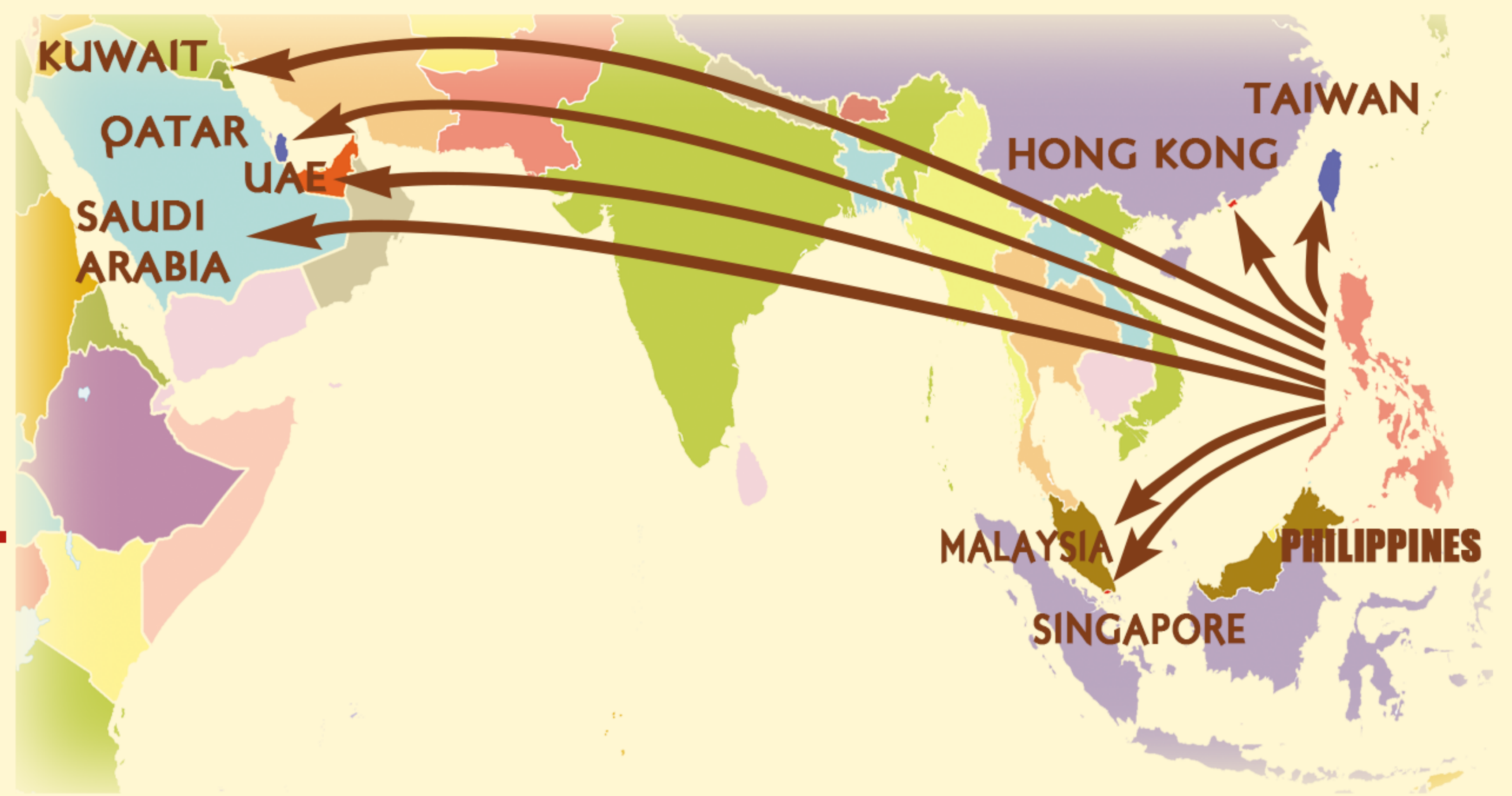


COUNTRY BRIEFER

THE PHILIPPINES

DECENT WORK FOR WOMEN

MIGRANT WORKERS SERIES



BACKGROUND



The Philippines is one of the world's top sending countries for migrant workers. Since 1992, women have outnumbered men among documented migrants from the Philippines. In the past two decades, an average of 172,000 Filipino women migrant workers have been deployed overseas per year. In 2015, domestic work was the top occupation among migrants from the Philippines.¹ Filipino migrants send annual remittances amounting to 10 per cent of the Gross Domestic Product (GDP), making the Philippines the third top remittance receiving country in the world. Remittance is the second-largest source of foreign exchange for the country.²

COUNTRY OVERVIEW

Main Countries of Destination

Hong Kong, Singapore, Taiwan, Malaysia, GCC countries such as Saudi Arabia, Kuwait, U.A.E. and Qatar.

Women's share of total migration

Over 50 per cent of total labour migration

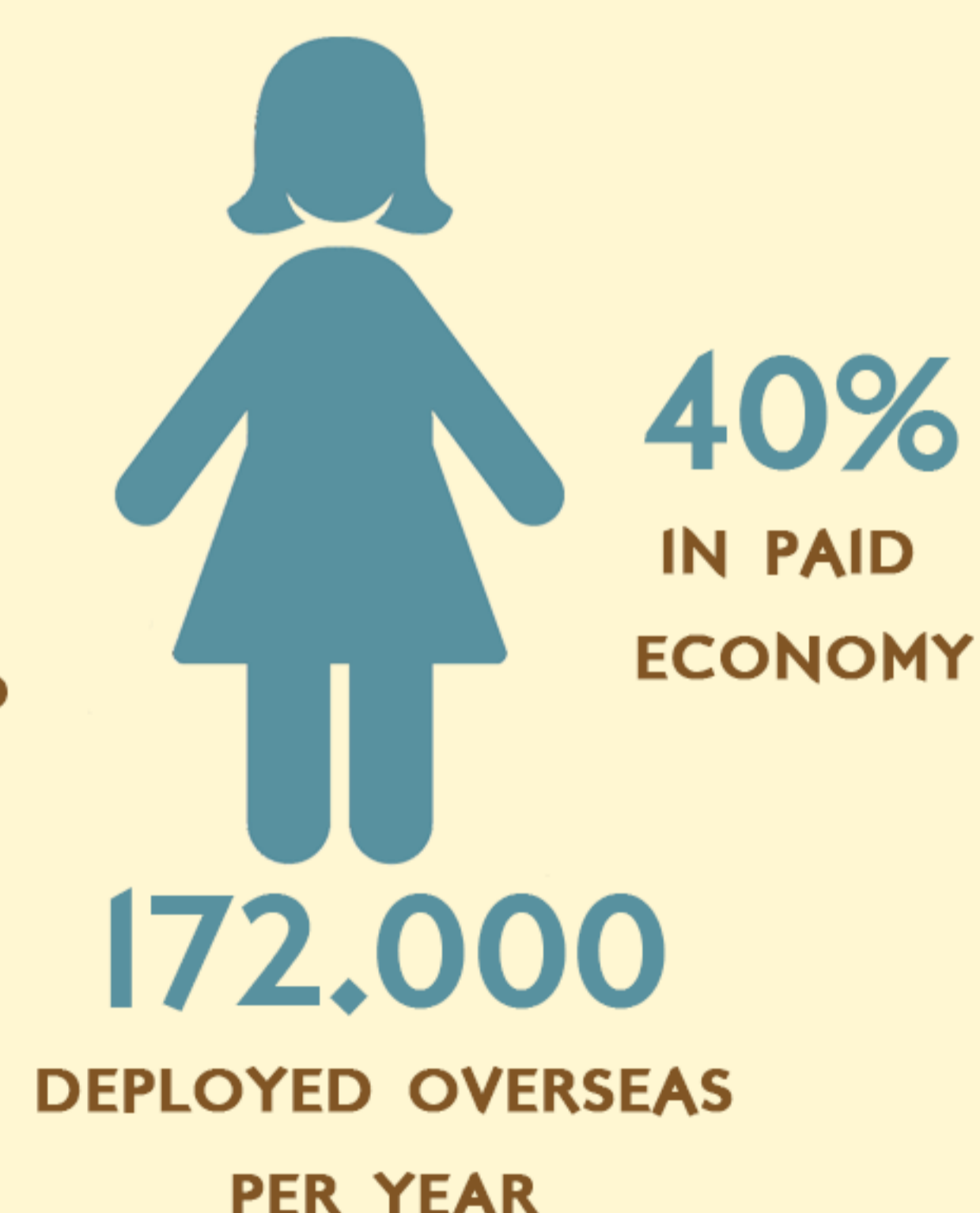
Main sectors of employment

Domestic work, nursing, entertainment, services

REMITTANCES



WOMEN



Although the Philippine economy has been experiencing impressive growth since the early 2000s, unequal distribution of wealth and neoliberal economic policies have meant that the rate of unemployment remains high.³ The situation is particularly dire for women with only 40 per cent of whom were in paid employment in the country over the past decade. Moreover, the Philippines has a legacy of state-sponsored promotion of women's labour migration into 'feminised' (i.e. low-skilled) labour sectors.

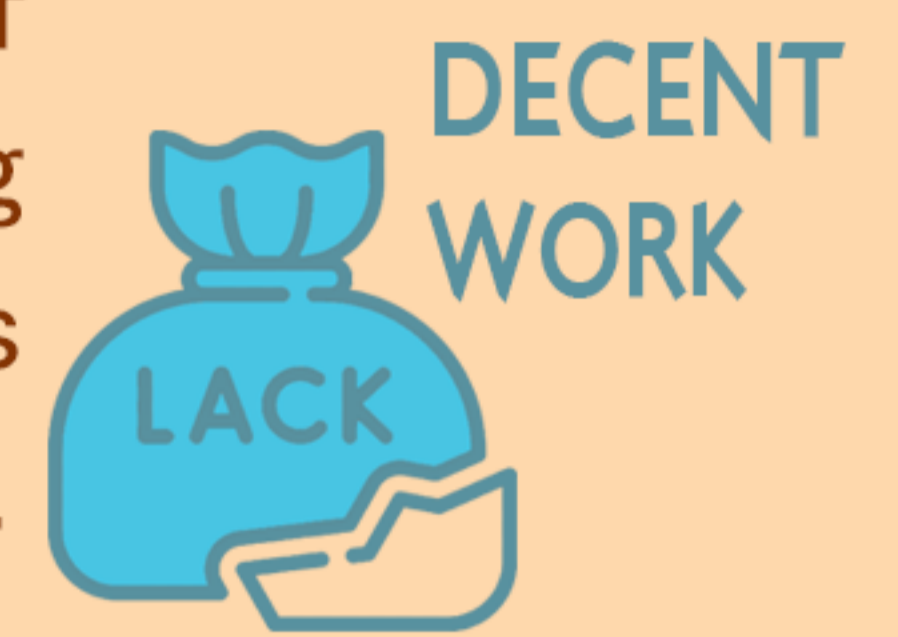
As a result, a significant number of Filipino women who have gained skills as nurses or teachers in the Philippines are often forced to migrate for work in low-skilled sectors abroad.⁴ Filipino women migrate primarily to East Asia and Gulf Cooperation Council (GCC) countries. While the demand for domestic workers has long been the main driver of women's migration from the Philippines, the demand for entertainers, mostly in Japan, also fueled women's labour migration. Since the work in the domestic and entertainment sectors are unprotected and prone to abuse, the safety and well-being of women migrant workers are of a significant concern.

The significance of domestic worker migration from the Philippines was a major reason behind the country's ratification of the ILO Convention on Domestic Workers (C189) in 2011, which recognises domestic work as labour that must be protected.⁵ While the government of the Philippines has taken some positive steps to regulate migration and protect the rights of migrant workers, particularly women, budgetary and resource constraints have undermined the government's capacity to assist women migrant workers. This means that abuse and exploitation of women migrant workers have continued, sometimes leading to physical harm and even death.⁶

THE STATE OF 'DECENT WORK' FOR WOMEN IN THE PHILIPPINES

Workers' rights as provided for in the Philippines' Constitution and national legislation (Labor Code) have been eroded by subsequent laws such as the Wage Rationalization Law for the private sector and the Salary Standardization Law for the government workers. Moreover, on-the-ground evidence shows that the Philippine government's recognition of workers' rights is merely lip service and far from the

international standards to which the government subscribes. Neoliberal policies of the government are particularly detrimental to women workers – as most of them work as contractual workers, they bear the brunt of attacks on wages and workers' rights.⁷ The lack of decent work conditions and a living wage within the country forces women workers to migrate abroad.



FULL AND PRODUCTIVE EMPLOYMENT



Average real daily basic pay in the Philippines has been declining over time, which indicates that workers' pay is not keeping up with the price increases. Moreover, the proportion of low-paid women employees is higher than low-paid male employees. Overall, the proportion of low-paid employees to total employment remained unchanged between 2001 and 2010.⁸

In 2021, the unemployment rate in the Philippines is 7.1 per cent, equivalent to 3.44 million Filipinos with no job.⁹ Compared to unemployment, underemployment remains a more serious concern through the years.¹⁰ The underemployment rate or the percentage of the working population looking for more hours of work stood at 16.2 per cent, equivalent to 7.34 million individuals.¹¹



MINIMUM WAGE



A two-tiered wage system implemented by the government has seriously undermined the minimum wage in the Philippines. The two-tiered wage system is a reform that maintains the mandatory minimum wage as the first tier; complemented by a voluntary productivity-based pay scheme as the second tier.¹² The mandatory minimum wage increased by 3.4 per cent from P7,139 (USD 144) in 2020 to P7,385 (USD 149) in 2021.¹³

The legally-mandated minimum wage falls far short of a living wage. According to the IBON Foundation, the P537 (USD 10) daily minimum wage in Metro Manila is only 52 per cent of the P1,022/day (USD 21) or P31,089/ month (USD 641) Family Living Wage (FLW).¹⁴

The FLW is the daily wage needed by an ordinary family composed of five members in order to decently meet basic needs. Based on the website of the National Wages and Productivity Commission, 11 regions in the Philippines have allowed daily minimum wages that do not reach P290 (USD 6).¹⁵ Furthermore, although there has been a gradual but important improvement in women's share in managerial occupations and less gender inequality in appointments, gender pay gap remains a serious concern.¹⁶

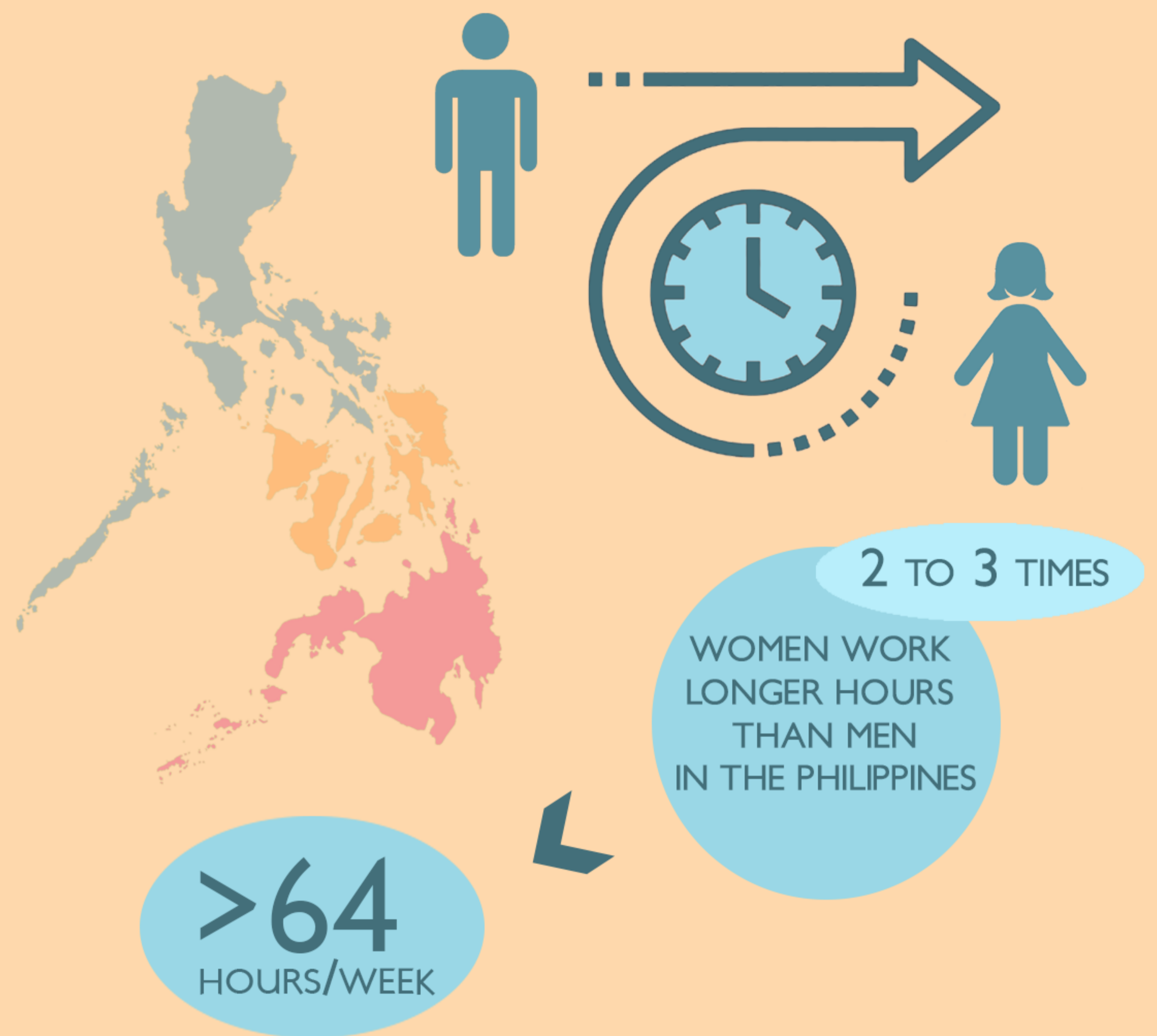


THE STATE OF 'DECENT WORK' FOR WOMEN IN THE PHILIPPINES

WORKING HOURS



An ILO study reports men tend to work longer average hours in paid work than women worldwide. The sole exception case is the Philippines where employed women were two to three times more likely than men to work exceptionally long hours of over 64 hours per week.¹⁷ In the Philippines, the share of women employed in jobs with excessive hours has increased over the years, and on average, women work longer hours than men, whether in their primary job or in all jobs they might have.¹⁸

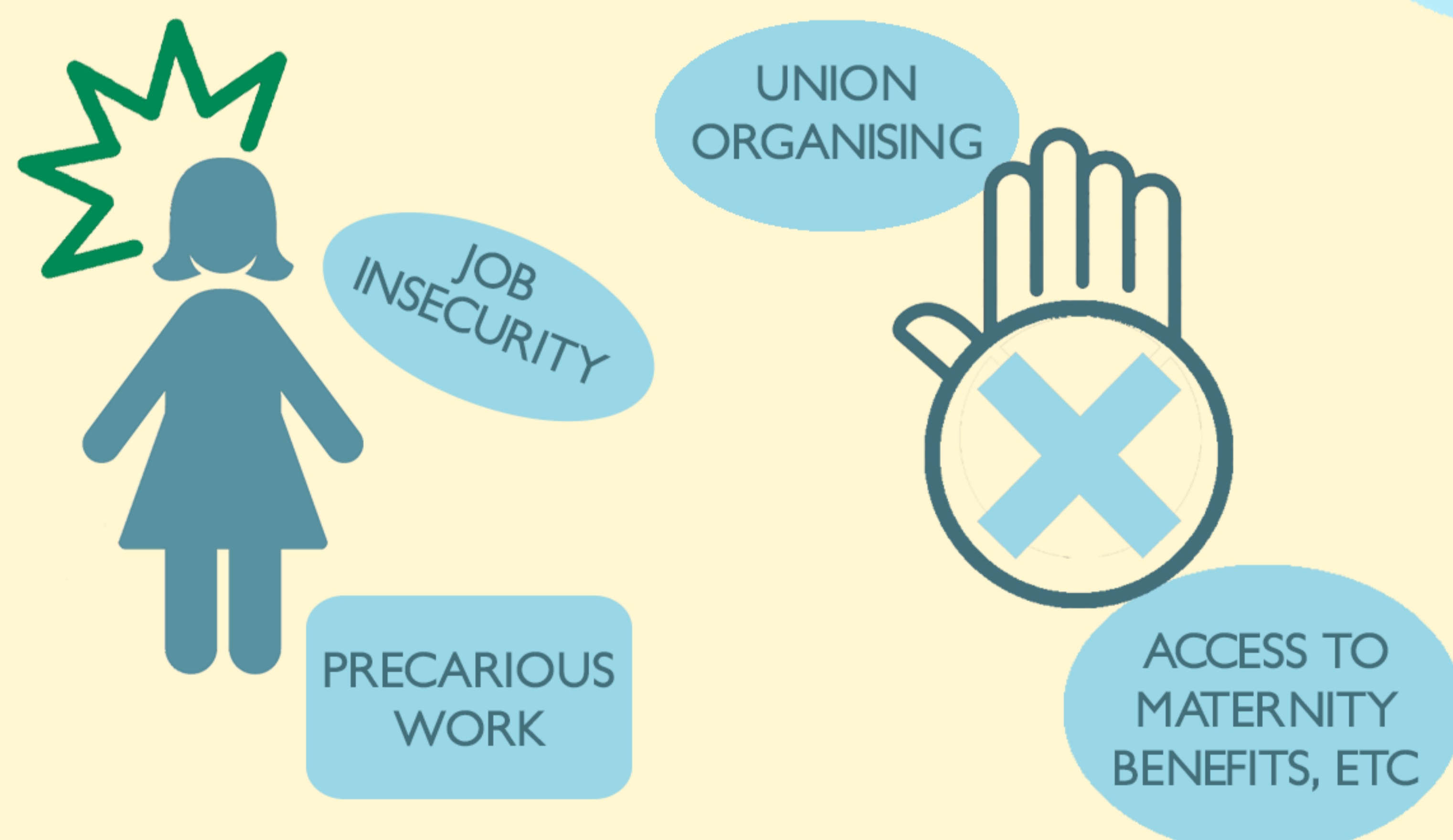


RIGHTS AT WORK



While security of work is a basic right under the Philippines Constitution and there are provisions for job security in the Labor Code, job insecurity continues to be a big problem in Philippine society. Experts contend that women are worse affected by job insecurity because they are more likely to be employed as short-term, seasonal or casual workers.¹⁹ This also prevents women from organising into unions and seeking higher wages while they are deprived of the right to access benefits such as those related to maternity.

However, on a positive note, the Philippines adopted a new domestic workers' law (Republic Act 10361) in 2013 that extends labour rights to national domestic workers and provides protection against abuse, debt bondage and child labour. The Act also provides minimum wage, social security and public health insurance coverage to domestic workers.²⁰

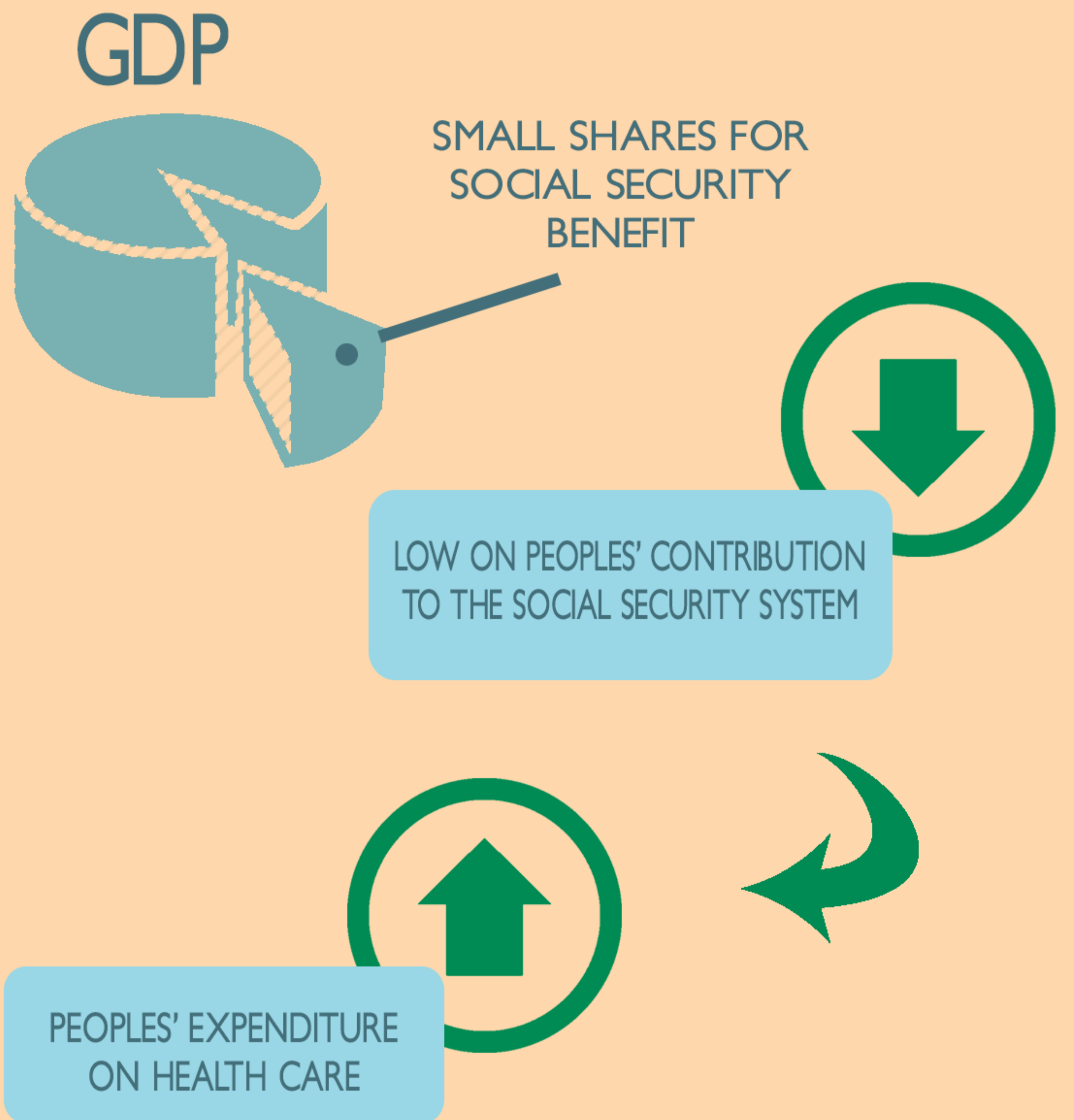


THE STATE OF 'DECENT WORK' FOR WOMEN IN THE PHILIPPINES

SOCIAL PROTECTION



The state of social protection in the Philippines is poor with a minimal share of social security benefits in GDP and a low share of the economically active populace contributing to the social security system. Out of pocket expenditures on health care have also been rising over the years.²¹



POOR STATE OF SOCIAL PROTECTION

PROMOTION OF SOCIAL DIALOGUE



Similar to the global trends, the Philippines has seen a significant decline in union membership and collective bargaining agreement coverage. Recent formation of national and industry tripartite councils and the institutionalisation of industry voluntary codes of practice are positive developments. However, at the same time, ample evidence exists of employers cracking down on unions, sometimes with the help of law enforcement agencies.



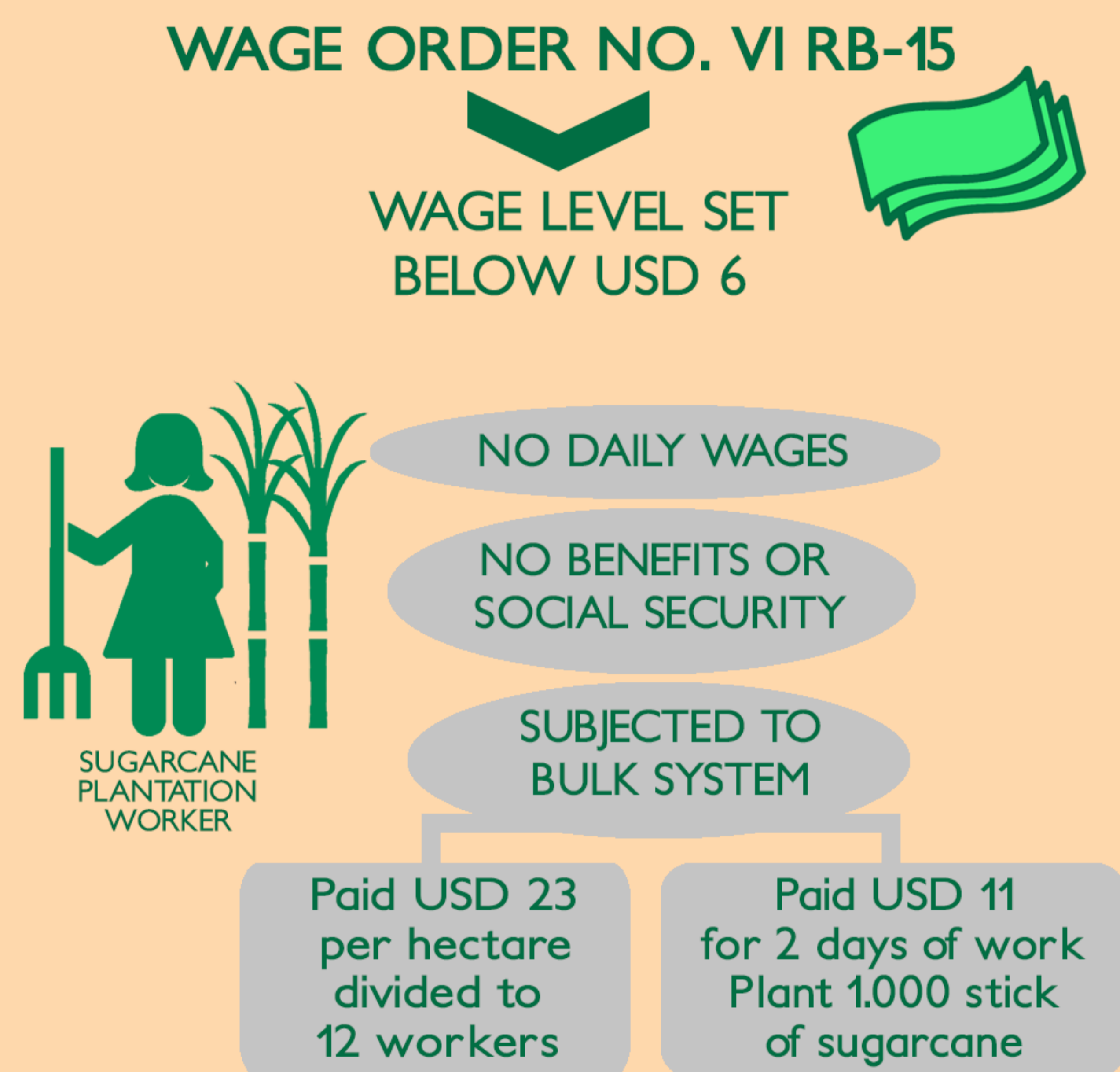
THE STATE OF 'DECENT WORK' FOR WOMEN IN THE PHILIPPINES

STARVATION WAGES AND ANTI-UNION PRACTICES

Women in the Negros region in the Philippines are generally unemployed and under-educated. Their children are unable to finish primary school. Although many of them are supposed beneficiaries of government-sponsored land reforms, they still have to pay the rent to the landlords.

Many women workers in Negros get wages that are significantly below the minimum wage level set in the region

Based on Wage Order No. VI RB-15; the wage level set for the region is below P 290 (USD 6) per day. Women working in the sugarcane farms often do not have daily wages and are subjected to the pakyaw (per bulk) system. In this system, P 1,033 (or USD 23) is paid per one hectare of work. There are at least 12 workers that share this amount. They usually finish the work in three days. Some workers need to plant 1,000 sticks of sugarcane. They get paid P 500 (or USD 11) for two days of work. In haciendas (big land owned by landlords), workers do not receive benefits, especially the women workers and very few have social security.



Workers who protest are threatened not only by landlords but also the military and the local government. Sometimes they are threatened with violence. In fact, many leaders from Negros have already been arrested, detained and some of them have been killed and/or disappeared. Regardless of these harassment and violence, the workers persist because they have no choice but to fight, otherwise they would have to starve.



Some workers in plantations are being organised under the National Federation of Sugar Workers (NFSW). Aside from educating them about their trade union rights, they are also learning the value of genuine land reform. Other workers are organised into associations, although they are not yet at the union level.

As a result of union organisation, there are now dialogues with management where there are women negotiators, which is crucial because many of the workers are women. Women negotiators have also been proven to be more effective at conducting peaceful negotiations and preventing violence.

ASSOCIATION



NEGOTIATION

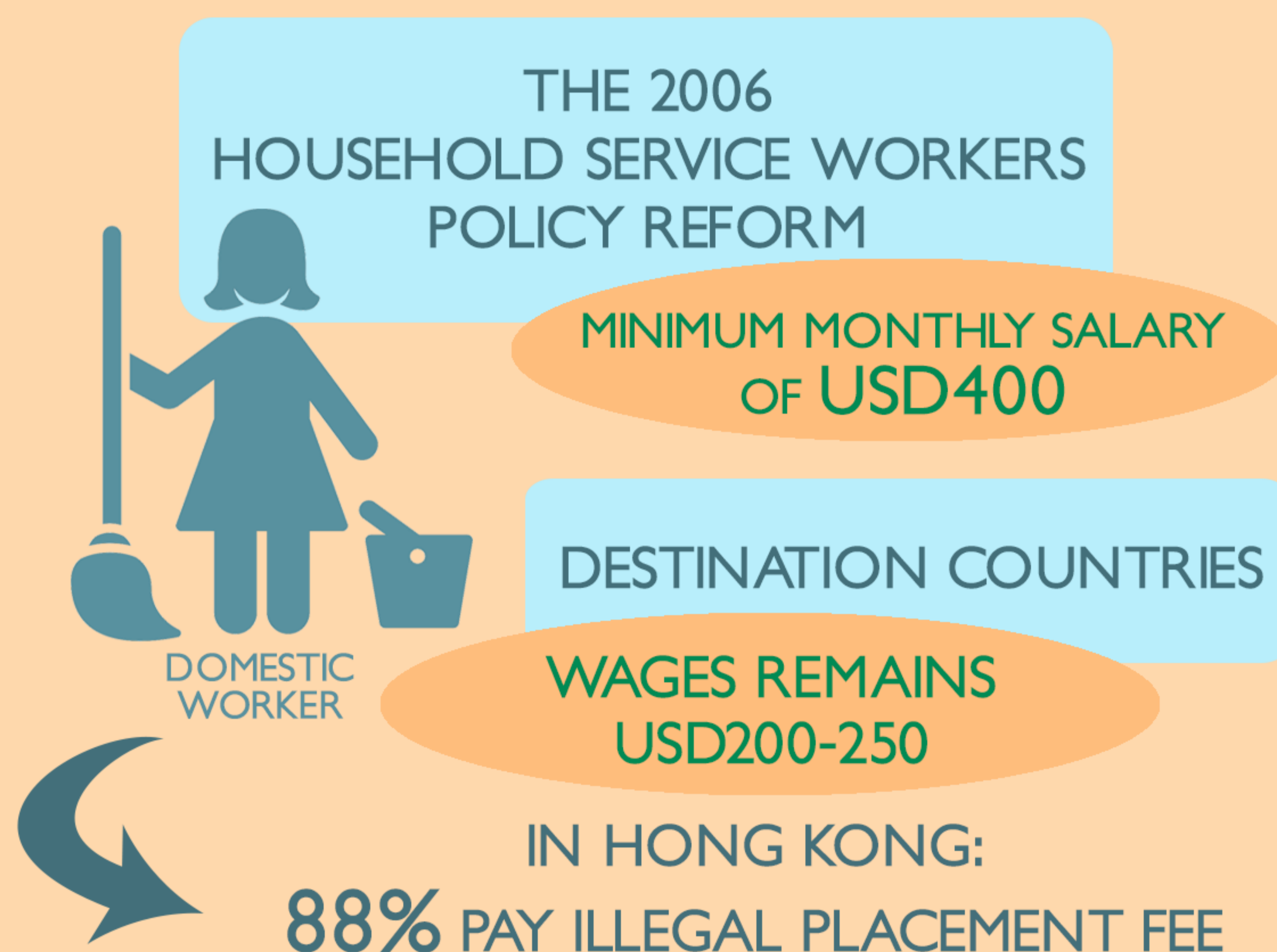
DIALOGUES

CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM THE PHILIPPINES

POVERTY WAGE AND ILLEGAL RECRUITMENT FEE

The 2006 Household Service Workers (HSW) policy reform mandated a minimum monthly salary of USD 400 per month for domestic workers. However, this policy is poorly implemented since many destination countries refuse to comply and the prevailing wage for domestic workers in GCC and other Asian destination countries remains between USD 200 to 250 a month.

Similarly, although there is regulation against charging migrant workers a placement fee, a survey conducted in Hong Kong in 2011 found that 88 per cent of domestic workers had to pay a private recruitment agency for a placement.²²



CONTRACT SUBSTITUTION AND INADEQUATE SALARY

Contract substitution is a common strategy used by recruitment agencies to circumvent regulations. Workers are often coerced into signing false employment agreements before departure. Upon arrival in the destination country, migrant workers have to sign a new employment agreement, often with lower pay, less benefits and obligations to pay placement fees. Migrant workers are reluctant to report such cases because they fear losing their jobs and any funds they have spent in the migration process.²³

BEFORE DEPARTURE



UPON ARRIVAL

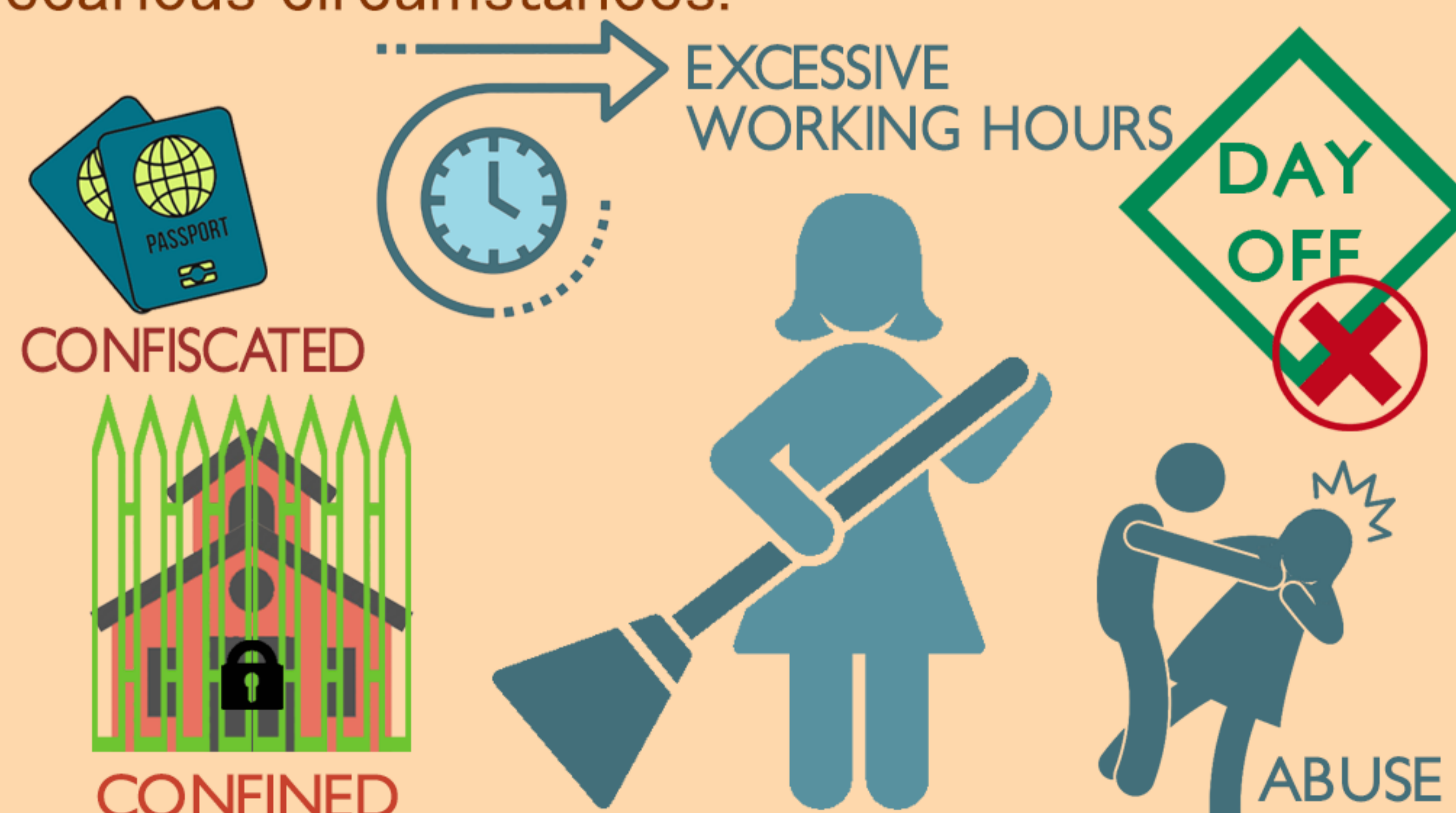


LOWER PAY
LESS BENEFITS
OBLIGATION TO PAY
PLACEMENT FEES

PHYSICAL AND EMOTIONAL ABUSE

Physical and emotional abuse is also commonplace for Filipino women migrant workers. Employers often confiscate the passports of domestic workers, force them to work excessively long hours and deny them rest time or weekly day off. Women are often confined to their employers' homes, subjected to verbal, physical and sometimes sexual abuse. The situation is particularly dire in the GCC countries where many Filipino women migrate to. In these countries, the "kafala" system is used for recruitment which ties the residency of the worker to their employer, and workers who flee their employers can be arrested, fined, imprisoned or deported.

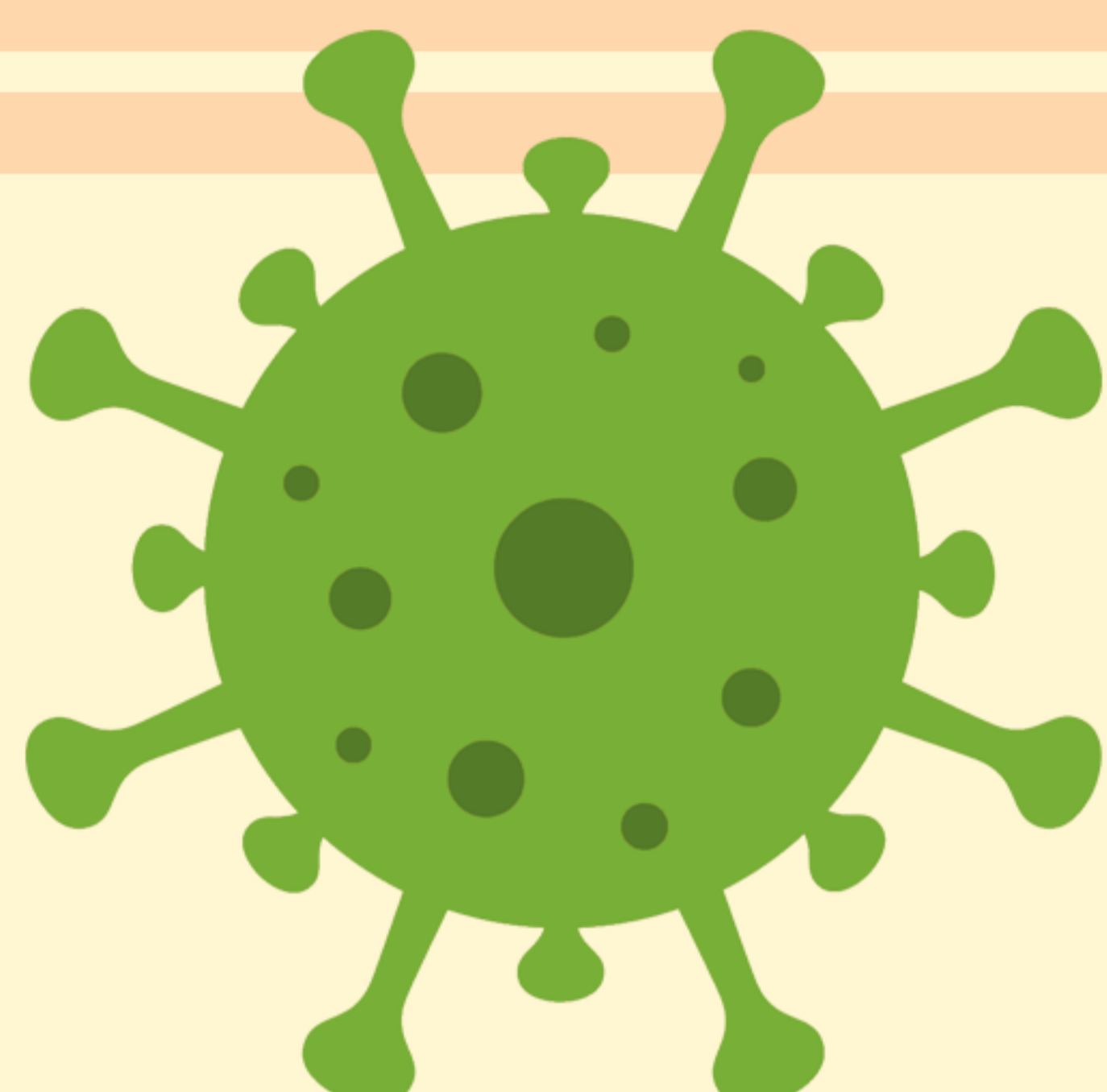
This forces workers to remain with abusive employers; or if they are able to leave, then many have to do so without getting any form of justice or remedy. Suicides and deaths of domestic workers are common as a result of these highly precarious circumstances.²⁴



CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM PHILIPPINES

IMPACT OF COVID-19

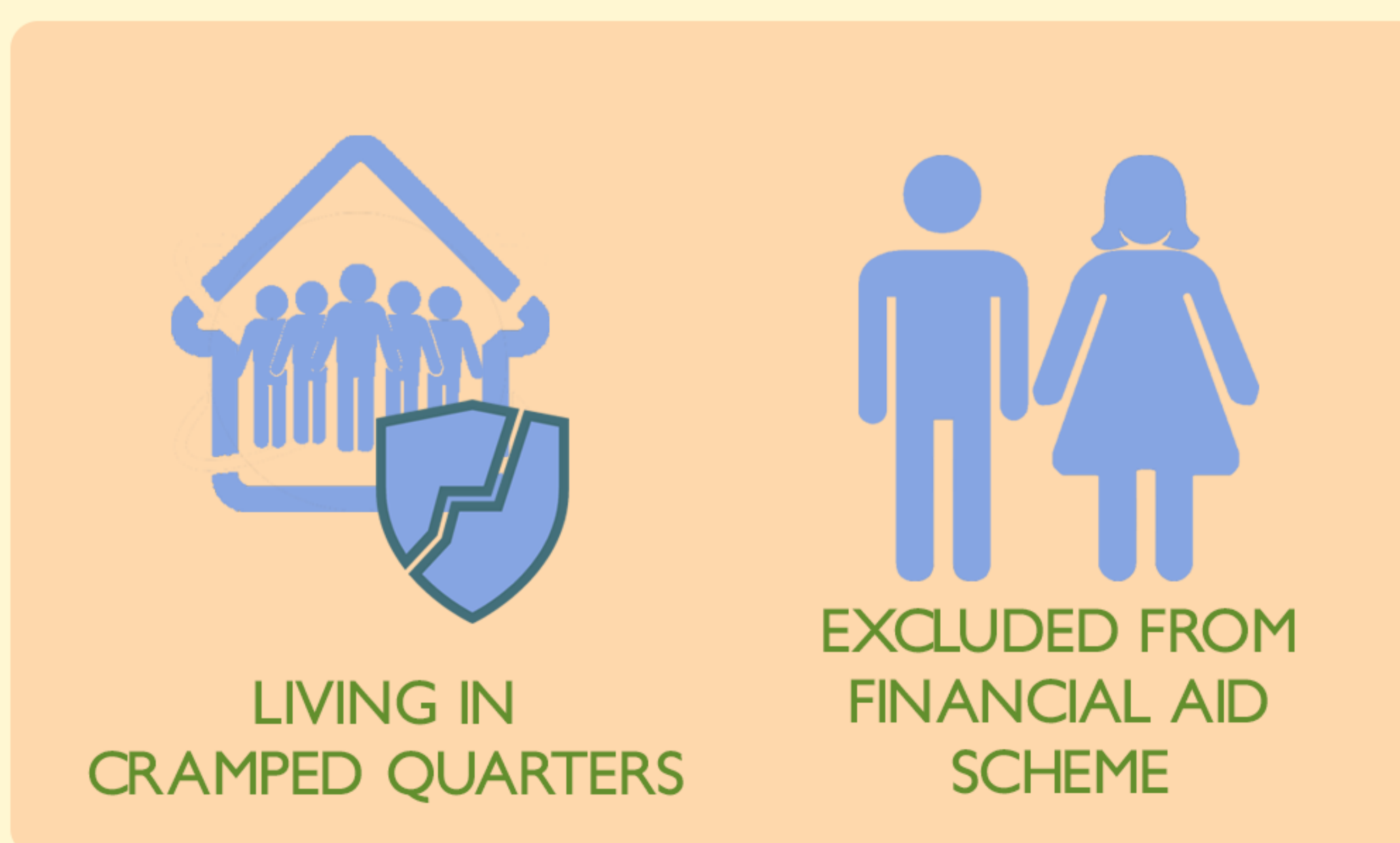
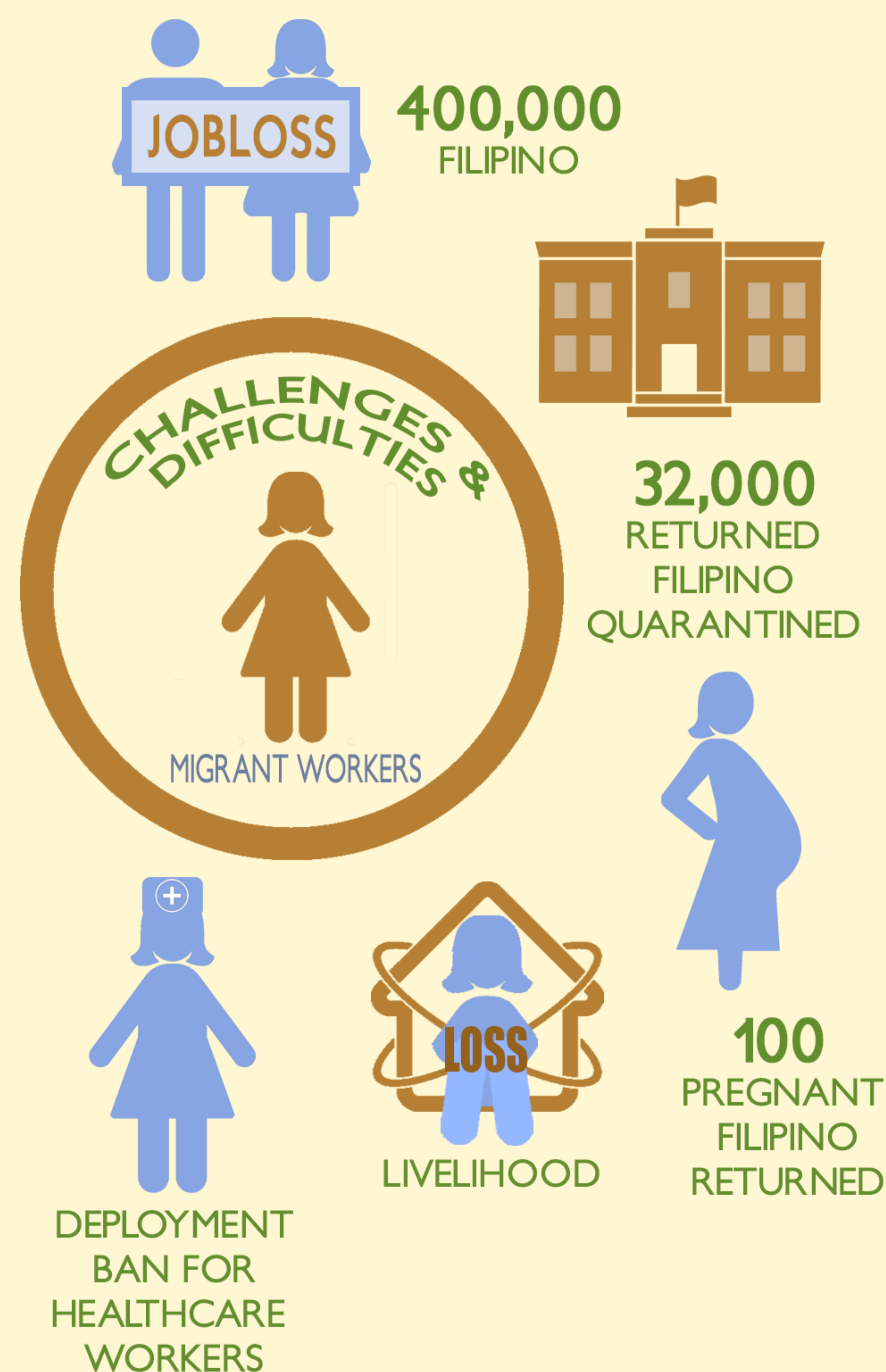
ON FILIPINO WOMEN MIGRANT WORKERS



As a heavily remittance-dependent country (around 10 per cent of the total Philippines GDP), migrant workers and their families as well as the economy in the Philippines have suffered immensely due to the COVID-19 pandemic. Up to 400,000 Filipino overseas workers lost their jobs or took a pay-cut in 2020.²⁵

By June 2020, over 32,000 Filipino migrant workers had returned to the Philippines. The returning workers are placed in government-assisted quarantine facilities. Around 100 Filipino returned migrant women were pregnant and eight of them were forced to give birth while in quarantine facilities. Most migrant workers who returned have lost their livelihoods. A deployment ban for Filipino health care workers, the majority of whom are women, was imposed in May 2020 in order to prioritise human resource allocation to the national health care system. These health care workers were required to volunteer their time during the pandemic. However, a public outcry forced the government to modify the ban and allow health care workers to leave if their overseas contracts had been finalised before 8 March 2020.²⁶

Many migrant workers who remain overseas have found themselves without work and medical support, living in cramped quarters where no social distancing is possible or vulnerable to homelessness if they are evicted from their employer's accommodation. Most host countries that have provided financial aid to workers have not included migrant workers in the scheme. Moreover, although the government of the Philippines offered USD 200 in aid to workers abroad, many who applied have not received it.²⁷



LAW AND POLICIES ON MIGRANT WORKERS' RIGHTS

The Philippines has a number of policies in place to protect migrant workers and the country's foreign policy is significantly influenced by the issue of labour migration. Migration is governed by the Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, and its amended version, the Republic Act 10022. A Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) based legal review of the Act's gender-sensitive criteria for programmes and policies found a high level of compliance.²⁸ According to the Act, migrant workers can only be deployed to countries where their rights are protected. However, critics have questioned the efficacy of this approach for protecting women migrant workers. Moreover, in 2009 the Philippines approved the Magna Carta of Women as part of its commitment to localise the provisions of CEDAW. This led to mandating a legal definition of discrimination against women, especially those in marginalised sectors, including migrant workers. Among other provisions, the law requires putting in place gender focal points in embassies and consulates of the Philippines to strengthen the delivery of services to women migrant workers.²⁹

FOREIGN EMPLOYMENT

Migrant domestic workers are regulated under the 2006 Household Service Workers (HSW) policy. The policy states that HSWs should be at least 23 years old and must acquire certification to ensure their competence. It also says that HSWs should be paid a minimum monthly salary of USD 400 and should not be charged placement fees.

RECRUITMENT

The Philippine Overseas Employment Administration (POEA) regulates recruitment agencies. The agencies are required to negotiate with employers and disclose all terms and conditions to migrant workers. Foreign employers are also required to be accredited by the POEA. Recruitment agencies and employers are required to assume joint and several liability for migrant workers while newly licensed agencies are charged one million pesos (USD 22,000) to ensure compliance with the rules.³⁰

EDUCATION AND TRAINING

The Overseas Workers Welfare Administration (OWWA) is mandated to provide programmes and services for migrant workers and their families. The government provides education and training services to migrant workers. A pre-departure education programme is provided to workers to familiarise them with their destination country. Workers are provided information on airport procedures, working and living conditions abroad and about where to seek help. Domestic workers receive additional training on language, culture and stress management.³¹

LAW AND POLICIES ON MIGRANT WORKERS' RIGHTS

SOCIAL PROTECTION

All migrant workers are covered under a compulsory insurance scheme that provides coverage for accidental and natural death, permanent or total disability, repatriation costs, subsistence allowance, medical evaluation and medical repatriation, among others. Legally deployed migrants are also covered under the Philippine Health Insurance Corporation, which covers workers' hospitalisation costs overseas.³²

OVERSEAS SUPPORT

The Assistance to Nationals Fund supports all Filipino workers (both legal and illegal migrants) overseas by paying for repatriation, welfare assistance, shipment of remains and personal effects and following up on death/accident benefits. Additionally, the Legal Assistance Fund provides legal assistance to migrant workers when they are overseas.³³

REPATRIATION AND REINTEGRATION

The OWWA provides assistance to distressed migrant workers in bringing them back to the Philippines. Workers are provided with airport assistance, temporary shelters, psycho-social counselling and transportation services. It also provides support in bringing back the remains of deceased workers.

Returned workers are provided services to help them reintegrate into the Philippines, such as job referrals, business counselling, financial literacy training, linkages with support institutions and social preparation programmes. A USD 44 million Reintegration Fund is available to returning migrant workers for enterprise development.³⁴

MEMORANDUM OF UNDERSTANDING (MOU'S), BILATERAL AGREEMENTS AND BANS

The Philippines is the first country in Southeast Asia to utilise withholding labour forces in order to bargain for better rights protection. It has also ratified ILO Convention 189 (Domestic Workers Convention), which gives it a better negotiating position with destination countries as it has committed to protecting working conditions itself.



ILO CONVENTION 189
ON DOMESTIC WORKERS



In 1988, the Philippines issued a total ban on outward migration for domestic work in response to widespread reports of abuse. However, bans on outward migration have usually been applied on a country-basis, in response to a crisis or non-compliance under the Migrant Workers' Act.³⁵ For example, a ban on workers going to Kuwait was put in place in February 2018 after the discovery of a murdered Filipino domestic worker whose body had been left in a freezer for a month by her employer. In April 2018, this ban was made permanent by Philippine President Rodrigo Duterte.³⁶



MIGRATION BANS
ON A COUNTRY-BASIS

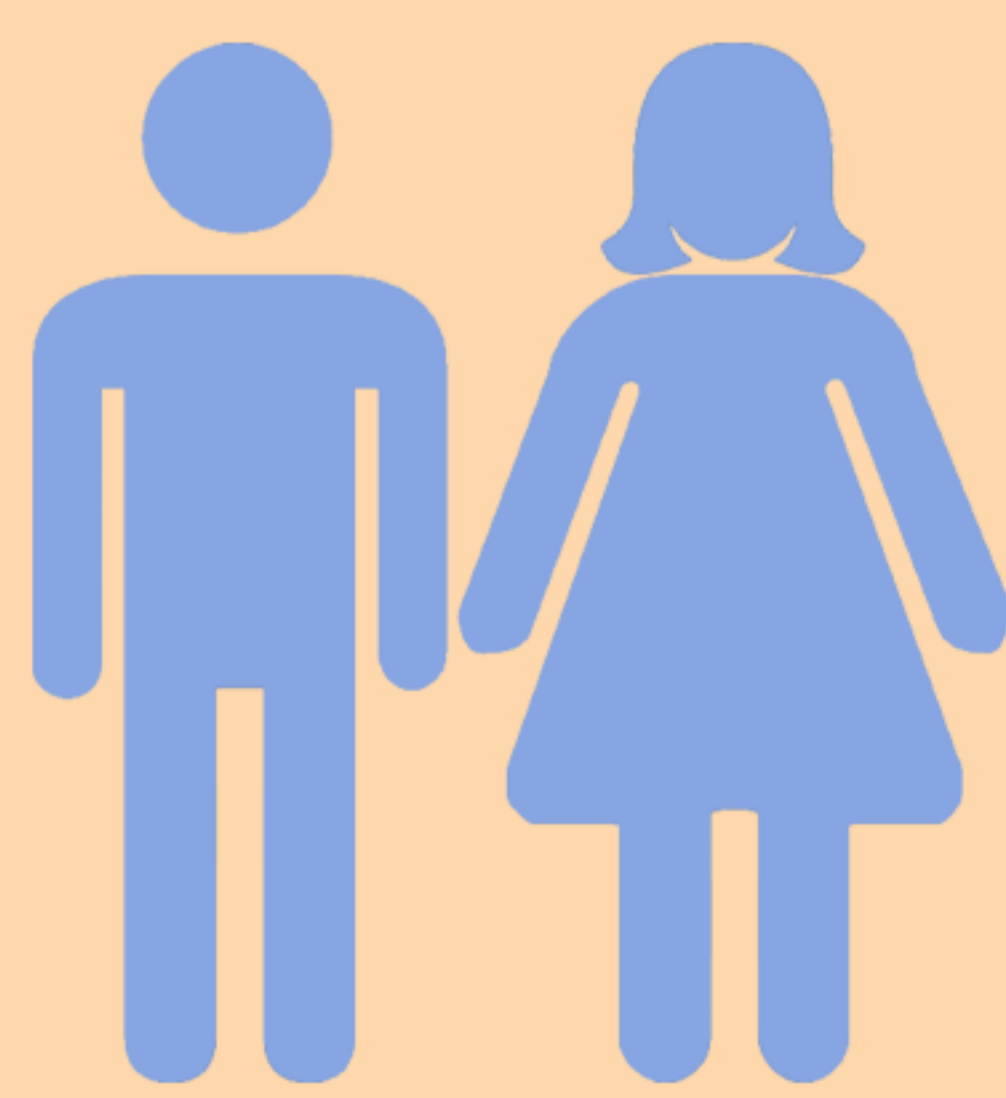
In addition, in 2011 an age requirement of 23 years was placed on domestic workers, whereas the requirement is 18 years for workers in other sectors. Exceptions to the 23-year age requirement are allowed if the terms and conditions of employment are compliant with the Household Service Worker Policy Reform Package and the legislation in the destination country provides adequate protection mechanisms for domestic workers.³⁷

AGE REQUIREMENT



>23 YEARS
FOR

DOMESTIC WORKERS



>18 YEARS
FOR

OTHER SECTORS

Experts have argued that bans and restrictions by the Philippines on outgoing migrant workers have had mixed results. For example, the 1988 total ban on migration did not successfully exert policy pressure to improve working conditions in many destination countries – many countries requested exemptions to the ban or retaliated by slowing down visa processing for all Filipino nationals. While 16 countries so far have signed bilateral agreements that promised improvements in working conditions and protections, the countries where workers experienced the most violations did not enter into bilateral agreements.³⁸

BILATERAL AGREEMENTS



16

COUNTRIES

STATUS OF RATIFICATION OF INTERNATIONAL INSTRUMENT AND CONVENTIONS

NAME	ADOPTION STATUS
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)	✓
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)	✓
INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)	✓
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)	✓
INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (ICMW)	✓
ILO 29 FORCED LABOUR CONVENTION	✓
ILO 87 CONVENTION ON FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE	✓
ILO 97 MIGRATION FOR EMPLOYMENT CONVENTION	✓
ILO 98 CONVENTION ON RIGHT TO ORGANISE AND COLLECTIVE BARGAINING	✓
ILO 100 CONVENTION ON EQUAL REMUNERATION	✓
ILO 105 ABOLITION OF FORCED LABOUR CONVENTION	✓
ILO 111 DISCRIMINATION IN EMPLOYMENT AND OCCUPATION CONVENTION	✓
ILO 143 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION	✓
ILO 156 WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION	✗
ILO 181 ON PRIVATE EMPLOYMENT AGENCIES CONVENTION	✗
ILO 183 MATERNITY PROTECTION CONVENTION	✗
ILO 189 DOMESTIC WORKERS CONVENTION	✓
ILO 190 VIOLENCE AND HARASSMENT CONVENTION	✗

✓ Signed and Ratified

✗ Not ratified

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