

Midterm reflections on recruitment and Overseas Filipino Workers (OFWs)

February marks the halfway point of my work with the Center for Migrant Advocacy (CMA) in Quezon City. Lately, so woven into my daily routine is the trust that *there is still time*, that I wonder how quickly the remaining months are going to pass. I feel immersed in work at the same time that I feel like I am “just getting into” it. Given this, I thought it would be interesting to reflect on my experiences and comment on some of my research so far.

I arrived in November in what was winter but felt like the start of a heat wave. The first months of life in Manila were filled with conferences, year-end meetings, work parties, and cultural events. Within the state museums and independent galleries I explored, many of which were the first places I visited on my own, the influence of historic anti-martial law mobilization could be felt on a range of present day art and advocacy.

These were not only in migrant rights, but across movements and projects that strived to reclaim what was lost during and after the Marcos regime. The presence of Philippine resistance movements can be felt in both literal references to anti-dictatorship struggles, and as broader expressions (and reclamations) of pain, loss, art, music, literature, and cultural preservation.

At CMA, Ellene, Irynn, Anna and Hazel invested time and work into helping us determine how we fit into the organization. They included us in civil society consultations, introduced us to partners in government, and

gave us chances to participate in ways that were meaningful to us. They lent us a richer sense of what life was like in Manila by inviting us to festivals and concerts, tirelessly helping us to navigate the city, offering advice to make our transitions easier, encouraging us to travel, and going out of their way to connect us to resources. Without them, my time would have been very different and several times more challenging.

This was also a time when Christmas seemed to infiltrate every sphere of life. Accepting invitations to holiday events became a way to connect with academics, researchers and consultants in other fields. Today, I am grateful to have had such diverse resources and sources of motivation. I am most struck not by the big lessons, but by the fragments of opinions, frustrations and feelings of optimism shared with me during these early weeks. Sometimes they take on new significance, finding weight that I could not have appreciated then.

I came to Manila with some ideas about the significance of migration in the Philippines. Many of these ideas were shaped by common conversations in migration research about the Philippines as a “labour sending” country. “Sending country” has fallen into disuse because of its commodification of human beings, but it still leaves a series of staggering statistics intact. The most well-known ones reveal that between 2012 and 2015, 1.8 million Filipinos left the country per year in pursuit of overseas labour contracts.¹ Put another way, in the last three years, more than 5,000 left the Philippines every day for work abroad.

¹ Philippine Overseas Employment Administration (POEA), *Compendium of OFW Statistics, 2014*, <http://www.poea.gov.ph/stats/statistics.html>

10 million Filipinos are known to live outside of the country as migrant workers, dual citizens, permanent residents, and individuals and families with irregular status. In a country of 98 million, this is over 10% of the population.²

These statistics are frequently shared by government, politicians, and Philippine news media as a point of pride, as testament to the hardworking and capable character of Filipinos, coping with foreign work conditions, thriving in new diasporas, and making sacrifices as “modern day heroes”, a coinage that pervades media and public discourse.

Knowing on the one hand, that out-migration is high, and then assuming on the other, that economic survival, and life itself in the Philippines must be necessarily difficult, is an easy cognitive shortcut to take. Even when I wasn't uncomfortable relying on the singular concept of hardship, it wasn't obvious what resources I could consult to understand how people felt about the conditions that produced so many migrant workers. How do you ask questions about what is “normal” or “typical”? Normal for whom?

Even concepts of “wealth disparity” do not always recognize the varied and complex conditions that compel labour migration. Wealth disparity between whom? Elites and the poor, or maybe the poor and the middle class? Understanding the context of migration choices requires recognizing that steep inequality exists, and that people move in and out of financial difficulty in different ways. How confidently do people enter the middle class,

² For global distribution of Filipinos: Commission on Filipinos Overseas (CFO), *Stock Estimate of Overseas Filipinos as of Dec. 2013*, http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=1340:stock-estimate-of-overseas-filipinos&catid=134:statisticsstock-estimate&Itemid=814

and how often do they remain in it? There is inequality in wealth, and there is also inequality in the proportion and distribution of economic risk that is placed on individuals who are *more likely* than others to experience poverty.³

I think a lot about risk. I think about the indicators and metrics of risk that OFWs draw from when they weigh migration choices: in deciding whether to accept an overseas work contract, deal with a particular recruiter, or make large financial investments to migrate to a country with greater labour protections. Within the current system, where there is potential for informed decision making, there is also the requirement that someone have the financial ability to make choices.

I wonder how often cases of exploitation and abuse occur as the result of incomplete information about regulations and rights, in the worst cases, intentional deprivations of this knowledge, and how commonly it occurs as the result of a calculated risk. If dangerous work has become the only option for so many migrant workers, how do we curb exploitation by offering options that *make sense* for people to take?

Working with Center for Migrant Advocacy

My first few weeks provided many opportunities to understand migration from a Philippine perspective. This involved observing the language that was used to talk about migration and migrant advocacy, and the channels that existed to advance goals in real terms.

³ Jose Ramon G. Albert and Arturo Martinez, Jr., *Is poverty really decreasing, and if not, why not?* Philippine Institute for Development Studies, Policy Notes, 4 (2015).

These opportunities allowed me to develop a more confident sense of the 'ecology' of migration stakeholders beyond civil society. In these environments, the contested points of migration management and where there might be opportunities for change became more apparent.

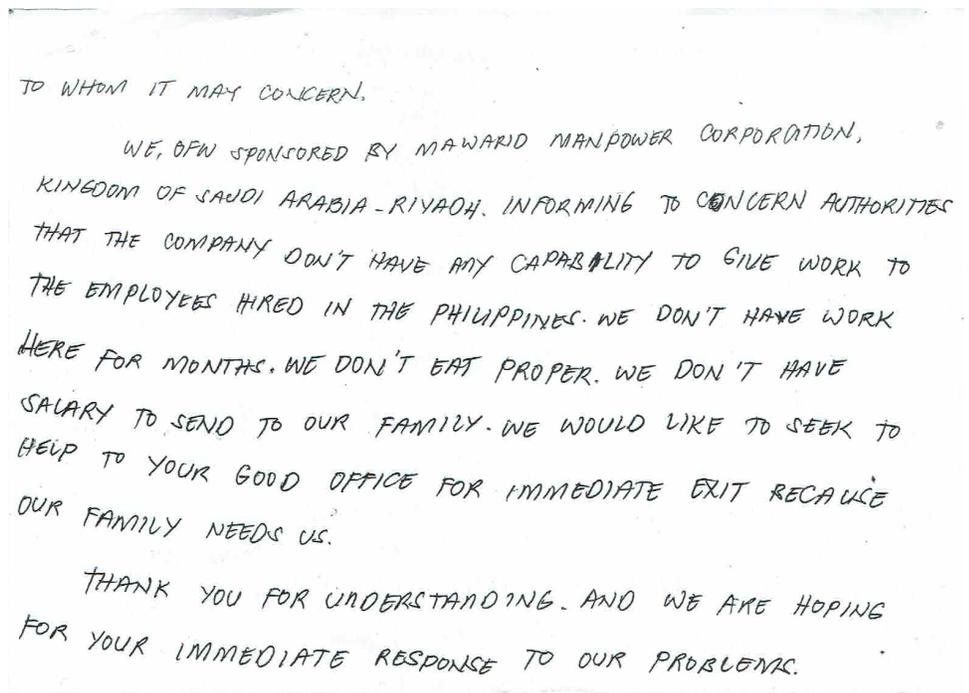
Considering recruitment

One of the most challenging areas of migration governance concerns the regulation of private recruitment agencies in the Philippines and their partners operating in countries of destination.

Philippine migrant worker's rights are affected by their migrant status and by the ways they are tethered, by legal and financial obligation, to the recruitment agency through which they have chosen to migrate.* Agencies, not overseas employers, are legally and financially liable for worker exploitation experienced at the hands of a foreign employer. This policy was intended to provide migrants with greater access to legal recourse by allowing them to hold recruiters to account through domestic courts.

However, dispute cases handled by CMA in the past year indicate that arbitration settlements tend to amount to far less than what has been lost through unpaid wages and time spent "warehoused" (where migrants have paid

* All OFWs are required to migrate through a recruitment agency, with the exception of "name hires", a group of workers that constituted between 1.0 and 2.7% of all Filipino overseas workers from 2007-2011



TO WHOM IT MAY CONCERN,
WE, OFW SPONSORED BY MAWARD MANPOWER CORPORATION,
KINGDOM OF SAUDI ARABIA - RIVAOH, INFORMING TO CONCERN AUTHORITIES
THAT THE COMPANY DON'T HAVE ANY CAPABILITY TO GIVE WORK TO
THE EMPLOYEES HIRED IN THE PHILIPPINES. WE DON'T HAVE WORK
HERE FOR MONTHS. WE DON'T EAT PROPER. WE DON'T HAVE
SALARY TO SEND TO OUR FAMILY. WE WOULD LIKE TO SEEK TO
HELP TO YOUR GOOD OFFICE FOR IMMEDIATE EXIT BECAUSE
OUR FAMILY NEEDS US.
THANK YOU FOR UNDERSTANDING. AND WE ARE HOPING
FOR YOUR IMMEDIATE RESPONSE TO OUR PROBLEMS.

Image 1. Petition of 32 migrant workers recruited by a mega recruitment agency in Saudi Arabia requesting repatriation due to lack of work. Recruiting workers before work is available is commonly known as "warehousing".

fees, been deployed, and reside abroad, but have not been placed in work).

Warehousing tends to happen through mega recruitment agencies/companies (MRCs), which are institutions that have gained prominence in recent years. MRCs occupy roles as both recruiters and employers, recruiting more migrant workers than there exist employers who can hire them. Workers who are recruited in this way do not know that they are being sent to an MRC abroad. Migrant advocacy organizations like CMA are voicing concerns over the proliferation of MRCs, particularly in Gulf Cooperation Council countries, because of their tendencies to keep large stocks of workers in limbo, neither employed nor free to return home.

Mainstream support for these agencies, including by government, cite the potential for MRCs to regularize and standardize labour

conditions for occupation sectors that are highly variable from contract to contract, such as domestic work. These are all issues that will hopefully garner deeper investigation and consultation in the coming years. Overall, the proliferation of recruitment agencies has created a host of new regulatory considerations.

Engaging recruiters

One of the opportunities I had with CMA was to participate in working groups on ethical recruitment with the International Labour Organization (ILO) and International Organization for Migration (IOM). Several private recruitment agencies and self-described ethical recruitment associations were engaged in this process as well, and their views added diverse perspectives to the discussion.

The incentives and priorities that were of greatest import among private recruiters did not pose ethical challenges to migrant rights—recruiters agreed on principle that rights-focused industry standards were needed—but existing corporate norms and profit-driven operational demands challenged the feasibility of institutionalizing higher industry standards.

At points, it was tempting to settle into a view that certain actors were simply not invested in rights or in access to decent work, because these concerns threatened their profit margins, and by extension, their viability within a competitive industry where recruiters operate within and outside of regulation. If you continue to follow the chain of responsibility, you may also find that it is not recruiters, but employers located higher up the supply chain who control the minimum standards of labour. In these models, recruiters serve as middlemen who can only move so much within a confined

space, compelled to sustain problematic conditions in a system they do not control.⁴

In response to this, a number of leading recommendations made by migration think tanks involve increasing and enforcing the regulation of employers in conjunction with limiting the number of certified recruiters in order to reduce the oversight load on governments.⁵

Unfortunately, many current reform recommendations are unlikely to reach those who would benefit most from increased protection. Regulating the employment practices of a large corporation may be possible, albeit difficult. Monitoring the private home of the employer of a domestic worker, and in fact, regulating every home of all 180,000 domestic workers who were newly hired in 2014,⁶ becomes significantly more complicated.

Out of the intergovernmental engagements and research I have done into ethical recruitment initiatives, a trend seemed to emerge, where agencies with the most innovative safeguards against exploitation appeared to work mainly, sometimes exclusively, in so-called high-skilled industries. This makes sense, considering workers who possess higher graded skills tend to have access to a greater number of labour markets, including those in countries with more

⁴ For an analysis of global labour supply chains: Jennifer Bowden, *Fair Recruitment Initiative, working paper: Global Labour Recruitment in a Supply Chain Context*, International Labour Organization (Switzerland, 2015).

⁵ See: Dovelyn Rannveig Aguinas, *What we know about regulating the recruitment of migrant workers*, Migration Policy Institute, 6 (2013); D. Aguinas, *Regulating private recruitment in the Asia-Middle East labour corridor*, Migration Policy Institute, 4 (2012); and United Nations Office on Drugs and Crime (UNODC), *The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons* (Vienna, 2015).

⁶ POEA, *Compendium of OFW Statistics, 2014*.

stringent labour protections. Their rights are structurally easier to guarantee.

Unfortunately, disproportionately focusing on high-skilled workers has the ability to more deeply entrench and promote two-tiered labour migration, whereby the conditions that give certain individuals primary access to “low skilled” work continue to marginalize them in a stratified labour recruitment system.

Countries with the most comprehensive labour protections tend to be the most expensive and competitive to gain entry to as a migrant worker. Canada, whose own set of migrant work applications are significantly more costly for OFWs than work applications for Asia and the Middle East, accepts relatively few OFWs compared to the major countries of destination.

The immediate issue with prioritizing high-skilled labour is that the majority of labour migrants are not high-skilled migrants. According to the Philippine Overseas Employment Administration (POEA), domestic workers are the single largest occupation group of newly hired workers in the Philippines, making up 38% of all new work contracts, larger than all other groups combined. Service sector employees are the largest occupation category of workers, making up 52% of all new deployments in 2014, where they numbered over 250,000 workers.⁷

If the majority of migrant workers who face the greatest abuses are involved in low-skilled labour, it is not only important, but necessary to consider how recruitment reforms can raise the protections floor for all workers.

While it is important to create structural conditions for decent work where there may be

the greatest potential to do so, it is also important to recognize how these gains can come at the expense of those who become increasingly locked out of formal, high-skilled channels of work because of prevailing societal conditions that place them in vulnerable work in the first place.

In the case of domestic workers, the devaluation of feminized industries, care work, and work done in the home, is one of the root causes of the marginalization and exploitation of migrant women. Unsettling values takes time and requires enormous collective effort from a range of institutions, as well as individual behavioural change.

In the same way that the rhetoric of inclusive growth has gained traction in economic and governance discourse, recognizing the specific vulnerabilities imposed by current global structures of labour commodification on domestic workers, service sector workers, and other so-called low skilled workers will become increasingly important. State and non-state efforts to create accessible opportunities for skills upgrading and retooling, reducing barriers to accreditation so that more individuals can engage in high-skilled work, and continuing to change the discourse around the hierarchy of skills based on patriarchal and classist views of work, should be priorities moving into the future of migrant rights.

⁷ POEA, *Compendium of OFW Statistics, 2014*.