment industry and asserted 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 constraints on communication for HSWs, 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 physically ensure that everything is okay with both the worker and employer.

## **7.6 Additional Deployment Requirements and Suggestions**

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 a HSW. It is the opinion of the researcher that this component be heavily prioritized.

There is a need to survey distressed HSWs in destination countries and identify the regions, provinces, and barangays they have come from. As such, if HSWs have come from similar geographic areas and encountered the same types of problems then the appropriate mechanisms and measures should be devised to address persistent issues.

## **8. A Cross-cutting Theme**

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 a 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 HSWs becoming more conscious of their entitlements rather than their responsibilities. One challenge that was identified by informants was the need to motivate HSWs to take their job seriously and leave the country as prepared professionals. One possible solution to this may include the breakdown of specific job duties and the agreement to these by the HSW.

## **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 HSWs.

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 a 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 that ran into minimal problems with HSWs, 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 HSWs

## 11. Follow-up Discussion

The research provided a platform for a fruitful discussion with participants that verified the research that was presented. The discussion was insightful and included participant experiences, observations, opinions, and recommendations. The discussion communicated the realities that HSWs face in both the Philippines and in countries of destination. Points repeatedly emphasized included:

1. The need for there to be 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 an employer, 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. The support and cooperation of foreign recruitment agencies is required, 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 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 be help to

determine similar and different problems that HSW encounter in various regions and countries. While TESDA suggested that a focus group for NC II holders be held to gain more insight into the NC II.

8. 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. Participants also stressed the need for sensitivity at shelters for distressed MDWs.

## **12. Conclusion**

The research demonstrated that bilateral agreements, and national policies regarding HSWs 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, migrant's rights advocates, and HSWs each play their part to strengthen the protections for HSWs.

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 HSWs can enter their place of employment equipped for their role as a HSW and as responsible individuals for their decisions and actions. Through more effective government programs prior to departure and after arrival, along with the implementing guidelines for bilateral agreements, 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, migrant's 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, including the female of the house
4. Reinforce the need to see, review, and understand their contract prior to departure, and to keep a copy of it

#### **PDOS & CPDEP**

1. 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
2. Review and amend curriculum for both programs to make it the most relevant, up-to-date and useful for HSW
3. Include a section on Information and Communication Technology (ICT) to ensure that HSWs departing know how to access information and make use of the technology available to them
4. Reinforce the right to freedom of association along with the right to keep cellular phones and personal documentation

#### **NC II Training and Skills Assessment**

1. Require a (10+) day region-specific training for HSW prior to the NC II assessment, paid for by the employer at a regulated cost
2. Review program curriculum to make it regionally relevant and update appliances used for training and assessment

#### **PAOS**

1. 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
2. If possible, have employers, both male and female, attend this alongside the worker

#### **Feedback Mechanisms**

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

#### **Contracts**

1. 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
2. Require detailed information of HSW working environment and the types of tasks that are expected to be performed and how often

### **HSWs**

1. Utilize previous HSWs to develop modules and materials, as well as to facilitate and run the PDOS, CPDEP, and NC II as facilitators and trainers

### **Recruitment**

1. Determine good practices in HSW recruitment: utilize agencies that encounter minimal abuses to develop a comprehensive list of good practices
2. Institutionalize good practices for HSW recruitment and deployment that are country specific
3. Mandate the check-in/monitoring of HSW by the destination country recruitment agency; face to face check-in every three months

### **Bilateral Agreements & Further Research**

1. Develop detailed implementation guidelines for bilateral agreements
2. 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
1. Develop information campaigns and/or welfare programs to address region, province, and barangay-specific problems encountered by HSW
2. Collect program-specific data on the PEOS, PDOS, CPDEP, NC II programs to determine what additional program content is required
3. Collect country-specific data on HSW conditions
4. Utilize data collected to design country specific implementing guidelines of future bilateral agreements based on determined HSW needs

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