



CENTER FOR MIGRANT ADVOCACY

# Through the Years

Trends in Filipino Migrant Domestic Workers'  
Complaints from 2016-2018 through the Center  
for Migrant Advocacy

WITH SUPPORT FROM:



International

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## **Through the Years: Trends in Filipino Migrant Domestic Workers' Complaints from 2016-2018 through the Center for Migrant Advocacy**

### I.

#### A. Introduction

##### **History of Filipino Labor Migration**

The story of labor migration in the Philippines dates to 1790 when the City of Manila opened its doors to world trade (Santos, 2014). Since then, men and women left for opportunities to enrich their lives, which became a crucial aspect of the socio-economic landscape of the Philippines nowadays. Known as “Manila Men,” the first wave of Filipino settlers established their new homes in Louisiana, U.S., while some, led by Antonio Rodriguez, even travelled to Mexico to settle in Alta California (Filipino Immigration to America Timeline, 2014). In subsequent waves, large scale of systemic migrations to Hawaii occurred (CMA, n.d.), while the lack of labor force during post-WWII era also pulled more Filipino immigrants to seek jobs transnationally. As aforementioned above, the Philippines continue to rely on remittances sent from its Overseas Filipino Workers (OFW) that can trace its roots back to not only the historic remnants, but also to political and economic instabilities that were caused by a handful of domestic affairs.

Starting in the late 20th century, a series of legal implementations guided the current status of Filipino workers. The Labor Code of the Philippines (Presidential Decree no. 442; 1972) established core tenants of labor rights ranging from employment of minors to workers' rights to rest. Its role was to create a model mechanism for both employers and the employees via democratic means which the law partially accomplished by the creation of the National Labor Relations Commission (Title II, Art. 213).

In 1995, Flor Contemplacion, a Filipino migrant domestic worker in Singapore was sentenced to death for allegedly killing the child she was caring for. Her case sparked national interest and soon, the Philippine government took crucial steps to make no more Filipinos would end up in Flor's situation. Hence, the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act no. 8042) was legislated. The law states that, because the goal of overseas employment for Filipino(a) workers is not for long-term national growth, deployment of skilled workers to countries with labor protection provisions is encouraged. Subsequently, provisions for better protection of OFWs were enacted through RA 8042 and through its amendment, RA 10022. Policies such as mandatory insurance coverage as well as stricter criteria to discourage illegal recruitment were implemented with the amendment in 2010. Lastly, PESO Act (Republic Act no. 8759) of 1999 established Public Employment Service Office in order to create a hub of service delivery and information dispersion. The PESO act was also later amended with Republic Act 10692 which defined different roles of Local Government Units (LGUs) and NGOs in aiding the operation of job placement offices.

At present, the Philippine Statistics Authority (PSA) estimates a total of 2.3 million OFWs working abroad from April to September 2018. 55.8% of this number are women and who mostly are employed in elementary occupations (PSA, 2018).

### **Feminization of migration**

While Filipino labour migration started out with Filipino male workers, the changing terrain of the global market has paved way for independent migration of Filipino women. Currently, migration of Overseas Filipino Workers (OFWs) is dominated by females. Known as the Global Care Chain (Hochschild, 2000), the continuous relegation of domestic chores to other women is culminated into the feminization of migration. As if domestic duty is an heirloom passed on from one to another, women in the developed world hire migrant women from a Less Developed Country (LDC), and the void left by the migrant women from LDCs is subsequently filled by their female family members (Labadie-Jackson, 2008; Young, 2001). Therefore, feminization of migration does not only refer to the female-dominant landscape of labour export in the case of the Philippines, but a front-to-back prevalence of female presence within the global conversation on migration.

However, the effect of migration on female domestic workers cannot simply be categorized as empowering or disempowering. The act of reclaiming one's own agency via financial resources and through self-centered decision-making certainly is empowering (Friere, 1974), yet the migration itself disempowers women by placing them at vulnerable circumstances even before reaching the host nation. Simply put, the cost and benefit analysis of female migration starts with the empowerment that relieves them of deficit in opportunities back home, but ends with disempowerment that reside in individual stories. One may argue that the benefits of migration outweigh its pertinent costs; however, as personal experiences and stories should not be numerically valued, the feminization of migration should be explored with a human-centered lens rather than singularly through a statistical framework.

To further complicate the issue, the perspectives of women in the labour market from the host nations should be in consideration. As aforementioned above, the OFWs are spread throughout several countries all with different cultural nuances and societal perspectives on women in the workforce. The experience of a female domestic worker in Saudi Arabia is different than that of a worker in Singapore, and vastly different than that of a worker in the U.K. Although the roots of feminization of migration may be similar for workers across nations, the actualization of such phenomenon takes a different form by how different societies react and interpret the mass migration of female domestic workers into their countries (Young, 2001, p. 8).

### **CMA's Assumed Role**

In 2002, the Center for Migrant Advocacy (CMA), a non-government organization, was established by its founders as a response to the phenomenon of labor migration in the Philippines and Asia that "has significant presence of private recruitment agencies and where the outstanding issues that haunt the migrants are debt bondage, abusive and exploitative working and living conditions, unequal treatment, and discrimination on various grounds." CMA saw that it was largely a phenomenon that "puts disproportionately the burden of promotion, protection and fulfillment of their human and labor rights on the country of origin and very little on the countries of destination even if migration takes place largely in a regular way and where there is a clear demand for various types of workers from the countries of destination." (CMA, 2019) Coming from such a perspective, CMA established a direct assistance program for distressed

OFWs and their families. Through the direct assistance program, distressed OFWs or their families may reach out to CMA through email, social media, SMS messages or face-to-face consultations. They then would be assisted through case facilitation and consultation. Cases of OFWs that are brought to CMA's attention are consistently monitored. Now, 17 years' worth of records of cases are available for analyses and evaluations to shed light on the trajectory of OFWs' situations both abroad and back at home. Recognizing that Filipino women migrant workers employed in the care economy comprises a chunk of OFW deployment, CMA centers the issues of migrant domestic workers. Domestic work remains to be precarious work due to its non-recognition as work, global undervaluation of reproductive work, and several other factors such as gender and class.

## B. Statement of the Problem

The Philippines is recognized as a model country for regulating labor migration. Several policies, programs and services has been set out by the Philippine government to ensure that Filipinos migrate through safe and regular channels such as Republic Act 8042, also known as the *Magna Carta for Migrant Workers and Overseas Filipinos* as amended by Republic Act 10022. For the Filipino migrant domestic workers, the Household Service Workers Policy Reform Package (2007) was instituted primarily to mitigate the vulnerabilities of women engaging in the global care economy. Government agencies--Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), Department of Foreign Affairs Office of the Undersecretary for Overseas Workers Affairs (DFA-OUMWA)--have also been institutionalized to provide several programs and deliver services to OFWs. Apart from local policy interventions, the Philippines has also been actively engaging in the international sphere in advocating for migrant workers rights and welfare.

However, despite outstanding efforts of the Philippine government to make labor migration safer for Filipino migrant domestic workers, complaints of human rights abuses still persist. Hence, this study shall look at documented reports of migrant domestic workers made to CMA. Furthermore, the study seeks to answer the following questions:

1. What are the types of abuse Filipino MDWs face in the top destination countries from 2016-2018?
  - Is there an increase or decrease in complaints/reports by MDWs to CMA?
  - Why is there an increase/decrease in complaints/reports by MDWs to CMA?
2. What analysis may be inferred from the trends of reports to CMA?
  - Are there similarities with government received reports?
  - Are there any changes in the top destination countries' legal provisions?

## C. Objectives of the Study

The study aims to achieve the following objectives:

1. To identify the types of human rights violations experienced by Filipino(a) migrant domestic workers from 2016-2018;

2. To analyze trends in the human rights violations reports by Filipino(a) domestic workers to CMA;
3. To provide recommendations to the Philippine government as well as CSOs on how to move forward

#### D. Scope and Limitations

The study will primarily analyze complaints received by CMA involving migrant domestic workers. The reports may be submitted to CMA by the migrant domestic worker herself, her family or from partner organizations such as Patnubay. The study shall also refer to complaints filed by migrant domestic workers at POEA to supplement analysis and to compare the difference of the two datasets.

Due to the limitations of time and resources, the study shall only look at three years' worth of data from CMA and from POEA. The study shall only look at complaints received from 2016-2018. This is also to provide a more current analysis of the situation of our migrant domestic workers abroad. Furthermore, the study shall take a look on the information from the Top 5 destination countries for Filipino migrant domestic workers. The relevance of doing so is to take a closer look at differences in contexts and to recommend country specific policy reforms for government to take on.

This study is part of a three-year project by CMA entitled, *Strengthening Capacities for Migrant Domestic Workers and their Families*. The project is funded by a German foundation, AWO International.

#### E. Review of Related Literature

##### *Vulnerabilities of MDWs*

Migrant Domestic Workers (MDWs) are frequently exposed to vulnerabilities during their time away from their home country. These vulnerabilities are then materialized into many kinds of abuses they experience in their work environment. Strong push- and pull-factors such as insufficient economic opportunities or lack of institutional support drive these workers overseas, while vulnerabilities in foreign circumstances simply become occupational hazards. Also, abuse cases of MDWs are frequently underreported to the appropriate institutions for circumstantial reasons, and thus, pertinent solution mechanisms are difficult to be formulated. Through the literature review, the present study attempts to understand the trends in Filipino labor migration through a more client-centered lens.

##### *Location of the Work*

The initial question of why do MDWs face vulnerabilities can be divided in to three sub-questions: 1) where they are working, 2) what the work entails, and 3) who they are. First, the location of domestic work contributes to how MDWs are placed in a position of vulnerability. With regards to job design, the workers' autonomy must be guaranteed in order to heighten internal motivation of the work (Hackman & Oldham, 1976; pg. 258). However, the fact that MDWs workplace is also their place of residence draws a murky line for both the employer and the employee. In the situation of many MDWs, the employer cannot easily demarcate between professional worker-employer behavior and staying comfortable at one's home environment.

Moreover, it is not just one employer, but it is the entire family that the worker-employer relationship should be applied. The behavior of one family member working with an MDW trickles down to the rest of the family members as the sense of strong kinship is juxtaposed to a foreigner working at one's home (Pan & Yang, 2012; pg. 92). An MDW doesn't just work for a singular employer, but the entire family of that employer, whom all reside in the same household. On the end of the employee, there is no guarantee of secure and safe space for unwinding, while lack of control over working conditions coincides with the lack of accessible channels for grievances (Pan & Yang, 2012; pg. 90). One of the key aspects that make a complaint mechanism more accessible for workers is a guarantee of safety after the grievance is reported. MDWs, on the other hand, have to return to their workplace to live, even after an appropriate grievance channel was utilized. In the case of MDWs, "the home is no longer a peaceful place but becomes a site for oppression for women." (Pan & Yang, 2012, pg. 91). Furthermore, the work environment, that is someone else's home, isolates MDWs from each other to establish the sense of camaraderie. To an extent, an MDW only exists within the home environment, and that quickly becomes the only world (Pande, 2012; pg. 390). In this miniscule world, communication means are minimal—whether through lack of accessible technical tools, or through the employer's intention—and developing an agency to advocate for better rights takes more than just time and effort (Pande, 2012; pg. 389). Lastly, female-dominant landscape of domestic work itself adds onto the vulnerability of working in someone else's home. Given the list of countries that admit the most MDWs, the female workers' rights are not well protected to begin with, guarantee of safety of female migrant workers is also farfetched. Having a home as a work environment, in that sense, only worsens the male-female hierarchal nature that many countries culturally still abide by.

### *Content of the Work*

Secondly, the complex nature of domestic work with regards to its physicality and its emotional toll and the degrading perspective of the work continues to undervalue the worker as well. The work that MDWs engage in are undervalued and deemed to be unsuitable to be professionalized (Browne & Misra, 2003); this very fact is a vulnerability that renders MDWs to be more at risk for abuse. Although the duties of a domestic worker require a series of tactful skills, since at home duties are often undervalued and taken as granted (Bosmans et al., 2016), the worker who also engages in the task is also undervalued. It is important to understand that, for an MDW, the labor they engage with is not only a physical one, but also an emotional one. As Hochschild (1983) defines emotional labor as the efforts of a worker who has to align their emotional presentation to the managerial requirement, MDWs, while going through a physically burdensome labor, also have to regulate their emotions. Such complex demands of the work often are overlooked. Additionally, female employers may find the works of MDWs to be challenging their motherhood at home. Tan and Yang (2012, pg. 91) attest that "Taiwanese women employers redefine their domestic roles as household managers, but struggle with the deep anxieties associated with their womanhood and motherhood." The roles and duties of household work can be redefined, but the power and privilege of the work, surely, are not redistributed. Under the logic that at the center of domestic work is kinship and marital relations, MDWs have to live with an oxymoron that they will always be strangers who provide 24-hour care and endless household chores to the family.

### *Characteristics of the Worker*

Lastly, the characteristics of workers presented to the host nation is a vulnerability that should not be ignored. Stereotypes as foreigners with limited language ability misplaces MDWs to seem undereducated even though many are properly trained and even certified by the relevant institutions (Bosmans, et al., 2016). Overwhelming presence of xenophobia in recent political uprising of far-right fascists and the issue of documentation status adds on to the reactions of the public to be wary of foreign influx. Interestingly, Loveband (2004) reported that discrimination within the MDW population also affects the ability for MDWs to support each other. Often, we lump all MDWs as one category, but they come from a myriad of countries, let alone different cultural background within one country of origin. Reports of Indonesian domestic workers thinking their Filipino counterparts are arrogant because of their higher levels of education (Loveband, 2004, pg. 340) or Filipina MDWs enhancing “their social status by drawing a hierarchal distinction between themselves and their Indonesian counterparts” (Lan, 2000; pg. 55) are few of the examples that further exacerbates the vulnerabilities of MDWs as a whole. The author, however, continues to argue that although Filipina MDWs are relatively more educated and have more institutional support than Indonesian MDWs, “[Filipina MDWs] are subjected to abuses and mistreatments just as Indonesians are.” (Loveband, 2004; pg. 344).

Aforementioned vulnerabilities exist within the context that each MDW is placed in. Without relentless protective factors, however, exposure to such risk factors drive MDWs to be susceptible to abuse in their work place.

#### *Abuses of MDWs*

The types of abuse that migrant domestic workers face on a daily basis can be categorized into physical, psychological, sexual and emotional cases. However, an MDW may experience abuse that occur simultaneously over the course of her employment. Examples of abuse range from physical beatings to verbal insults overly criticizing one’s work performance. Additionally, humiliation such as shaving a domestic worker’s head and food deprivation all are actual examples of physical abuse an MDW may experience. Hangzo, Dumienksi and Cook (2011) categorizes various abuses that an MDW could experience into three classifications: 1) exploitative employment terms, 2) poor working and living conditions, and 3) physical, psychological and sexual abuse.

#### *Exploitative Employment Terms*

The most common abuse that MDWs encounter is an economic one. It is somewhat ironic yet inevitable that individuals who sought for better economic livelihoods face economic abuse in countries of destinations. Exploitative economic terms include under- and non-payment of wages as well as trafficking MDWs to other industries, or elsewhere (Hangzo, Dumienksi and Cook, 2011). Although employers are obligated to devise a lawful labor contract with each employee, the execution of such just intention is not always carried out thoroughly with brokers and middlemen in between. MDWs are often “highly commodified... [and seen as] products and exchange” in many countries of destination (Loveband, 2002; pg. 343). From a report by Human Rights Watch (HRW & Varia, 2008; pg. 74), an embassy officer in Riyadh, Saudi Arabia noted that “the most common complaint is non-payment of wages. Often, these non- or under-payment of wages last from anywhere in between six months to more than a year—in some worst cases, a handful of MDWs did not receive any forms of payment during their entire time abroad (HRW & Varia, 2008; pg. 74). In some cases, employers would even deduct certain

amount of the workers' salaries as a means to create a "savings deposit" to prevent the MDW from escaping (Lin, 1999; pg. 34)

### *Poor Working and Living Conditions*

Because many MDWs also live in the homes they work at, poor working and living conditions create abusive environment for the workers. Due to the nature of the job, MDWs often have to work excessive hours. In the case of Saudi Arabia, "overwork" was one of the most common complaints received by foreign embassies and to the Saudi Ministry of Social Affairs (HRW & Varia, 2008; pg. 5) As aforementioned above, murky boundary of work and leisure forces many MDWs to abide by contractual working hours. Most domestic workers work for fourteen to eighteen hours per day with their rest hours often stripped to attend to other tasks such as taking care of a baby or making breakfast overnight (Sunderland & Varia, 2006; pg. 39-40). In some case, MDWs are even required to work at their employer's business that ranges from operating a restaurant to selling various items at a small shop (Sunderland & Varia, 2006; pg. 40). Moreover, in many Middle Eastern countries, the sponsorship system, well known as Kafala, deprives MDWs of their duties and rights as a worker, and as an individual in a foreign country. This sponsorship system of migration creates a "predictable pattern of violation of the rights of MDWs" and automatically recruits the MDWs into dependency upon arrival at their countries of destination (Pande, 2013; pg. 417, 435). Lastly, insufficient food or clothing also nests under abusive working and living conditions. From a different report from Human Rights Watch, "many domestic workers...reported inadequate living accommodations, including having to sleep in areas such as storage closets, and in one case, a bathroom" (HRW & Varia, 2008; pg. 5). Forced confinement (HRW & Varia, 2008; pg. 56) as well as food deprivation (Ladegaard, 2012; pg. 196; HRW & Varia, 2008; pg. 66) are also at the center of MDW abuse as their time in the household only continues to grow. Rather than hunger from missing one or two meals, but chronic hunger from living off of food scrapes and never having a "decent mean" are visible physical abuses that causes health risks (Ladegaard, 2015; pg. 198). For example, one domestic worker in Taiwan received allowance for food that was about 1/6 of basic standard for eating out (Lin, 1999; pg. 35). Often, MDWs reporting physical abuse suffer from trauma and various psychological hardships such as heightened rate of self-deprivation and chronic depression (Ladegaard 2015; pg. 204, 208). Lack of attention to abiding by the labor rights of MDWs often becomes a cause of abuse that exacerbates the predisposed vulnerabilities MDWs are placed under.

### *Physical, Psychological and Sexual Abuses*

Perhaps, visible abuses such as physical, psychological and sexual abuse of MDWs are more recognizable for the general public since the media often publicizes such cases of crimes (Sunderland & Varia, 2006; pg. 13). Physical abuses such as beatings to other inhuman treatment of MDWs occur under such secluded working and living environment that the workers cannot readily access outside resources. Due to deeply entrenched stigma and stereotypes against survivors of sexual violence, the reports of sexual violence against MDWs may never be truly understood (Sunderland & Varia, 2006; pg. 16). A labor sending country reported to Human Rights Watch in 2009 of the 950 rape and sexual harassment cases while stories of receiving sexual violence complaint cases on a daily basis is, unfortunately, not a newfound information (Motaparthi, 2010; pg. 51). Furthermore, what is less physically obvious is verbal psychological

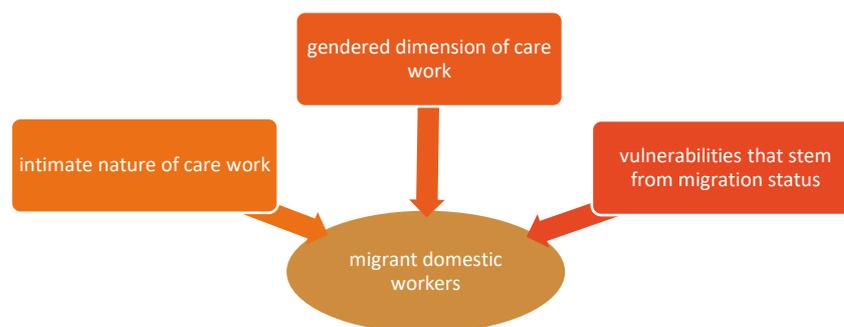
abuse that starts with excessive criticisms of MDWs job performance. Many workers attribute the criticism from the employer to the speed of their work or making simple mistakes (Jureidini; 2011, pg. 28). Jureidini (2011) also reported that female employers often have a higher, almost obsessive level of cleanliness towards domestic workers' performances (pg. 18). Given that MDWs who could calmly provide detailed information about the physical and sexual abuse could not do the same for psychological and verbal abuse (Motaparthi, 2010; pg. 52; Ladegaard, 2015), the magnitude of verbal harassments and repeated criticisms can only be remotely comprehended.

## II. Research Framework and Methodology

### A. Research Framework

Abuse experienced by migrant domestic workers are compounded by the nature and location of their work. Power relations between the migrant domestic worker and the employer is imbalanced—in favor of the employer. However, it is not to say that the workers themselves are not capable of committing abuse themselves. For this study, abuse is framed towards experiences of Filipino migrant domestic workers. Abuse is categorized by several literature into five categories: sexual, psychological, emotional, economic, physical.

There are many factors affecting the experience of a migrant worker such as migration policies (of country of destination and country of origin), status of the worker, sex, age and occupation of the worker and social norms in the country of destination. This list is not exhaustive and there are scholars out there that would add more. For the purposes of this study, the human rights violations experienced by migrant domestic workers are framed as follows (Mundlak & Shamir, 2014):



*Figure 1. Three axes of disadvantage faced by migrant domestic workers*

The three axes of disadvantage faced by migrant domestic workers are grouped into three. Firstly, migrant domestic workers are confined in the personal and private space owned by their employers. This automatically creates a power imbalance in favor of the employer. Second, domestic or care work is historically considered as a job of a woman. As such, domestic workers are usually women. Women migrant domestic workers are further subjected to more vulnerabilities in countries of destination where women's rights are less likely to be recognized. Lastly, migrant domestic workers are prone to abuse and exploitation due to their migration status. Irregular migrants have less access to basic social services compared to regular migrants.

## B. Research Methodology

The study employed descriptive analysis to identify trends and insights from organic data from CMA. Documented cases of distressed migrant workers and their families of CMA were encoded from 2016-2018 to identify the most recurring type of complaint made by



*Figure 2. Methodology*

MDWs.

Data was manually encoded from officially documented case files. The case files are hard copies of the case forms used by CMA, with attachments detailing the progress of the cases (ie. emails, copies of POEA information sheets, Overseas Employment Contracts, etc.) These case files are confidentially stored in the CMA office and sensitive information are kept confidential in the encoding of case information. No specialized software was used in the encoding of the data. Information were manually encoded into Microsoft Excel and was analyzed thereafter.

## III. Presentation of Data and Analysis

Since 2002, the Center for Migrant Advocacy (CMA) has been providing direct assistance to distressed OFWs and their family members. Cases are either referred to CMA from partner organizations such as Patnubay or directly received by CMA through social media or physical consultations.

The year of 2016 saw the highest number of cases received by CMA according to the annual case reports. In 2015, CMA received 158 cases; 202 in 2016; 129 in 2017; and 174 in 2018. The data was compared to information gathered from the Philippine Statistics Authority on estimated number of OFWs. While the other years see quite a similar trend between the two data sets, 2016 saw a particular difference. Despite the lower deployment of OFWs in 2016, the trend for CMA cases went upward. (See Figure 3)

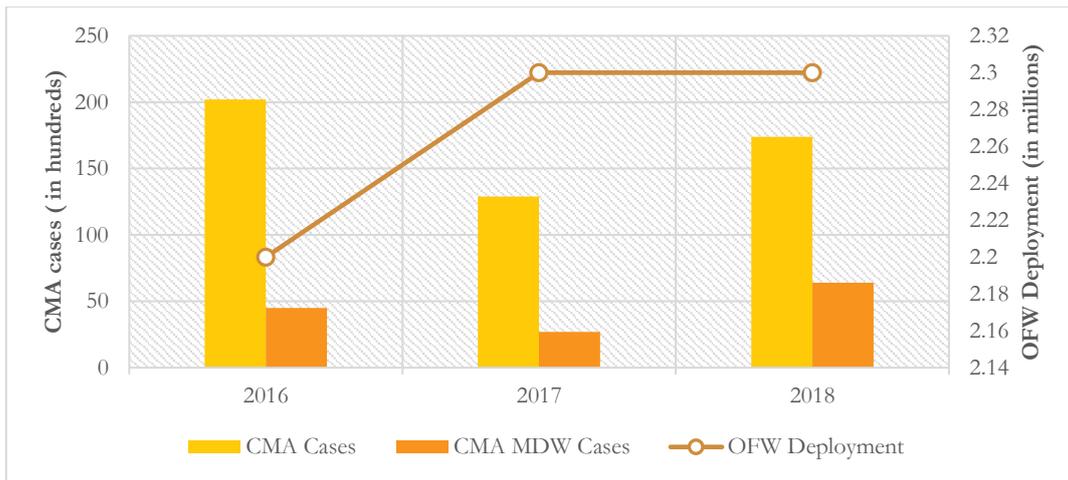


Figure 3. CMA Cases 2015-2018 vis-à-vis OFW deployment

For the purposes of this study, only migrant domestic worker complaints to CMA were analyzed.

In 2016, the total of complaints by migrant domestic workers are 45. The nature of complaints done by migrant domestic workers comprise largely of violations of contractual obligations such as the non-payment or delayed payment of salaries, overwork, non-payment of overtime pay, no rest days, no adequate food or none at all, no proper living quarters, etc. Instances where the migrant domestic worker is made to work for other people other than their contract-provided employers also fall under contract violations. The second top complaint of migrant domestic workers is maltreatment at the hands of their employers. This included physical assault that would range from light to severe injuries that resulted to hospitalization in some cases. Migrant domestic workers also complain of receiving verbal abuses and death threats from their employers. The third top complaint involve medical issues that mostly stem from overwork. These include over fatigue, profuse bleeding, etc. The fourth top complaint of migrant domestic workers is the confiscation of their passports to prevent them from running away from their employers. The fifth top complaint/report are requests to assist the worker who ran away from their employers. (See

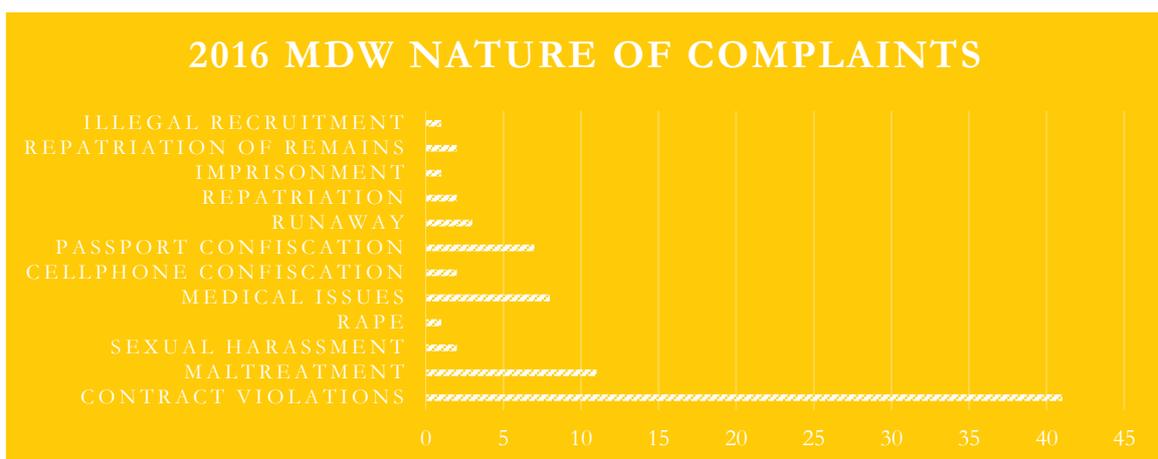


Figure 4. 2016 MDW Nature of Complaints

In terms of the countries of destination of these migrant domestic workers, the top source of complaints are as follows: Kingdom of Saudi Arabia (18), Kuwait (6), United Arab Emirates (5), Morocco (5), and Lebanon (4).

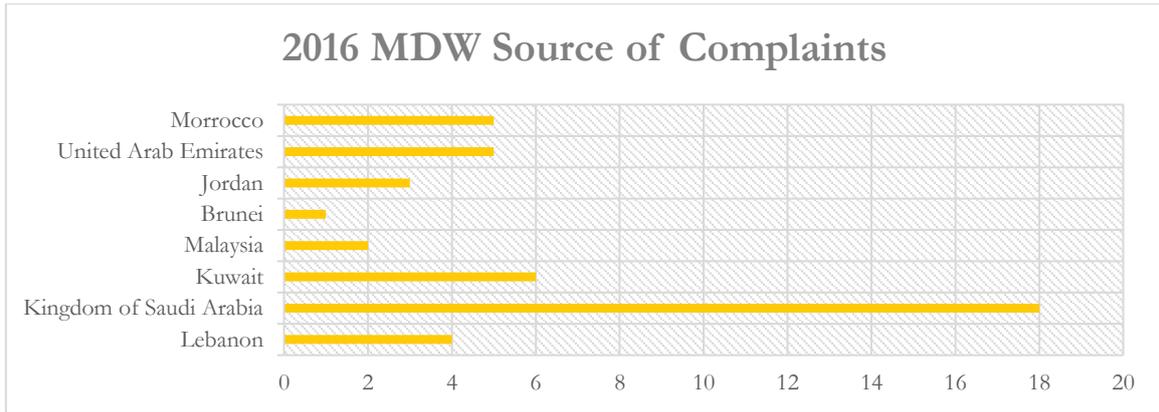


Figure 5. 2016 MDW Source of Complaints

In 2017, CMA received a total of 27 migrant domestic worker complaints. Maltreatment is now the top complaint reported by migrant domestic workers to CMA. Next would be contract violations, sexual harassment, and rape. (See Figure 6.)

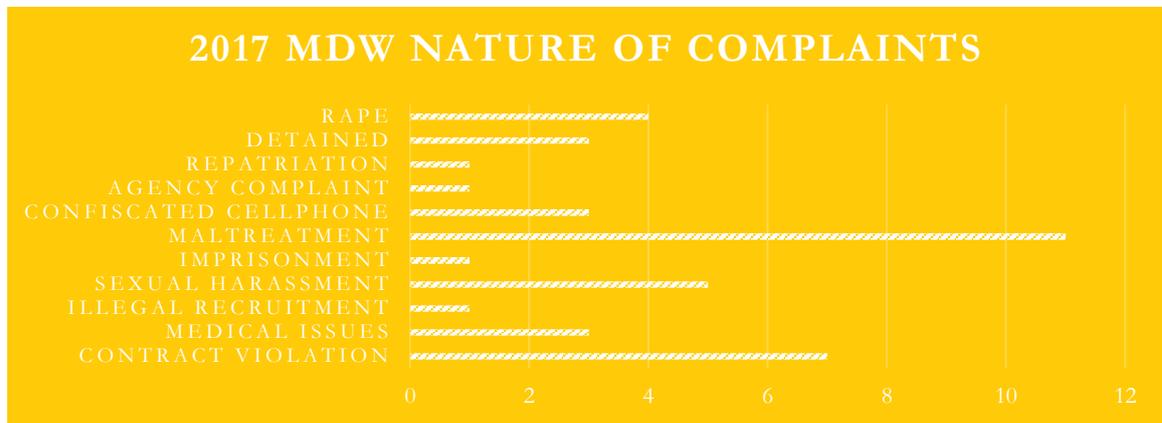


Figure 6. 2017 Nature of Complaints

Further the top source of complaints received by CMA are still from the Kingdom of Saudi Arabia (18). The next would be the United Arab Emirates (4), Lebanon (1), Oman (1), Qatar (1), Jordan (1), Kuwait (1). See Figure 7.

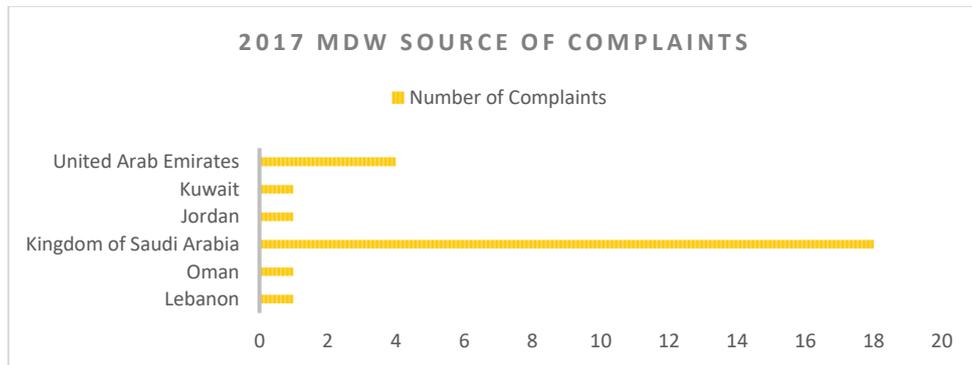


Figure 7. 2017 Source of Complaints

In 2018, CMA received 64 complaints of migrant domestic workers whose nature mostly still fall under contract violations (48). Maltreatment was reported as top 2 complaint made by migrant domestic workers; followed by medical issues brought by overwork, requests for repatriation, and having no Iqama. (See Figure 8).

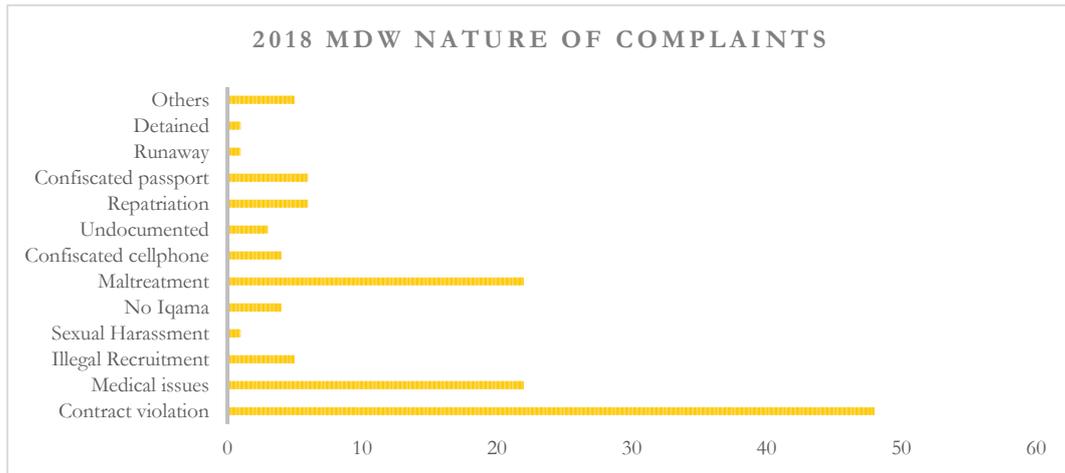


Figure 8. 2018 Nature of Complaints

The complaints received by CMA were mostly sourced from the Kingdom of Saudi Arabia (37). This is followed by the United Arab Emirates (8) and Kuwait (8). 3 reports were from migrant domestic workers in Lebanon while Qatar, Oman, Malaysia, Jordan each had 2 reports. (See Figure

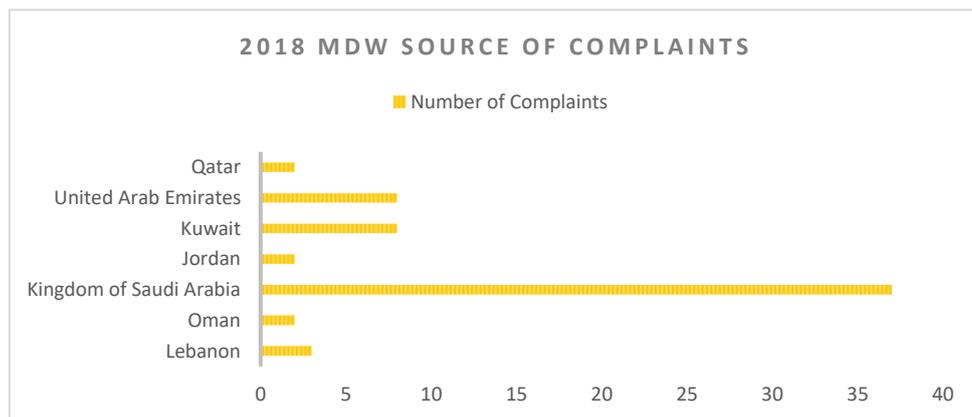


Figure 9. 2018 Source of MDW Complaints

### Analysis – Interconnected Complaints

The data shows that through 2016-2018, migrant domestic workers tend to report on-site concerns to CMA. There was a consistency in the nature of complaints through the three years—contract violation, maltreatment and medical issues. From the complaints reported to CMA, it appears that the three are interconnected issues. Complaints of violation of contractual obligations by the employers are often accompanied with complaints of medical issues. Medical issues result mostly from the working long hours in several houses for days at a time without a day off. Maltreatment is also a cause of the medical issues that migrant domestic workers experience while working abroad.

It is important to note as well that in all three years, sexual harassment and abuse is consistently reported by migrant domestic workers. This aspect of migration is not exclusive to migrant domestic workers but has been noted by several literature as more likely for migrant women employed in the sector. In addition, it is necessary to contextualize that vulnerability is more likely to exist in countries of destination where women’s rights are not fully actualized.

It is surprising the migrant domestic workers have not—at least at the outset—brought up issues of excessive fee collection which happens in the pre-deployment stage. This could be attributed to the low level of awareness of the no-fee charging policy of the Household Service Workers Policy Reform

Package.<sup>1</sup> A study conducted by CMA also shows that there is low awareness in the contents of the HSW Policy Reform Package. Such low level of awareness of what regulations are impede the capacity of migrant domestic workers of report violations of these regulations such as the no-fee charging policy for migrant domestic workers.

In terms of the total number of complaints received by CMA, there was a decrease in complaints in 2017 from 2016. This is attributed to the total ban on the deployment of OFWs to Kuwait after the case of Joanna Demafelis.<sup>2</sup> In early 2017, President Duterte had declared a total deployment ban to Kuwait in an effort to resolve and reduce the issue of migrant domestic worker abuse in the country of destination. Kuwait remains to be one of the top receiving countries of Filipino migrant domestic workers. The total deployment ban meant a decrease in the deployment of new hires who are more vulnerable to abuse and exploitation.

#### *Philippine Government Data and Response*

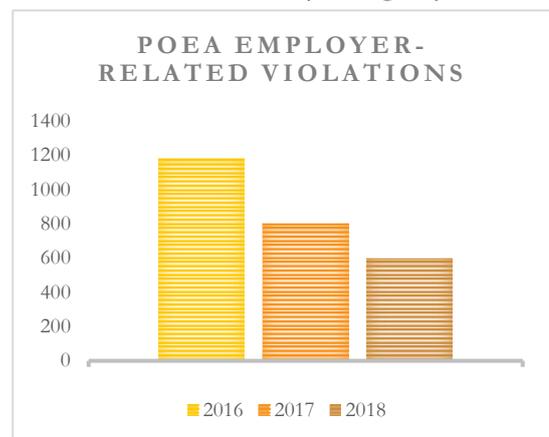
The POEA reports they received 1,181 complaints from HSWs regarding employer-related violations. In 2017, it was a total of 801 complaints. In 2018, there was a received total of 596 complaints. (See Figure 9.)

As with the CMA data, the top complaints of MDW regarding obligations from 2016-2018. This is followed by gross misconduct, gross violations of laws/rules, and gross negligence resulting to worker's injury. POEAs terminology of violations is strictly lifted from its revised rules and regulations. (See Figure 10.)

*Figure 10. POEA Employer-related complaints of HSWs*

According to POEA Administrator Bernard Olalia, complaints of migrant domestic workers have been decreasing since 2015 up until present due to intensive information drives conducted by the agency. The POEA also attributes this to the stronger enforcement of its Revised Rules and Regulations.<sup>3</sup>

The POEA uses both preventive and remedial approaches in addressing complaints from migrant domestic workers. The information drive is part and parcel of the preventive framework of POEA. In particular, POEA cites that they have been conducting information drives not only for the workers but also for the private recruitment agencies (PRAs). The goal is to raise the level awareness of their responsibilities and duties which include the duty to monitor the OFWs they deploy.



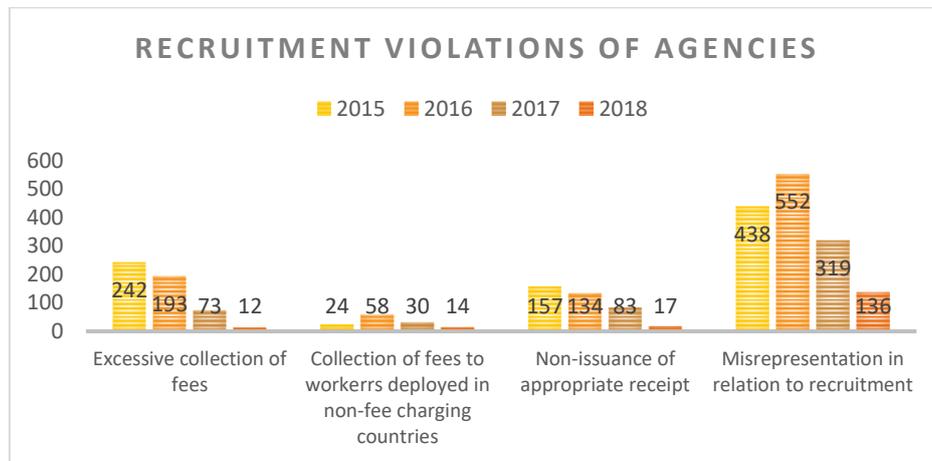
<sup>1</sup> HSW Reform Package Study – CMA, 2018

<sup>2</sup> Joanna Demafelis

<sup>3</sup> Key Informant Interview with POEA Admin Olalia



*Figure 11. POEA Common Employer Violations*



POEA has also been engaging with the local government units to curb abuses and exploitation of migrant domestic workers. The agency is actively partnering with local governments to capacitate, coordinate and collaborate with efforts to protect OFWs. Currently, the POEA is working with educational institutions, particularly those with K-12 students to educate them on migration issues and realities.

The POEA also boasts of stronger enforcement of rules which is the concretization of its remedial framework. The POEA continues to give legal assistance to migrant domestic workers. Concretely, POEA has been actively suspending PRAs that do not comply with their obligations. Such suspensions are publicized for the public to be aware. POEA Administrator Olalia also notes that the active participation of the Secretary of the Department of Labor and Employment increased effectivity in such efforts.

#### *Government Challenges*

The current trend of OFW deployment is expected to continue steadily. As far as migrant domestic worker deployment is concerned, a decrease is not foreseen in the near future. This poses a problem for the limited manpower of the POEA. Manpower complement of the government has not progressed proportionately with the increase in OFW population over the years. At present POEA has 510 plantilla position and 11 casual employees. This is a far cry from the proposed 1,400 positions of the POEA to the Department of Budget and Management (DBM). In general, POEA lacks budgetary support for the heavy responsibility of regulating overseas employment.

Specifically, Administrator Olalia notes that the agency is lacking in conciliators for the Single Entry Approach (SENA). At present to fill the need for conciliators, POEA outsources. Administrator Olalia points out that this poses a problem in terms of holding these outsourced conciliators accountable.

POEA also encounters problems in terms of the SENA since there are a lot of gray areas with the policy. There is no unified coherent SENA for all agencies.

### *Policy Changes in Top Countries of Destination*

To add to the analysis of the trends and to lay down ground for possible correlational studies, the study also looked at relevant policy changes in the countries of destination. (See Table 1.) It is apparent that no innovation in terms of gendered migration policies in the countries of destination.

In 2017, talks of a Memorandum of Understanding with Kuwait was established in response to the case of Joanna Demafelis—a Filipina migrant domestic worker who was found in a freezer after two years. This was accompanied with a deployment ban to Kuwait.

*Table 1. Policy Changes in Countries of Destination*

<b>Saudi Arabia</b>	<b>Protection against Abuse Act (Royal Decree no. 52; Sept. 2013):</b> designed to ensure protection from all types of abuse, afford help and treatment, provide shelter and social, psychological and health care, ensure that appropriate statutory measures are taken to bring to account and punish perpetrators and spread awareness of the social effects of abuse
	<b>Anti-Harassment Act (Royal Decree no. 97; May 2018):</b> designed to prevent and combat the crime of harassment, punish offenders and protect victims
	<b>Supreme Order no. 27808 (Mar. 2017):</b> Study to be conducted into domestic violence and the best ways of dealing with issues of guardianship and custody
	<b>Supreme Order no. 33322 (Apr. 2017):</b> women to access all government services and conclude their business without being required to obtain the approval of another person.
	<b>Amendments to Labour Law (Royal Decree no. 46; Mar. 2015):</b> a worker shall not work more than five consecutive hours without a break for rest, prayer and meals of not less than half an hour each time, during working hours (article 101); an employer may not transfer a worker from his original place of work to another place, requiring a change of residence (article 58)
	The national action plan to combat crimes of trafficking in persons (2017–2020)
	The allocation by the Ministry of Labour and Social Development of a single consolidated telephone number (19911), able to receive complaints from migrant workers in eight languages, represents an advance in the fair treatment of workers.
	<b>Bilateral Agreement between KSA and the Philippines (2015):</b> 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. <a href="https://riyadhpe.dfa.gov.ph/about-us/bilateral-relations">https://riyadhpe.dfa.gov.ph/about-us/bilateral-relations</a> ➔ First agreement regarding recruitment
<b>United Arab Emirates</b>	<b>Federal Decree-Law No. 2 of 2015</b> on combating discrimination and hatred
	<b>Federal Act No. 1 of 2015</b> amending certain provisions of the Federal Anti-Human Trafficking Act No. 51 of 2006 (MOU with Armenia, Australia, Azerbaijan, Indonesia and India)
	<b>Federal Act No. 15 of 2017</b> on domestic service
	introduction of a wage protection system for foreign workers in 2009.
	<b>Federal Act No. 15 of 2017:</b> definitions of terms used and address the scope of the law, recruitment offices, the hiring of workers, work contracts, the

	organization of employment, vacations, employer and worker obligations, inspections, penalties, end-of-service and end-of contract indemnities and the resolution of disputes
	<b>Ministerial Decision No. 765 of 2015:</b> allows workers to be granted new work permits in order to transfer from one enterprise to another.
	<b>2015 Standard Model Work Contract:</b> employers are prohibited by the State from seizing workers' passports
	<b>Know Your Rights campaign:</b> legal guidance to educate workers during the pre- and post-arrival period, and to raise their awareness of their rights and duties while employed
	<i>A few others that are not date-specified</i>
<b>Kuwait</b>	<b>Amiri Decree No. 467 of 2010:</b> The Central Agency for Regularization of the Status of Illegal Residents, which was established to represent illegal residents in their dealings with the authorities, regularize their legal status, enable them to enjoy a decent life, and safeguard their human and civil rights.
	Demafelis murder case (2018), and its consequences (deployment ban and its being lifted)
	MOU in <b>2018</b>
	"Two-Week Rule" still in effect
<b>Qatar</b>	<b>Act No. 17 of 2018,</b> establishing a support and insurance fund for migrant workers
	<b>Act No. 13 of 2018,</b> which amends article 7 of Act No. 21 of 2015 regulating the entry, departure and residency of migrant workers, and which annuls the requirement to gain permission for departure; right to leave the country temporarily or definitively during the period of validity of the contract of work.
	<b>Act No. 15 of 2017</b> on domestic workers;
	<b>Act No. 21 of 2015:</b> abolishes all restrictions on migrant workers' freedom to change employer; abolishment of the kafalah system and its replacement with working relationships based on a contract of work
	In <b>October 2017,</b> the Government concluded a technical cooperation agreement with ILO for the period 2018–2020
	Ratified International Covenant on Civil and Political Rights ( <b>ICCPR; 2018</b> )
	Ratified International Covenant on Economic, Social and Cultural Rights ( <b>ICESCR; 2018</b> )
<b>Jordan</b>	Establishment of the committee on Non-Jordanian domestic workers ( <b>2009</b> )
	Article 77 (b) of the Employment Code ( <b>unspecified date</b> )
<b>Lebanon</b>	<b>Drafting of a bill</b> concerning decent employment for domestic workers (referred to the Chamber of Deputies on <b>14 March 2013</b> ). The articles are based on the standards laid down in ILO Convention No. 189 on the rights of migrant domestic workers, particularly the articles concerning wage guarantees, working hours, daily and weekly rest periods, annual leave, sick leave, the degree of responsibility of an employer and a domestic worker in the event of termination of the contract and the compensation to which each of them is entitled
<b>Oman</b>	Pursuant to <b>Council of Ministers' Decision No. 24/2015,</b> Oman agreed, in principle, to accede to: (a) The International Covenant on Economic, Social and Cultural Rights of 1966;
	Examining <b>The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; International Labour Organization (ILO)</b> Freedom of Association and Protection of the Right to Organize Convention of 1948 (No. 87) and Right to Organize and Collective Bargaining Convention of 1949 (No. 98).

<b>Malaysia</b>	Beginning 1 January 2018, the Government introduced an online-based system for Malaysians to directly hire existing foreign domestic workers from selected source countries without going through the services of recruitment agencies,
	<b>Undated;</b> (a) Signed bilateral arrangements on the employment of foreign workers with source countries; (b) Introduced a standard contract of employment for all foreign workers; (c) Required all employers to obtain insurance coverage for foreign workers under the Foreign Workers Compensation Scheme and the Foreign Workers Health Insurance Protection Scheme; and (d) Ensured that foreign workers have possession of their identification documents such as passports to enable their free movement in the country.

The Kingdom of Saudi Arabia (KSA) has consistently been the top destination country for migrant domestic workers reporting to CMA. Despite an overall downward trend in the reports received, complaints from migrant domestic workers deployed in KSA has increased from 2016-2018. While several policy changes like the Anti-Harassment Act, and Protection against Abuse Act among others have been instituted by KSA, the reports show that these have little effect to Filipino migrant domestic workers. This is attributed to the fact that KSA has not ratified International Labor Organization Convention No. 189 or the Domestic Work is Work Convention that seeks to promote the recognition of domestic workers as workers to be afforded with full labor rights. The same can be said to complaints from migrant domestic workers from the United Arab Emirates (UAE). The general decrease in the reports made by migrant domestic workers was not reflective in the specific situation in the UAE. The number are much smaller than that of KSA but there is an observable increase, nonetheless.

It can be observed that such policy changes are inaccessible to Filipino migrant domestic workers given the nature of their work. The workplace—characterized by the privacy of their employer’s homes—pose a challenge to their mobility. This is in addition to the circumstances of working in a foreign land where migrant workers are often intimidated by the unknown-ness of a foreign land. Language also plays a role in such inaccessibility of policy changes in countries of destination.

In sum, the policy changes in terms of the labor agenda in countries of destination are geared more towards local workers in the countries of destination. And while there may be advancements in Saudi Arabia, Qatar and other countries, the data from CMA and the government shows that there have been no changes in the nature of complaints of migrant domestic workers.

#### IV. Conclusion and Recommendations

##### *MDWs continue to experience the same vulnerabilities and abuses*

For almost forty-years, the Philippines has been institutionalizing several policies, programs and services to afford protection for OFWs. There is a widespread recognition that migrant domestic workers are the most vulnerable to abuses and the cases of Flor Contemplacion and Joanna Demafelis continue to remind the Filipino consciousness of this. However, there has been no substantial changes in the nature of complaints received by CMA from 2016-2018. As expected, contract violations in the form of no-day offs, no overtime pay, non-payment of wages, among others remain as the top complaint. The second top complaint is maltreatment which is characterized by physical and verbal abuse. This range from mild to serious physical abuse described by migrant domestic workers as unreasonable beatings, insults and threats to life. The third top complaint is often a result of the aforementioned two complaints—medical issues. Migrant domestic are hospitalized or develop work-induced injuries and illnesses from overwork, non-provision of food, and decent living conditions, or physical abuse. It is also apparent from the 3

years-worth of information that sexual harassment/assault persist as a complaint although not as immediately reported. This is attributed to the shame and the stigma that surrounds such experience. This shall be explained further in a latter section.

The unchanging experience of being a Filipino migrant domestic worker is an issue that needs to be investigated further through a more comprehensive study. This paper had explored preliminary observations on 3 years-worth of information gathered by CMA and has opened new facets of research that can be further studied.

#### *Complaints of MDW are most likely to focus on economic abuses*

Migrant domestic workers' complaints to CMA show that those who seek assistance from non-government organizations are more likely to report economic abuses experienced on-site. Gender-based violence concerns are less likely to be reported at the on-set of the complaint but are regarded as anecdotes to the stories of migrant workers. This is apparent in the data of the POEA where the top employer violation are hinged on the terms of their contracts which fall under economic abuses or vulnerabilities.

It is important to note that the nature of gender-based violence makes it difficult for its victim-survivors to report. The shame, stigma and trauma that surrounds such experience affect their reporting behaviors. For migrant workers who report to CMA, their experience of gender-based violence are most of the time undocumented in the case forms but surface later on during face-to-face interviews and interaction with the workers themselves. The invisibility of gender-based violence in the data is a result of the reporting behavior of migrant workers. The absence of such reports in the CMA data should not be interpreted as an absence of such experiences.

#### *Policy changes in the CODs have little effect to the situation of Filipino Migrant Domestic Workers*

It is noteworthy to mention that the emergence of a paradigm shift in the global perspective of migration had prompted discussions, dialogues and engagements between countries of origin and destination. However, full implementation of policies cannot be readily seen immediately preceding their enactment. The researchers reserve to say that it is premature to judge several policy changes in the countries of destination that were enacted from 2016-2018. Initial observations would show that there is a weak link between the improvement of the situation of migrant workers in relation to policy reforms due to several factors such as inaccessibility of mechanisms, language barriers, socio-cultural differences, etc.

#### *Recommendations*

The recommendations of this study may serve as starting points for strengthening or adding to current efforts of the government and of civil society organizations catered towards the protection of the rights and welfare of migrant domestic workers.

Firstly, there is a need to recognize that while migrant domestic workers enjoy rights that are legislated, this does not automatically change the playing field for migrant domestic workers. Policy and program interventions in the country of origin may result substantial changes in the Philippines but ultimately, there is still a need to strengthen protection afforded by the country of destination.

#### *Incorporate Gender Lens in Information Drives*

POEA attributes the downward trend of complaints reported to strong preventive approaches the agency has implemented throughout 2016-2018. The directives from the DOLE Secretary had boost the agency's programs to provide not only migrant workers but also PRAs with information drives. However, we see that migrant domestic workers continue to be largely female. It is important to emphasize the gender aspect of migration—their vulnerability, risks and actual experiences. For both migrant workers and PRAs, a consciousness of gender issues shall help improve reporting behaviors which will be the first step in addressing a long systematic issue.

### *Provide Disaggregate Data on Gender Based Violence*

The first step to address an issue is to know more about the circumstances that surround it, the context and the factors that may contribute to its proliferation. As such, it is important to orient front-liners who accommodate migrant domestic worker complaints on how to facilitate the reporting of such experiences. This not only applies to government but as well as to civil society organizations/non-government organizations who provide such assistance to migrant domestic workers. Proper documentation is also needed to facilitate analysis and further recommendations.

### *Bilateral Labor Agreements should include migrant domestic worker issues*

Other recommendations include that the Philippines should be proactive in negotiating bilateral labor agreements with receiving countries where migrant domestic worker deployment is high. There is a need to also ensure that a proper grievance mechanism that is linked up and coordinated with the Philippine government is active to provide access to justice to migrant domestic workers. It is not enough that we engage in dialogue, but we also have to provide what is practical—such are strong linkages with authorities in countries of destination to ensure the safety and protection of migrant domestic workers.

In sum, the study shows there is little change in the nature of complaints but a general decrease in the number of reports by migrant domestic workers to CMA and to POEA. While CMA information is small in comparable to the number of deployed migrant domestic workers, there is reason to believe that several insights can be gleaned from analyzing such information. There is need to provide a wider and deeper awareness of gender-based violence both in the supply and demand side of migration to be able to learn how to address the root of the problem. Lastly, this study is a starting point of more in-depth look at how information can help advocates, governments, and migrants themselves improve the general situation of migrant domestic workers all around the globe.

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