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Addressing the Needs of Filipino Workers: Implementation of the Four Services of the Philippine Embassy Resource Centre in Brunei Darussalam

Maria Rocy Paguntalan Tendencia

Practicum report submitted in partial fulfillment of the requirements for the
Master of Arts in International Development Studies at
Saint Mary's University, Halifax, Nova Scotia, Canada

April 30, 2001

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By

Maria Rocy Paguntalan Tendencia
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Practicum report submitted in partial fulfillment of the requirements for the Master of Arts in International Development Studies at Saint Mary's University, Halifax, Nova Scotia, Canada

April 30, 2001

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List of acronyms

APEC – Asia-Pacific Economic Cooperation
ASEAN – Association of Southeast Asian Nations
CSC – Civil Service Commission
DOLE - Department of Labor and Employment
ILO – International Labour Organization
LOI – Letters of Instruction
NEDA – National Economic Development Authority
NGO – Non- governmental organization
OFW- Overseas Filipino Workers
OWWA - Overseas Workers Welfare Administration
POEA – Philippine Overseas Employment Agency
TESDA – Technical Education and Skills Development Authority
TLRC – Technology Livelihood and Resource Centre
TRCB- The Resource Centre in Brunei

Abstract

Addressing the Needs of Filipino Workers: Implementation of the Four Services of the Philippine Embassy Resource Centre in Brunei Darussalam

In the Philippines, a development problem that has strongly made its way to the policy agenda is the migration of Filipinos to work abroad. Labour migration has been hailed by the government administrations as saving the depressed economy and policies had been channeled towards the economic benefits reaped from this phenomenon. However, the experiences of workers disclose the risks and social costs that come with it. This led to the enactment of the Migrant Workers and Overseas Filipino Act of 1995 or Republic Act 8042 which established the Resource Centres to cater to the various needs of migrant workers.

One such centre is located in Brunei Darussalam, a small country in Southeast Asia that currently employs 22,000 Filipino workers. Through the invitation of the Philippine Embassy, the practicum commenced with the examination of the services in the Resource Centre that had not been implemented. Four areas that provided vital information for a migrant's pre-migration, during migration and post-migration conditions were identified and implemented. These were the post-arrival orientation, pre-departure orientation for returning migrants, gender-sensitive program and human resource development.

Besides these services, however, the provision of counseling for "distressed" migrants and information dissemination about the conditions of employment in Brunei should also reach migrants. Above all, policy makers should carefully examine contexts that could hinder the implementation of some of the services outlined in government policies and work towards a Bilateral Labour Agreement with each host country.

Indeed, labour migration alleviates the serious unemployment problems faced by the Philippines and provides income for a substantial number of families belonging to the poorest stratum of society. However, the consequences are dramatic that warrant more services to ensure the promotion and protection of Filipino workers all over the world. Ultimately, though, it is still the improvement of the conditions in the Philippines that would eventually influence the migration of Filipinos abroad.

April, 2001
Maria Rocy Paguntalan Tendencia

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April, 2001
Maria Rocy Paguntalan Tendencia

This paper is dedicated to my parents - Ronnie and Cynthia, my brother Cyron, my sister Mayra and my boyfriend Mark for all their love and support.

Chapter 1

Philippine Labour Migration

This report documents a practicum placement at the Philippine Embassy Resource Centre where I contributed to the staging of various programs for Filipino migrant workers. What follows discusses both the context of Philippine labour migration and the development of programs to assist Filipino migrants, in this case, the Brunei context. This report is intended for policy implementors and Filipino workers all over the world. The implementation of a government policy for migrant workers can serve as an example for other Philippine missions to emulate. For the Filipino workers, this practicum report will show the relevance of attending seminars and orientation programs specifically designed for migrant workers; that they should participate and voice their opinions and suggestions so policy-makers are aware of their needs and concerns. Such participation can provide meaningful feedback and hopefully lead to more sound policies for migrant workers.

Rationale

Officially, labour migration in the Philippines began in 1900, thus it was about one-hundred years ago when the first group of Filipino workers left the Philippines for Hawaii. According to the Primer on Philippine Labour Migration published by the Philippine Overseas Employment Agency (POEA), there were two hundred in all who were soon followed by thousands more until they formed about 70 percent of Hawaii's plantation labour (Gonzalez III, 1998). Hawaii was then experiencing a severe

manpower shortage (Barber, 2000; Gonzalez III, 1998). The few hundreds who initially left the Philippines, turned into thousands within a span of five years. The majority made Hawaii their second home and became permanent residents. Shortly thereafter, Filipinos were sent to California as apple and orange pickers. It is there where the Filipinos gained a reputation as 'fruit pickers'.

In 1946, Filipinos became in demand as construction workers and labourers in Guam, Okinawa and the Wake islands as a result of the just-concluded World War II. The United States military stations were then in immediate need of rehabilitation and construction. And when both the Korean and Vietnam wars broke out later, the Filipino workers were again institutionalized in the US defense and civilian projects (The Overseas Employment Program, 1995).

As early as the '60s, quite a number of Filipinos were hired as medical workers in the United States, Canada and Australia (The Overseas Employment Program, 1995). Even then, nurses formed the most numerous of all medical manpower sent by the Philippines abroad. Filipino labourers, at about the same time, were sent to Borneo, Thailand, Malaysia and Indonesia when these Asian nations opened their labour market in construction and logging (The Overseas Employment Program, 1995).

The Philippine government's overseas employment program reached its peak in the early 1970's because of the manpower shortage during the construction boom in the Middle East (Arnold & Shah, 1986). Filipinos were hired by the thousands as early as 1969.

From 3,694 deployed workers in 1969, as recorded by the Department of Labor and Employment (DOLE), the number reached almost half a million by 1983. The majority of the workers were then sent to the Middle East, particularly to Saudi Arabia. It is a known fact that of all labour host countries, the Kingdom of Saudi Arabia is number one in terms of Filipino workforce hiring. According to POEA, a total of 2,012,800 Filipinos were absorbed by Saudi Arabia from 1984 to 1993. This was complemented by the increasing demand for service workers, particularly domestic helpers in Europe, Canada, Hong Kong, Brunei and Singapore.

Asia, however, has lately become a major labour market for Filipinos. Hong Kong, Singapore and Malaysia are continuously opening employment opportunities for skilled and professional workers. During the 1990's Japan, South Korea and Taiwan have also opened their doors to Filipino overseas workers for both skilled and unskilled workers (Martin, 1991).

Currently, official estimate places the total number of overseas Filipino workers (OFWs) at 4.2 million: 2.4 million are documented or contract workers and 1.8 million are undocumented or illegal workers. Philippine Overseas Employment Administration (POEA) Administrator Reynaldo Regalado said that a total of 459,832 OFWs were deployed to 206 countries during the first six months of year 2000, a 12 percent increase from the 459,278 OFWs deployed during the same period last year (Migration News, January 2000). He further added that there has been an increase in deployment in Europe

(Italy, Spain and United Kingdom) and other Asian countries such as Brunei, Cambodia, China, Hong Kong, Japan and Singapore.

Correspondingly the OFWs have many times saved the depressed economy through their remittances which are equivalent to ten percent of the country's GDP. However many OFWs also experience hardships that deserve to be addressed by the government to ensure that their experiences are not repeated and that policies are in place to protect them. The government agencies like the Overseas Workers Welfare Administration (OWWA) and the Philippine Overseas Employment Agency (POEA) present in about twenty-four posts have been working hand in hand to uplift the economic and working conditions of the overseas workers. But many OFWs remain doubtful that these agencies are fully aware of the true and actual plight of the workers (People's Views, 1995:12).

Accordingly, the government legislated that Filipino embassies explicitly support these workers. Pursuant to Section 19 and 23 of the Migrant Workers Overseas Filipinos Act of 1995 or Republic Act 8042, Resource Centres began to be established in countries where there were at least 20,000 migrant workers. At present, one such centre is in Brunei Darussalam. Brunei is one of the sought after workplaces in Southeast Asia because it is near the Philippines and no income taxes are levied.

The 30,000 Filipino migrant workers in Brunei also comprise the second largest number of expatriate workers in that context. As a government organization established by the

Philippine Embassy, the Resource Centre is able to operate legally in Brunei where non-governmental organizations cannot operate. Moreover, the Embassy Resource Centre can operate with diplomatic immunity. Thus this practicum will seek to address this problem: How can the Brunei Embassy Resource Centre address the needs of migrant workers in Brunei Darussalam?

Background

My previous study[1] had explored the experiences of migrant workers in Brunei and the extent to which the Resource Centre was able to provide assistance to these migrant workers according to the services mandated by RA 8042. My findings revealed four service areas that required implementation. These were a) post-arrival orientation b) pre-departure orientation program for returning migrants c) gender-sensitive programs to assist needs of migrant workers, and, d) human resource development. Before the implementation of these services, the organization requested me to reconfirm my findings about the needs of migrant workers. During the months of April, May and June, I carried out a multi-method ethnographic study. The data was collected through participant observation where I worked with the Resource Centre Coordinator. Documentary analysis on reports of the Labour Section of the Philippine Embassy in Brunei as well as semi-structured interviews with the migrant workers utilizing the Centre and the embassy staff were also conducted.

[1] The intern conducted a study entitled " Implementation of Welfare Policy of Migrant Filipino Workers: A case Study of the Resource Centre in Brunei Darussalam" in 1998.

These data constituted vital information on the pre-migration and migration experiences of migrant workers in Brunei; through semi-structured interviews the post-migration plans of workers were determined. With these findings, the conceptualization stage of implementation commenced with the embassy officials. The goal was to be able to fully implement the post-arrival orientation and pre-departure orientation for returning migrants incorporating gender-sensitivity in the third or fourth month of the practicum. Due to time constraints, a proposal was made for the human resource development program. I would like to emphasize here, however, that my interactions with Filipinos were not limited to my official duties at the Resource Centre. I was also involved in various church activities and was approached several times by Filipinos who sought advice regarding the problems they had with their employers. Through these informal activities I was able to gather relevant data.

The learning objectives of the practicum are twofold: 1) To ascertain the importance of Philippine government organizations in promoting the welfare of migrant workers, and 2) To contribute to the implementation of programs or services to address the needs and concerns of the Filipino migrant workers in Brunei Darussalam.

The remainder of this chapter examines the literature on labour migration, specifically that on the process and stages of labour migration, the policies of the Philippines regarding labour and finally it offers an overview of welfare programs in sending countries. The chapter intends to shed light on the complexities of labour migration,

particularly with regard to policy development for their protection and promotion of the welfare of migrant workers.

Chapter 2 will then focus on the Resource Centre, where I did my practicum. The context of this practicum will be briefly described, followed by detailed information about the Filipino migrants in Brunei and the services offered to them by the Resource Centre. The results of the ethnographic research for the reconfirmation of the needs of the migrant workers will also be discussed in this chapter. Then the conceptualization of the program for implementation will be the highlight of Chapter 2.

In Chapter 3, policy implementation is reviewed along with a detailed discussion about events during the six months internship, particularly those related to service implementation. As a result of the initial programs, requests for more orientation programs emerged from different Filipino communities and provided inspiration and motivation in the continuation of such programs.

In Chapter 4, a narrative of the experiences of the intern working in the Resource Centre for six months is presented. Moreover, a discussion of the important roles played by the Brunei government, the recruitment agency and the Philippine government in a migrant's welfare is also discussed.

Finally, Chapter 5 leads the intern to some final words of conclusion and recommendation plus an assessment of whether or not RA 8042 has indeed made a difference in the plight of migrant workers in Brunei Darussalam.

Literature Review

The rise in labour migration since the mid- 1970's has had serious consequences for many countries in Asia. The migration abroad of thousands of skilled workers has raised issues of a 'brain drain' for sending countries, the need for bilateral labour agreements to protect workers, and has raised many concerns about the welfare of migrant workers because of the many deaths and maltreatment cases reported (Gonzalez III:1998; Arnold & Shah:1986; Abella, 1994; Heyzer, Nijeholt & Weerakoon, 1994).

Over the past few years most sending countries have developed elaborate regulations and procedures to secure the best possible conditions of employment for their workers overseas. These commonly include measures to ensure that the workers do not go abroad without having a valid contract of employment, the necessary visas and work permits, and contractual terms consistent with the minimum standards set by home countries. Have these measures made any real difference to the terms of employment actually obtained by the overseas workers? Some writers (Abella, 1984; Arnold & Shah, 1994; Gonzalez III, 1998) contend that the supply of labour for the employing countries is very elastic and there is little that any labour-exporting country can do alone to influence the price of its labour in the world market. This view is probably not entirely accurate

because the demand for Filipino workers is rising and to some extent those concerned with the conditions faced by overseas Filipino workers have been able to push for an employment contract drafted by the Philippine government for Filipinos to be given a certain minimum wage. But then again, the enforceability of these policies in the host countries remains a dilemma for sending countries.

Studies on labour migration to the Middle East (Arnold & Shah:1986), show that the legal structure in the sending countries has not had sufficient time to entirely catch up with current conditions. The general policy of most countries has been to maximize the export of workers while minimizing the negative consequences of labour migration. The tension underlying policy debates arises from these often conflicting goals. Arnold and Shah (1986) add that it is sometimes difficult for Asian countries to boost labour exports without producing some labour shortages at home. Similarly, a country's attempt to improve wages, benefits and working conditions for its workers contradicts the expansion of labour exports because of the intense competition among Asian sending countries.

According to Hameeda Hossain (Development, 1993: 41), the lack of alternatives in the home country as well as the higher returns for the family are the primary motivating factors underscoring the escalation in rates of labour migration. Similarly, dependency school theorists see migration as a component of the process of capital accumulation that strengthens developed economies but weakens developing economies creating a dependence of "periphery" societies on "core" societies (Battistella & Paganoni, 1992).

My frequent interactions with fellow Filipinos and families of migrants also points to the fact that their benchmark for a person who is successful is when he/she works abroad and send remittances home. Interviews conducted in this project support what the literature has consistently shown (Abella, 1994; Arnold & Shah, 1986; Gonzalez III, 1998) that it is the lack of employment opportunities in the Philippines, as well as the declining value of the peso, that make it lucrative to work abroad. According to Tyner (1994:607) however, the act of migration is no longer freely chosen because lower wages, threats of physical abuse, tolerance of contract violations are not the conditions that a migrant willingly accepts. Since migration is the only option, she/he concludes that it is no longer a choice and it results in oppression.

Brinley Thomas (1954) reinforces the neoclassical position that the migrant acts as a rational human being, pursuing his/her own interest of income maximization given the information that she/he possesses regarding where to deploy his/her labour enables him or her to be financially compensated to the greatest degree According to the neoclassical position, migration results from the imbalance among economies in different stages of development. Migration transfers a surplus of labour from less developed economies to more developed economies that will provide the needed labour force without excessive wage increases. Eventually in the ideal case of free flow of all economic components, equilibrium among economies is restored and everyone benefits from migration (Battistella & Paganoni, 1992). The neoclassical position, however, has been criticized because it does not recognize the structural factors that originate and control migration –

"the non-automatic reducibility of self-interest to the interest of the community" (Battistella & Paganoni, 1992).

Nonetheless Goss and Lindquist (1995) boil down the literature on migration to a response to an inequality between the source and destination countries in terms of a difference in level of socioeconomic development. Goss and Lindquist take the theory of structuration to argue that international migration is the articulation of agents with certain interest where individuals draw selectively on institutional rules and resources in pursuit of their interest and inevitably reproduce the social system. With regards to gender selective migration, some researches propose migration cannot be seen just as the function of the needs of capital as hypothesized by the structuralist perspective. For example, Tacoli (1999) includes additional elements like the wider kin and perceptions of international migration in source areas. She also places significance on cultural-specific ideological factors in determining who moves and who stays (Tacoli, 1999). Barber (2000: 400) consents, but attributes this as well to the "shifts in the gender, class and racialized configurations of globalized labour markets".

As can be seen, theories to explain labour migration have indeed departed from Brinley Thomas' (1954) neoclassical position that the migrant acts as a rational human being in pursuit of his own interest of income maximization to recent theories exploring new findings that the migrant's departure has other contributing factors. Family decision-making, social mobility, institutional agents, conditions at home and migrant institutions are all implicated in gender selectivity in migration. Moreover, labour migration from

the Philippines has constantly increased and the circumstances faced by migrant workers warrants illustration to know which services need to be improved or provided, in the different stages of migration.

Pre-migration

The social dysfunctions stemming from labour migration are evident even before an overseas Filipino worker (OFW) departs from the Philippines. Together with the thoughts of "adventure" abroad come varying degrees of emotional and financial stress. The initial investment that a migrant has to make is not cheap and he or she is often forced to go into debt or sell family assets just to raise the needed sum. This can be broken down in terms of placement fees, repatriation bonds, medicare and insurance policies. However, in addition other costs like "processing" fees are also collected from the OFWs by the recruitment and employment agencies locally and in the receiving country. These fees run up to thousands of pesos even though there is a regulation stating that such fees should not exceed one month of a worker's salary. However, recruiting agencies always inform the applicant that a higher payment guarantees faster processing.

Potential migrant workers from the *baranggay* (smallest political unit in the Philippines) do not know much about overseas opportunities until "brokers" or "gatekeepers" who operate across the boundaries and maintain their presence in both Manila and local communities come to them (Goss and Linquist: 1995). Goss and Linquist (1995) identified these three types of brokers: the local patron, the returned migrant, and the

private recruiter. These individuals play a key role in the functioning of the migrant institution – "they exploit the institution for their individual benefits but in so doing play roles as institutional agents by enforcing rules and distributing its resources"(Goss and Lindquist, 1995: 341).

Aside from having to raise the cash, a worker must endure lengthy waits, written tests, special auditions (for entertainers), long discussions, and tedious lines in recruitment agencies and training centers, and he or she must attend pre-departure seminars. Despite these procedures, prospective workers believe that his or her future earnings will be worth the inconvenience and struggle (Constable, 1997; Beltran & de Dios, 1995). To avoid tedious bureaucratic processes that consume a lot of time some workers leave the country as tourists without passing through the processing and orientation of the necessary state agencies. They arrive in the host country with pre-approved work permits arranged by their employment agencies.

Within the Philippine labour migration industry, however, there are no restrictions for Filipinos to be employed only in the domestic services and entertainment sectors (Tyner, 1994). Neither does the guideline and regulations of POEA specify any distinction in employment contracts but in support of Tyner's observation, indeed POEA's own marketing strategies unintentionally contribute to the social construction of gendered migration by reinforcing the gender division of labor. This is seen in the pamphlet distributed by POEA and OWWA with six Filipinos on the cover. The three women are

dressed as a nurse, maid and as entertainer respectively while the three men are dressed as an engineer, a construction worker and a ship-based officer.

While in most cases discussed in the literature and in this research, higher wages appear to be the prevalent reasons for seeking overseas employment, migrants differ in terms of their dependence on these wages to support themselves and/or their families. They vary between those whose remittances are the main, if not only income for their households, to those from affluent backgrounds whose financial contribution is primarily intended to support the unit's social mobility (Tacoli, 1999). Tacoli's research shows further that economic motivations are not usually distinguished from other reasons, like the wish to emulate relatives or friends who, in their visits home and in photos they send from abroad, appear to be glamorously modern.

During migration

Upon arrival, migrant workers are often faced with the dilemma of contract substitution or working in a different environment than what was agreed upon. For instance, there was a case of a domestic helper going to Hong Kong who was told that she was going to work for a single woman but upon arrival realized that her employer was married and also had a daughter (Constable, 1997).

The literature reveals complaints ranging from not being provided with decent accommodation, and/or sufficient food. Some workers are even made to sleep in the

kitchen, passageways, balconies and even toilet (Constable, 1997; Gonzalez III, 1998; Chin, 1997). Skilled and unskilled workers in the Middle East also face many cases of abuses such as when employers change the terms of contract and fail to provide proper living and working conditions. Some are also recruited or fired illegally (Arnold & Shah: 1986).

The association of women workers to commodities aggravates the problem they have because they are no longer viewed as individuals but "by the function they perform, they become nonentities: products" (Tyner, 1994: 606). How is this so? First a description of the domestic helper is available in her curriculum vitae including a full body photo and sometimes even a video portrait is seen by prospective employers. The chosen domestic worker can be "ordered" through the mail and then delivered by the recruiter to the employer (see Appendix IV).

Data from the Overseas Workers' Welfare Administration (OWWA) reveal that the Department of Labor and Employment (DOLE) and the Department of Foreign Affairs (DFA) handled a total of 20,000 welfare cases involving Filipino OCWs in 1994. These cases exclude OCWs who were assisted by other governmental or non-governmental organizations. Among the welfare cases handled were maltreatment, physical abuse, and inhumane working conditions. Tyner (1994) observed that the social construction of gender and gendered migration channels women toward selected occupations within the international division of labour: domestic workers and entertainers. These occupational niches make women more vulnerable and thus exacerbate exploitative practices.

Nonetheless, domestic service in most labour- receiving countries remains unlegislated because of the patriarchal belief that housework is unproductive work. Furthermore paid housework is performed by women from different racial/ethnic backgrounds and nationalities (Weinert, 1991 in Chin, 1997). The need to extend labour rights and benefits to foreign workers, therefore, would be least among receiving nations' priorities. In fact, letters sent to Brunei's national newspaper showed remorse from jobless local people who blamed the foreigners for taking away their jobs.

Post-migration

It is assumed by some theorists that development can occur by diffusion; that when migrants return, they "would serve as agents of change" whereby migrants are expected to "diffuse" (Everett Hagen, 1962) new skills training that they learned while working abroad (Chin, 1997:367). It seems unlikely that women engaged in domestic work could "diffuse" new housework skills upon return to their home countries. In fact, the issues of de-skilling (Gonzalez III, 1998) are prominent and are issues that the government should address. The government should push for the recognition of Philippine education, that a teacher in the Philippines is as qualified as those trained in North America, or Europe, and should not be downgraded to the occupations of "nanny" or "domestic helper". A survey conducted by DOLE revealed that 43 percent of Filipino migrant workers working as domestic workers were high school graduates while 36 percent were either college undergraduates or graduates. Only a small number, 4 percent had no high school education (Gonzalez III: 1998). Likewise a Philippine based NGO, The Centre for

Overseas Workers conducted a survey which revealed that only 2% of the respondents said that they benefited from job recognition or training (Gonzalez III: 1998).

As noted, most of migrant workers have basically one general reason for working abroad, to help their families back home be they single or married. Earlier, research conducted by a Philippine Non-government team (cited in Heyzer,Nijeholt & Weerakoon, 1994: 151), confirms this with evidence that some workers opted for only two years contract as they did not want to be separated from their families for too long. This however, no longer holds true due to the economic problems in sending countries, most workers stay on as long as their contracts are renewed (Gonzalez III, 1998). In fact migrants in Brunei returned to the Philippines only to stay for a short period before finding work in another country. Some also try to immigrate to Canada, United States or Australia.[2] Some domestic helpers have serial overseas contracts as many as four times. In fact, returning workers who return home before their contract expires because of an undesirable experience abroad, are found among those comprising the group wishing to reapply (in Heyzer, Nijeholt & Weerakoon, 1994: 154).

While there are some workers who cannot tolerate their working environment and choose to go home and not renew their contract (Chin, 1997). Others remain hopeful that their next employer might be better. Chin's (1997) study reveals that most of the Filipino migrant workers in Malaysia decide to stay for fear of losing face if they decide to go home early. This is, in part, because they want to maintain the family's expectations and

[2]The many farewell parties attended by the intern for Filipino workers leaving Brunei revealed that they were going to Australia,Canada or United States to immigrate, or enter with a tourist visa to then look for work.

contribute to the prestige of now belonging to a higher social status. These migrant workers are often over-qualified for the job they do. In addition, after successive overseas contracts their ability to contribute to the Philippine labour market declines dramatically. This creates only more long-term social costs for the country to tackle because a large majority of migrants who are college educated go abroad as cooks, maids, entertainers, and maintenance workers. There is no value added from their experience and there can even be deterioration in their performance level due to their underemployment, especially for menial work (Gonzalez III, 1998: 101).

Many workers are cognizant of the fact that in order to invest one must have some form of savings. Hence, the majority of workers earmark money for education and housing but there are still some who spend their earnings on questionable investments. From a survey conducted by the Centre of Overseas Workers in Batangas in 1994, 65 percent said that they had no savings from the remittances. Even with the small-scale loans and business counseling offered by some Resource Centres and some initial "tools of production" such as bakery ovens, sold at duty free shops, many OFWs and their families still desire the luxury and consumer items instead of the long-term investment alternatives.

Most migrant workers do not want to return home until they are secure financially, usually having a business to operate upon return since within the Philippines the high unemployment rates provide no optimism with regards to the local job environment. A study conducted in Pampanga showed that within a three month period, 75% of returning migrants were jobless (Abella & Paganoni, 1992). For those who come home for good,

Margold's (1995) study on returning Ilokano male migrants reveals why they remained at home when not actively working. Apparently, even if they profited financially from their migration, "the experience of desexualization and dehumanization had led to a psychological withdrawal from their local community". This is but one of the possible traumatic experiences a worker has to deal with even when his/her stint abroad has finished. Has the Philippine government done much to address these problems? An examination of the past and present public policies on overseas labour will reveal what areas of labour migration have been important and those that remain among the least of their priorities.

Philippine Labour Policies

The earliest law passed by the Philippine legislature was in 1915. Act 2486 dealt with issues of recruiter's tax liability to the government; operating licenses and the obligation to provide free return passage to workers recruited. In addition, the act also protected child labour by banning the contracting of minors under fifteen. It also stipulated the amount of fines and duration of prison terms for those who violated the law. While it can be argued that there was some degree of welfare protection included in this Act, the main rationale, as implied by the title ' An Act Fixing a Tax Upon Every Person or Entity Engaged in Recruiting or Contracting Labourers', was the collection of tax revenue for hiring low-cost Filipino contract workers for jobs in Hawaii, Alaska, and the US mainland (Gonzalez III, 1998: 118).

In 1933, Act 3957 was passed by the U.S. supervised Philippine Legislature further regulating the activities of private employment agencies (Gonzalez, 1998: 119). However, the main rationale for these early statutory regulations under American colonial rule (1898- 1946) was to take advantage of the high private sector demand for cheap labour from the Philippine Islands in order to raise much-needed revenue for the U.S. government's coffers. After independence in July 1946, a number of laws pertaining to labour were introduced but were mostly for the domestic context (Catholic Institute for International Relations, 1987; Gonzalez III, 1998).

Marcos Administration

President Ferdinand E. Marcos issued Presidential Decree 442, or the Labour Code which formalized the Philippine overseas labour migration program. The main essence of the 1974 Labour Code was the promotion of overseas contract work, to reap whatever economic benefits could be gained from the overseas workers, especially in terms of foreign exchange employment. This law established administrative institutions like the Overseas Employment Development Board and the National Seamen Board and also included the operational guidelines for recruitment, placement, licensing, fees as well as foreign exchange remittances, dispute resolution, registration and documentation. However, as with the previous labour codes, it did not address the complicated and large-scale social problems that would surface with the significant growth of overseas contract migration. In 1976, President Marcos expressed his success in the achievement of his labour export policy:

> We have provided jobs for the people not only in our new and expanding industries but also in the world labour market. Filipino talents and skills are becoming ubiquitous in many parts of the world. Returning Filipino workers have helped our skills and technological standards (Catholic Institute for International Relations, 1987).

As officially recorded welfare cases continued to grow in the early 1980s and with disclosures of abuses and maltreatment, Filipinos assumed that the Marcos administration would start addressing these problems. Hence, President Marcos issued 19 presidential directives from 1974 to 1986. According to Gonzalez III, the eight Executive Orders (EO) and eleven Letters of Instruction (LOI) tackled the same areas as Act 2486 and the 1974 Labour code by creating new bureaucratic institutions, administrative procedures, and operational guidelines for remittances and recruitment (Gonzalez III, 1998: 120). Among the policies, only three had provisions touching on the social costs of labour migration, 1) LOI 537, which created the Welfare Fund to protect the interests and well-being of OCWs and their families; 2) LOI 1234, which created the Welfare Fund to pay burial expenses of those who died overseas; and 3) LOI 1515, which initiated an integrated livelihood and entrepreneurial program for returning workers and their families (Gonzalez III, 1998).

President Marcos also created Batas Pambansa Bilang 79 on the "Act Creating the Commission on Filipino Overseas". This commission was directly attached to President Marcos' office and would have had a considerable impact in the betterment of OCW welfare and protection. However the narrow definition of "Filipino Overseas" excluded the Overseas Contract Workers. Filipino overseas were limited to "Filipinos who are

permanent residents abroad, including Filipino emigrants who are either already citizens of foreign countries or are still Filipino citizens awaiting naturalization, recognition, or admission and their descendants" (Gonzalez III, 1998: 143). Throughout the term of his office from 1965 to 1986, President Marcos' speeches still contained the furtherance of labour migration to tackle the country's economic unemployment and fragile balance of payment position but did not express much concern for the welfare of Filipino migrant workers.

Aquino Administration

When President Aquino took power in February 1996, labour groups lobbied hard for the inclusion of "labour friendly" provisions in the deliberations of the 1986 Constitutional Commission. It was ratified in February 1997 and appeared in Section 3 (Labour), Article XVII, Social Justice and Human Rights stating that the government shall afford full protection to domestic and overseas labour. However, this constitutional mandate was in fact aimed at the domestic labour context and said little about the Filipino manpower deployed overseas:

> The State shall afford full protection to labour, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.... They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in decision-making processes affecting their rights and benefits as may be provided by law (Gonzalez III, 1998: 121-122).

But the government's policy on overseas contract labour became more evident in three Executive Orders. This disappointed OFWs because it went along the same lines as previous labour codes, mere administrative and operational changes. These were EO 126, which renamed the Welfare Fund as the Overseas Workers Welfare Administration (OWWA); EO 27 that restructured POEA and EO 450, which lifted the ban on licensing new private recruitment agencies. Although, Aquino policy statements mention OCW protection and welfare, implementation was still poor. It took four years after EO 247 for the POEA to come out with 'Rules and Regulations Governing Overseas Employment' in May 1991; this document reiterated the POEA's concern for protection and welfare (Gonzalez III, 1998). However, social groups criticized the organization as short on real action since the implementation was still focused up on maximizing the economic aspects of labour migration.

Many were optimistic about the bills and resolutions filed in the Senate and House of Representatives because of the concerns placed on migrant rights and protection instead of the economic interests of the state. Disappointingly, only one law was passed, RA 7111 creating the Overseas Workers Investment (OWI) Fund Act. This was 'An Act Establishing the Overseas Workers Investment Fund to Provide Incentives to Overseas Workers, Reduce the Foreign Debt Burden and for Other Purposes' (Gonzalez III, 1998). This Act primarily aimed at encouraging the greater remittance of earnings of Filipino workers as well as to safeguard and oversee the participation of said worker's remittances and savings in the debt-reduction efforts and other productive undertakings (Gonzalez III, 1998: 124).

RA 7111 became a disappointment to Filipino workers, their families and supporters since it was still focused on the economic aspects of migration and was also directed at their remittances. Policies on remittances remained a priority of the legislators among other bills and resolutions that were aimed at improving worker's rights, welfare and protection.

Ramos Administration

The National Economic Development Authority (NEDA)'s Medium-Term Development Plan for 1993-1998, and the position of the Ramos administration on the overseas employment program remained similar to the past government stressing the maximization of the economic benefits. Again, it was weak in addressing the minimization of social costs:

> The country will continue the overseas employment program as an alternative source of employment opportunities...The program should be strengthened through adequate strategies to ensure the dignity and welfare of workers and their families (Gonzalez III, 1998: 125).

It took the death of Flor Contemplacion, a domestic helper in Singapore before the government became serious in protecting the welfare of migrant workers. In March 1995, President Ramos mandated a multi-sectoral Presidential Fact-Finding and Policy

Advisory Commission on the Protection of Overseas Filipinos. The most salient recommendations reached by the Gancayao Commission were:

- Tightening up deployment and departure procedures including strict implementation of pre-departure orientation seminar, strict verification of employment contracts and accreditation of employers by the Philippine Embassy through the Labour Attaché, prevention of falsification of passports and other related measures.
- Strict enforcement of the establishment of and OWWA centre in every diplomatic post.

A special session was held on 22-27 May 1995 to complete the law on protection of OCWs. After eleven days, President Ramos signed Republic Act (RA 8042). This was a significant shift from previous laws since it de-emphasized the economic aspects of the Philippine diaspora and created a higher standard of protection and welfare promotion of overseas workers.

Estrada Administration

President Estrada (impeached from office in February 2001) has also acknowledged the contributions of migrants to the economy. This was evident in his 1998 tax "break" policy, for overseas contract workers. Under this policy nonresidents in general will only be taxed on income earned in the Philippines, where as previously, they were taxed on their worldwide income. Also included, was a year-round exemption from duties and taxes for electronic equipment. The Estrada government also set-up a "one-stop documentation centre" for faster processing of travel papers (Philippine Migration News,

1998). In addition, the contribution of the OFWs was commended for "bailing out" the economy during the economic crisis of the late 1990s (Manila Bulletin, September 9, 1999). Implicit in this affirmation is the importance attributed to the continued significance of remittances of OFWs.

As part of the efforts by the Estrada Administration, OWWA has been ordered to study the possible inclusion of an OFW Hospital to be situated in Manila in the existing OWWA Medical care (Medicare) program that allows dependents of Filipino workers to avail of medical and hospitalization benefits in selected OWWA approved hospitals (The Medical Care Program for OFWs and their dependents, 1995). Labour Undersecretary Felicisimo Joson Jr. and Administrator Reynaldo A. Regalado of POEA also stated that "the welfare of OFWs and their families is among the priorities of President Estrada" (Manila Bulletin, Dec. 16, 1998). The ex-President's visit to Brunei in August 1999 included a gathering to which members of the Filipino community were invited. He vowed "to continue exerting efforts to better serve and protect the interest of OFWs in their host countries and take good care of them once they decide to settle home" (Manila Bulletin, August 19, 1999).

In fulfilling the Philippines' Asia-Pacific Economic Cooperation (APEC) commitment to strengthen human resource development in the Asia-Pacific Region. Labour officials from the Department of Labour and Employment (DOLE) reassured overseas Filipino workers that they are ready to assist them if they decide to return home, or if their contracts had expired and were not renewed (Manila Bulletin, February 7, 2000). Among

the measures adopted by the government in helping OFWs were programs to assist returning OFWs in locating employment. The Technological Livelihood Resource Centre (TLRC) has offered "training courses for returning OFWs to learn new skills and set up their own businesses" (Manila Bulletin, February 2, 2000).

The Estrada administration claimed to intensify the "campaign against illegal recruitment and other forms of labour fraud as part of its priority program to protect the interest and welfare of OFWs" (Manila Bulletin, June 9, 1999). President Estrada also announced that his administration was negotiating with thirteen countries and territories for agreements that would "strengthen further the safety and security of OFWs" (Manila Bulletin, June 9, 1999).

Bilateral Agreements

Given the highly competitive nature of labour migration, it is not surprising that there has been little dialogue or cooperation among the sending countries in areas of mutual interest such as the rights of migrant workers. The need for such cooperation has been expressed by policy-makers in the labour exporting countries (Arnold & Shah, 1986:69).

The Philippines has so far concluded bilateral labour agreements with nine countries: Iran (1975), Nauru (1976), Nigeria (1976), Libya (1979), Papua New Guinea (1979), Qatar (1981), Jordan (1981), Iraq (1982), and Liberia (1985) (Gonzalez, 1998: 133). However, there are no agreements with Philippines' ASEAN counterparts- Brunei, Malaysia and

Singapore. The two most common arguments raised by most receiving countries against such agreements have been (1) OFWs are subject to the same laws and regulations as nationals and therefore need no special attention, (2) terms of employment are negotiated between OFWs and private employers or agencies which is a procedure that contrary governments will not like to get involved in (Gonzalez III, 1998: 133). Hence, the only agreements that the Philippines has from most host country government officials are informal assurances that the OFWs would be treated fairly and given utmost protection. Influencing host states to amend their labour laws has been difficult.

In its quest to provide adequate protection for its nationals overseas, the Philippine government has explored many routes like the United Nations and the International Labour Organization (ILO). It has signed, adopted, and ratified United Nations documents pertaining to OCW welfare. However besides the Philippines only six other governments have signed the UN-endorsed Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. In addition, the Philippines is the only Asian country that has done so.

Welfare Programs

The underlying agenda of labour- sending countries is to maximize the export of workers. This has proven to be highly beneficial in economic terms. A widespread interest in encouraging labour migration has resulted in considerable competition among sending countries. At the same time, there have been more concerted efforts by sending countries

to minimize the negative economic and social consequences of labour migration. In short, the overall policies of each country are aimed at maximizing the benefits of labour migration while minimizing the costs.

A comparative overview of state approaches to labour migration reveals that the most significant aspects of government regulation include the following (Arnold & Shah, 1986: 65):

1) Legislative and administrative arrangements for international labour migration (including the regulation of recruiting agencies)
2) Bilateral agreements and machinery for the settlement of disputes
3) Migrant welfare and facilities (in sending and host countries)
4) Welfare of the families left behind
5) Maximization of remittances and productive use of remittances
6) Skill regulation through training programs and restrictions

It is worth noting that not until the advent of Middle East labour migration did a need arise for setting up specialized agencies to control, supervise and regulate the process. The basic objective of these regulations is to specify the procedure for emigration and to establish rules for the protection of workers. All the major labour-exporting countries except Sri Lanka have set up specialized bureaus or other institutions to handle the migration process. In the Philippines for instance, the government initially wanted to regulate and control overseas migration itself but had to appoint over 1,000 recruiting agents between 1978-82 in order to meet the demands of a booming overseas market (Santo Tomas, 1983 in Arnold & Shah, 1986).

Sending-country governments have set up procedures and programs to facilitate the migration of workers to reduce the amount of red tape required for the approval of

emigration. An example of such facilities is the one-stop processing centre that has been established in the Philippines. The centre is composed of inter-agency machinery designed to receive, evaluate, process and release all travel documents needed by the overseas worker. This centre has the capability of servicing 1,500-2,000 workers a day. Besides that, OWWA Centres have been established abroad designed to serve the social, cultural and recreational needs of overseas workers. They were established in Jeddah, Tokyo, and Kuala Lumpur even before the signing of RA 8042. Other Resource Centres are situated in Hong Kong, Kaoshiung, Greece, Oman, Dubai, Tripoli, Seoul, Taipei, Madrid, Saipan, Bahrain, Kuwait, Rome, Milan, Washington, Abu Dhabi and Qatar (OWWA Brochure, 1998). Thailand is also planning to set-up a similar servicing centre for Thai workers working in different parts of the world. The Bangladesh government is even planning to build a hostel for overseas workers in Dhaka, where they can stay while they are completing application procedures (Arnold & Shah, 1986: 71).

All countries now make an effort to ensure that the migrant workers fully understand the terms and conditions of working abroad. Hence, Pakistan has set up orientation and briefing centres to facilitate the worker's adjustment to the host country. In the same manner, the Indian government has established a 'May I Help You' counter in New Delhi, which provides information and guidance to overseas workers and also receives complaints about the non payment of wages in the host country and complaints against agents within India.

With regards to the living and working conditions in the host country, every sending country's policy includes some statement about ensuring adequate arrangements for their workers bound overseas. Sending countries vary greatly, however, in the amount of specificity with which they define the required arrangements. Korea stands out as a marked exception to the other sending countries. Most sending countries except Korea do not actually lay down specific requirements for working and living conditions overseas and they intervene between the employer and migrant worker only in case of disputes. Most have standards pertaining to the net minimum salary and overtime pay, which they seek to ensure in the form of a written contract prior to the worker's departure.

Unlike other sending countries, the Republic of Korea has highly specific standards for welfare facilities (Korea, 1998). The regulations state clearly the type of toilet and bathing facilities that are to be provided for a specified number of workers, and they also stipulate the sports and recreation facilities that are required.

Determined to protect the welfare of workers, some governments have put selective restrictions on emigration. In Pakistan, the Emigration Ordinance of 1979 states that the minimum age for the employment of women as maid servants shall be 45 years (Arnold & Shah, 1986). The intent of the law is to discourage the exploitation of young female domestic servants, a problem that has been reported in many host countries. Similarly, the Ministry of Interior in Thailand has a clear policy not to allow Thai women to work in

some countries, due to differences in customs and culture that may cause hardships and trouble for them.

Gaps

Labour migration alleviates the serious unemployment problems faced by the sending country and provides income for a substantial number of families belonging to the poorest stratum of society. But this does not come without a price. As the literature has shown extensively, there are various problems faced by migrant workers in the pre-migration, migration and post-migration stages that the government has to address through vigorous implementation of policies. An area that deserves further research however is the response and resistance of migrant workers towards exploitation and abuse. Although Chang and Ling (2000) have written their observations on Filipino domestic workers "retrenched into a romanticized conservatism of God, family and country" and even resorting into tomboyism to secure a life free from sexual harassment in the workplace and in public spaces where migrants congregate for leisure activities; more studies are needed to challenge researchers findings that migrant workers succumb to the demands of their employers (Battistella & Paganoni, 1992; Amarles, 1990). Insights derived from all these may better lead to actual policy considerations.

The importance of bilateral agreements cannot be underscored enough either as it provides the basic framework for a mutually responsive system for monitoring recruitment and employment in both host and home countries. The challenge lies in

recognizing proper procedures to prevent more exploitation than is already occurring. The efforts to mitigate what has already become a transnational trend in the abuse of workers should also not be limited to the structural causes that sustain the transnationalization of migrant labour but should also include discourses on the kind of values and morals that will inform social relations and interactions in the construction of a new world order for all peoples regardless of their nationality, class or religion.

A recent study by Chang and Ling (2000), showed that although the state is eroded by "techno-muscular capitalism" (TMC)[3] , it still enjoys renewed vigor in the domain of labour intimacy[4] where many Filipino women are endorsed as OCWs. Philippine government policies from the Marcos-Estrada administrations particularly "structure, facilitate and sustain a globalized service economy" (Chang & Ling, 2000: 35). The Marcos government saw migration as a development strategy; administrations thereafter saw it as a means for financing external debt and even decreed migrants to remit at least half of their salary through authorized government channels. Now the migrant workers are obliged to pay an annual fee for medical care and a new US$25 OWWA fee, compulsory for all migrants (Manila Bulletin, February 1, 2001).

[3] Chang and Ling (2000) uses TMC to describe one of the processes of globalization "where internet surfing, structurally integrated world of global finance, production, trade and telecommunications is populated by men at the decision-making level reinforcing the Western capitalist masculinity deregulation, privatization, strategic alliances, core regions and deadlands driven by technology".

[4] The other process of globalization identified by Chang and Ling (2000) is labour intimacy that concentrates on "low wage, low-skilled menial service provided by mostly female migrant workers making it explicitly sexualized, racialized and class based than TMC". They perform "intimate household services like caring for the young and elderly, providing domestic comfort and care but at the same time face other intimacies like leaving home, living among strangers, facing sexual harassment and abuse making them an intimate other to TMC."

Despite protests over the treatment of domestic workers overseas, the state continues to market overseas employment as part of a national development policy. This disparity between public concern and the state's requirement for foreign currency is evident in this pronouncement of the Estrada administration compared with a cherished policy declaration of RA 8042. On the one hand, RA 8042 declares that "the State does not promote overseas employment as a means to sustain economic development and achieve national development." On the other hand former President Estrada stressed that "it is now incumbent upon government to reexamine its policy on overseas employment, and pursue a policy shift from treating overseas employment as a temporary measure to economic growth into promoting and encouraging it." (Philippine Daily Inquirer, June 24, 1999). It leaves one to ponder on what the government priority is: protecting the migrant's welfare or promoting overseas employment?

Chapter 2

The Resource Centre

After the Flor Contemplacion case in Singapore in 1995[4], the Philippine government formulated new interventions to address the social issues associated with labour migration. Like Contemplacion, most Filipino workers were not properly briefed on the host country's culture and work practices since most of them left the Philippines as tourists (Gonzalez III, 1998). Unlike other host countries, non-governmental organization cannot operate in Brunei and so the Philippine Embassy takes full responsibility in assisting Filipino workers. A number of programs and services have already been designed by the Philippine Embassy through the Resource Centre to address worker's problems. In a case study I had conducted in 1998[5], I had identified some of the services of the Resource Centre in Brunei that still need implementation. In this chapter, I have attempted to reconfirm these services that have yet to be implemented. The program plan for the services is then presented at the end of this chapter to facilitate implementation.

Historical Background

The plan to deliver direct services to Filipino workers at their jobsites was a part of policy framers' strategic vision when OWWA started operating in 1982. The first organizational structure of the agency, then known as the Welfare Fund for Overseas

[4] Flor Contemplacion was a domestic helper in Singapore charged and convicted of the double murder of her Filipina friend and her friend's Singaporean ward. She was hanged in Singapore on 17 March 1995.
[5] Ibid, p. 5

Workers, had provisions for a group of overseas officers. But agency operationalization and program development priorities constrained the early realization of fielding officers at overseas jobsites. Priming of Manila-based programs became the major preoccupation of the agency in the next three years. On-site services for workers were lodged under the responsibility of Labour Attaches. The mounting problems of overseas workers later prompted Labour Attaches and officials of Philippine Missions to propose OWWA's presence at jobsites. Workers' groups likewise expressed the need for more specialized responses to their problems and complicated concerns.

It was in the middle of 1986 when serious efforts were made to institutionalize OWWA's overseas program on top of the innovative strides of the new agency leadership. A Project Development Committee (PRODECOM) was created to study the requirements and install the mechanics for overseas operations.

Before the end of 1986, all were prepared for the implementation of initial program concepts. The idea of establishing Filipino Workers Social Centres (FWSC) in key cities hosting significant numbers of overseas workers became the primary organizational objective. Deployment of OWWA officers to staff the Centre was an integral part of the plan. However, establishing separate worker's facilities, much more than the deployment of officers to overseas posts, proved difficult. Technicalities associated with existing international conventions on foreign relations threatened to dwarf the will of program initiators.

While in the midst of finding ways to implement the plan, program-repackaging efforts continued. Three sets of implementation modes were carried out which flourished in pilot countries (OWWA Overseas Program, 1991: 1):

- In Bahrain, the first conduit of OWWA's on-site presence was facilitated through financial support and agreement on welfare service extension of the existing Filipino Club. The experiment was towards the concept of self-help with the government providing the initiatives and directions;

- In Abu Dhabi, the FWSC was established as part of the Labor Section of the Philippine Embassy with the Labor Attaché on top of the operations, and;

- In Singapore, clearance from the host government was secured to operate the FWSC as a 'half-way house' for distressed Filipino workers.

As these three operational Centres produced encouraging results in 1987, program implementors finally got the cue for the deployment of officers. By 1988 twenty-two officers were recruited. They were rigidly screened and trained for their task as Welfare Officers (Welof) and Centre Coordinators (Cecor). One after the other, these officers were deployed in the same year until 1989 to run the Centres in Singapore, Tokyo, Hong Kong, Riyadh, Jeddah, Abu Dhabi, Dubai, Muscat, Bahrain, Kuwait, Baghdad, Dubai, Rome, Milan, Madrid, Athens (OWWA Overseas Program, 1991:3).

It was also in those years when the Centres and the performance of the OWWA overseas officers were appreciated by the top leadership of the country. Former President Ramos was the one who made commitments to Filipino workers to establish OWWA's presence in Milan and Brunei.

And in 1990, the program continued to achieve its goals with the training and deployment of the second batch of eight overseas officers. In the same year and until the first quarter of 1991, the distinct advantage of having conceived and implemented the most recent modifications of OWWA's overseas program was put to the fore with its contribution in managing the effects of the Gulf Crisis in terms of safety and security of Filipino workers in the Middle East. With such progressive directions, OWWA's Overseas Program takes pride in being tagged as the agency's "flagship program". Some DFA officials even describe it as a "phenomenon in the Foreign Service" (OWWA Overseas Program, 1991:6).

The Establishment of the Resource Centres

The Resource Centre concept was conceived to provide social and recreational facilities which shall primarily serve as common grounds for meetings and congregations of Filipino OFWs. In more problem-prone areas, the centres may develop "crises-intervention systems to afford distressed workers with immediate succor and facilitative actions that can temporarily cushion the impact of their welfare related problems" (The OWWA Overseas Program, 1991:3).

Its establishment is mandated by the Migrant Workers and Overseas Filipinos Act of 1995 or Republic Act 8042 which requires the Resource Centres to provide the following services:

a. Counseling and legal services;

b. Welfare assistance including the procurement of medical and hospitalization services;

c. Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;

d. Registration of undocumented workers to bring them within the purview of the Act;

e. Implementation of the Voluntary Membership program of OWWA;

f. Human Resource Development, such as training and skills upgrading;

g. Gender-sensitive programs and activities to assist the particular needs of migrant workers;

h. An orientation program for returning workers and other migrants;

i. Monitoring of the daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos;

j. Seeing to it that labour and social welfare laws in the host country are fairly applied to migrant workers and other overseas Filipinos; and

k. Conciliation of disputes arising from employer-employee relationship

The operations of The Resource Centres are primarily guided by the following objectives:

1. To intensify the delivery of OWWA services and benefits to OFWs at jobsites;

2. To assist the Philippine Mission, particularly the Office of the Labour Attaché in providing immediate assistance to needy or distressed OFWs;
3. To provide a venue where the OFWs may converge to enhance camaraderie and promote their physical, social and cultural well-being; and
4. To establish an effective network to monitor the growing number of Filipino OFWs employed by foreign employers in various countries.

Centres are established in countries which host significant numbers of OFWs. They are located in sites most accessible to Filipino workers needing immediate assistance or longing to feel at home while away from home.

Among others, policy RA 8042 also provided that each Resource Centre be staffed by a minimum of four personnel composed of the Labour Attaché (DOLE), Foreign Service personnel (DFA), a Welfare Officer (OWWA) and the Centre Coordinator (OWWA). When necessary an interpreter could also be locally hired. The Labour Attaché co-ordinates the operation of Resource Centres and keeps the Chief of Mission (the Philippine Ambassador) informed and updated on its activities. Upon the recommendation of the Chief of Mission, a lawyer and a social worker may be deployed by concerned government agencies when the need arises.

The establishment, yearly maintenance and operating costs of the Resource Centres, including the costs of services and programs not specially funded under the Act, is sourced from the General Appropriations Act and is included in the annual budget.

The Context

Brunei Darussalam is an Islamic, monarchial Sultanate with a population of about 316,000. There are a sizeable number of expatriates in the country who are predominantly contract workers coming from Malaysia, Indonesia, Philippines, Pakistan, India, etc. The Filipinos are mostly semi-skilled workers (sewers, hotel and restaurant workers, tailors, sales ladies, cashiers, waiters and waitresses) and domestic workers (housemaid, gardeners, houseboys, personal drivers).

The Brunei labour laws deal separately with foreign workers and employers; explicit in this are contract specifications and working conditions. The law provides conditions for the agreement that must be stipulated in the contract. This includes the name of the employer, placement, name of the employee and nature of employment as well as duration of employment and other specifics. For example, a medical exam is required for all workers but unlike the Singaporean policy that obliges a regular six-month pregnancy test for domestic helpers, Brunei does not have a separate policy for domestic workers. Rather they are included under the Foreign Workers category. The conditions of employment include providing workers with housing accommodation, sufficient supply of wholesome water; sufficient and proper sanitary arrangements and surroundings of housing to be kept clean; medical care and treatment, burial of deceased worker or dependants. The penalty for failure to comply with such requirement is a B$600[5] or three months imprisonment. Regarding days and hours of work, no worker other than a shift

[5] B$1 = US$ 0.549571

worker shall be required to work on prescribed holiday or on more than six days in one week or for more than six consecutive hours without break, or for more than eight hours a day of actual work. There is however no minimum wage law and the Brunei Department of Labour is also unable to enforce labour regulations effectively in the unskilled sector especially for foreign labourers. According to the Immigration Act of Brunei, Subsection (2) section 15, foreigners caught working while holding a social visit pass will be imprisoned for six months or less or fined a maximum of B$2,000 or both. And in the case of migrant workers whose employment pass expire but continue to work, they will be imprisoned for six months or less or fined a maximum B$4,000 or both. If they overstay for more than 90 days, they will face imprisonment of not less than three months and not more than two years or fined a maximum of B$6,000 or both.

The Filipino OFWs comprise the second largest number of expatriates in Brunei with an estimate of 27,438 documented and undocumented workers employed in the government and private enterprises in the four districts of Brunei-Muara, Tutong, Belait and Temburong. Table 1 on the next page shows the frequency and percentage of Filipino OFWs in Brunei as of December 1999.

It can be gleaned from the table that the third category comprising semi-skilled workers has the highest percentage at 32 percent, followed by domestic workers at 28 percent, then skilled and unskilled workers, 13 percent, and professionals, 8 percent. The high

Table 1

Filipino Workers in Brunei Darussalam as of 31 December 1999 by Category of Employment

Job	Frequency (F)	Percentage (%)
1. Professionals (Engineers, Architects, Nurses, Accountants,Teachers,Managers, Supervisors	1909	8
2. Skilled Workers (Masons, Painters, Bakers, Technicians, Electricians,Welders,Mechanics Designers, Operators, Carpenters)	3102	13
3. Semi-skilled workers (Sewers, Hotel and Restaurant workers, Tailors, Salesladies, Cashiers, Waiters/Waitresses)	7637	32
4. Unskilled Workers (Cleaners,Helpers,Janitor, Utility Workers, Packers, Labourers)	3102	13
5. Domestic Helpers (Housemaids, Gardeners, Houseboys, Personal Drivers)	6683	28
6. *Dependents	1432	6
TOTAL	23865	100

Source: *Annual Report 1999, Philippine Overseas Labor Office, Embassy of the Philippines, Brunei Darussalam.*

*The dependents are children of professional workers who are permitted to hold a dependent pass until the end of the contract of their parents.

demand for semi-skilled workers was largely due to the opening of five new hotels in Brunei for the Asia-Pacific Economic Cooperation (APEC) Summit where Filipino were preferred over other foreign workers because of their fluency in spoken English and their acceptance of a moderate wage.[6]

The Resource Centre in Brunei Darussalam (TRCB)

The Resource Centre in Brunei Darussalam (TRCB) was established in 1992 under a mutual verbal understanding between OWWA and the Brunei government. It was initially located in Berakas, Bandar Seri Begawan but was relocated in a bigger compound in Jalan Tutong in 1997. It is a five-bedroom rented house with facilities for in-door games like a dartboard, table tennis and chess and outdoor games like basketball and volleyball.

TRCB has a set of rules and regulations touching mainly on the behavior of temporarily sheltered OFWs (Appendix I). Organizationally, TRCB is headed by the Philippine Ambassador as Chief of Mission. Next in line is the Labour Attaché representing DOLE. Under his direct supervision are the Welfare Officer representing OWWA, the Centre Co-ordinator, and a social worker. The Labour Attaché is responsible for the overall implementation of the services of the Centre; the welfare officer assists the Labour Attaché in the programs and services that are spearheaded by the Labour Attaché and the

[6] By saying moderate wage, I mean a wage between B$600-800 since a low wage is considered to be that above the minimum wage given to a domestic worker, which is B$320 while a high wage would be that exceeding B$1,000 which is usually given as a starting salary for local Bruneians.

Centre Co-ordinator is responsible for the management of the Resource Centre. At present there is no social worker at TRCB. A caretaker assists the Centre Co-ordinator in the maintenance of TRCB in Jalan Tutong while the paperwork is done by the Administrative Assistant. Figure 1 on the next page, shows the organizational structure of TRCB. Considering that there are also many Thai, Indonesian, Bangladeshi, Sri Lanka and Indian workers here, none of the embassies has set-up a centre similar to TRCB that is ready to accommodate its citizen when they have problems or for other welfare activities. The Centre remains open 24 hours everyday. This distinguishes TRCB as one of its kind.

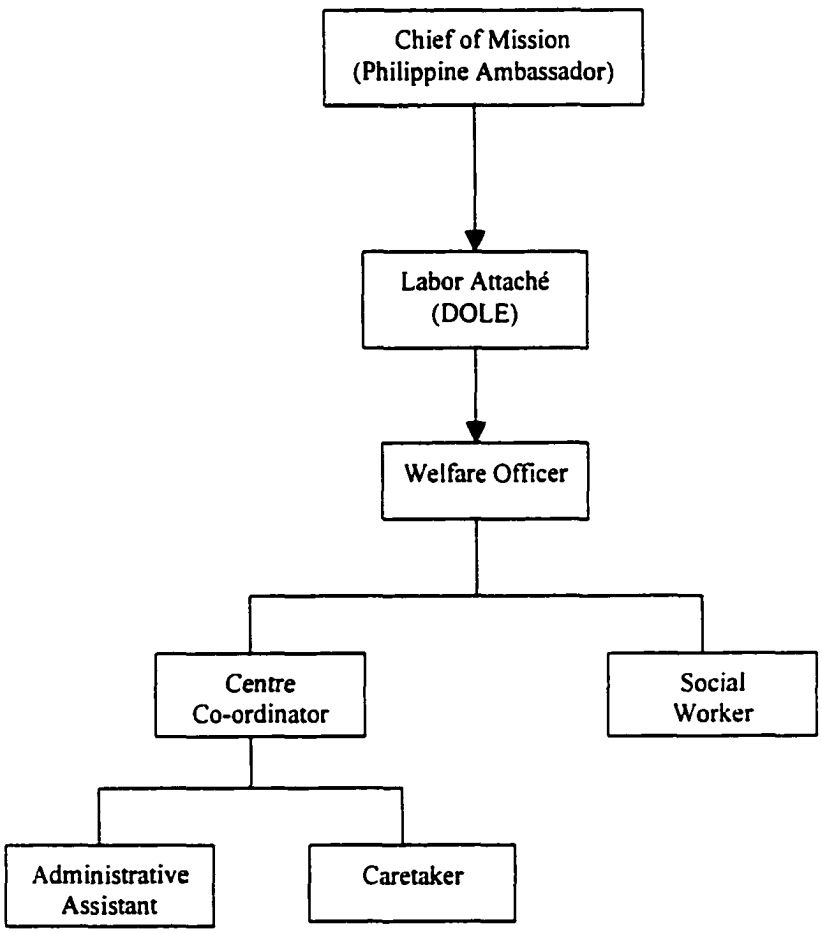
The Resource Centre in Brunei or TRCB was established as the implementation arm for promoting the welfare of Filipino OFWs. From the case study conducted in 1998 by the intern[7] it was found to have extended services along 9 of the 11 objectives set fourth in the Migrant Workers and Overseas Filipinos Act of 1995 or RA 8042. This is a significant achievement for an institution whose legal mandate is a mere five-years old. The intern's study revealed that out of the eleven implemented objectives, the ones on counseling and legal services, and the conciliation of disputes arising from employer-employee relationship were primarily attended to by the Resource Centre.

From the study, it was also found that TRCB still lacks in programs and further activities to fully and satisfactorily accomplish all the intentions for which it was mandated. To further support, enhance and facilitate its efforts, the following general suggestions were

[7] Ibid, p.5

Figure 1

Organizational Structure of TRCB



also given: (1) Implementation of the post-arrival orientation and pre-departure orientation for returning migrants , (2) Human resource development and (3) Gender-sensitive programs. Hence, the implementation of TRCB programs and services must be considered with some urgency if continued better service for OFWs is desired. After all, once labeled the "modern heroes" of the century, OFWs have indeed helped the struggling Philippine economy as well as projected a country that is resilient and multi-skilled (Philippine Times Journal, Sept. 8, 1997).

The Practicum Placement

As in previous years, DOLE/OWWA in cooperation with the Philippine Embassy continued to build up its rapport with the members of the Filipino community and extend invaluable assistance, full cooperation and necessary support for their various programs and projects. The office was constantly faced with problems of contract substitution, more specifically on wages and welfare. The Brunei Immigration Department was also steadfast in tracking down and prosecuting workers whose Employment Work Passes have expired even when it was due to the employer's negligence; employers being responsible for contract renewal. In some cases employers also keep the employee's passport. There was a continuous entry into the country of tourist workers whose contracts have been arranged by employers or unscrupulous recruiters in connivance with Manila based illegal recruiters. The Zamboanga (Philippines)---- Sandakan (Malaysia)---Labuan (Malaysia)---- Bandar Seri Begawan (Brunei) or "back-door" route was

frequently used for "illegal" or irregular deployment; that is workers caught without appropriate legal documents.

During the months of April, May and June (2000), one-hundred and eleven (111) welfare cases were handled by the Resource Centre which evens out to an average of thirty-seven (37) cases a month. Also for these months, a total of B$45,792.60 Brunei dollars were received from various employers representing unpaid salaries and back wages (2nd Quarter Accomplishment report Year 2000, Labour Section, Philippine Embassy).

From all the cases that were documented, unpaid salaries became the most prevalent, 28 out of 111 cases (See Table 2 on the next page) as most construction companies and businesses were closing down due to the economic recession.

The first two months of the internship was also allotted to look further into the needs of the migrant workers by assisting the Centre Co-ordinator in interviewing workers who came for assistance. This task became a very important component of the reconfirmation of their needs. The intern was able to interact a good deal with the OFWs especially if there was a long waiting time before their cases were settled. What often happened was that the workers came in the morning to file complaints and had to wait until the intern or Resource Co-ordinator was able to contact the employer to inform them that a complaint had been made against them. It could be settled immediately over the telephone or the employer could come over to the Embassy to settle the case amicably. Often employers

Table 2

Summary Report of Welfare Cases Reported for the Months of April-June 2000

NATURE OF CASES	APRIL	MAY	JUNE	TOTAL
1. Immigration case *	8	3	11	22
2. Unpaid salaries	10	9	9	28
3. Medical case	0	0	5	5
4. Maltreatment	2	5	0	7
5. Inquiries**	3	5	10	18
6. Swindled by agent		6	1	7
7. Termination without notice	1	3	4	8
8. Food	1	0	0	1
9. Complaint against fellow Filipino	0	1	1	2
10. Request for plane tickets***	2	8	3	13
TOTAL	**27**	**40**	**44**	**111**

Source: Resource Centre Monthly Service Statistics (April, May and June 2000), OWWA Administration, Overseas Programs Department, Philippine Embassy, Brunei .

* This includes those caught working while on a tourist visa, working for a person who is not stipulated in the contract as the employer and overstaying.

**Inquiries range from those who want to know about the Livelihood Program to those who seek advice because of problems with their employers.

***It is stated in the employment contract that the employer shall provide the worker with a one way economy class air ticket to Manila or point of origin in the Philippines upon the completion of the period of employment or after the worker gives a one month notice of termination of his employment. Employers, however, seldom comply with this regulation.

were difficult to contact and the worker had to wait for two days until a letter was sent by the Embassy inviting the employer to come over. If the employer still did not show up or contact the Embassy even after the letter had reached him/her, the case was referred to the Labour Department of Brunei who would then make contact. It was observed that a case being referred to the Brunei Labour Department would oblige employers to show-up or their employment quota would be cancelled.

This waiting time paved the way for the intern to learn more about migrant's situations and provided a means to pose questions pertaining to perceptions about some of the services provided by the Centre. All in all, in these two months, 101 people were consulted. And the outcome was as follows:

- Thirty (30) did not attend the pre-departure orientation because they were unaware of it. Further they received a pre-departure orientation seminar (PIDOS) sheet from their agents, who had charged that to their recruitment fee without the knowledge of the migrants. Nonetheless, others also opted not to attend seeing it as a waste of time and money to travel to the venue. Such venues were located in major centres that were heavily congested with traffic.

- Out of one hundred and one people (101), seventy-one (71) attended and were systematically and comprehensively told what to do from the time they reached the Brunei International airport (a video where to get their luggage is

shown) to a sketch showing the location of the Philippine Embassy and how to get there.

- Since most of the persons interviewed were in fact waiting for their documents to be cleared by immigration officials and others were waiting for their unpaid salaries and their air-ticket, they expressed the view that perhaps it would be best to stay home in the Philippines and start a small business because then they would not have to go through the hardships with new employers, whom they did not know, nor worry about their families back home. They were thus advised to think about attending the Livelihood Program training session set-up by OWWA and to visit the office in their respective provinces, that is if they really wanted to open a small-scale business. Others however, expressed that intention to work abroad again in a different country and hoped for a better employer.

Also during the first two months, a total of thirty workers were admitted to the Resource Centre waiting for their cases to be settled. They were also interviewed to find out whether they had attended any pre-departure/post-arrival orientation, or livelihood program training in the case of returning OFWs, or human resource development training. They were also asked whether they saw the need for gender-sensitive training programs.

The interviews revealed the following: 1) most had not undergone the pre-departure orientation since they were mostly recorded as tourists and were working while continuously extending their three months social visit pass until caught by immigration officers, 2) there were those who paid double fees for the certificate of attendance to the pre-departure orientation so they need not attend the seminar (the money was paid to their agents) 3) those who attended gained valuable information on the culture of the host countries, labour laws, importance of employee-employer relationship and video footages showing where to get one's luggage upon arrival and even a map/sketch showing how to get to the embassy.

Regarding the post arrival orientation, many of the migrants had heard of some announcement of an open forum with embassy officials but were not able to attend because they either had no day-off, or had insufficient time to attend because of additional part-time employment demands. This was so even when the Ambassador sent out the letter of invitation to workers and also a separate one to employers to inform them about the event. But the decision to allow them to attend still rests with the employers.

The social visit pass holders expressed much interest in the conduct of post-arrival orientation since they were not required to undergo this before they departed from the Philippines. They said that it would be important to take into consideration the following: 1) what to do and whom to contact when they had problems, and 2) the location of the Resource Centre and the facilities and services they can avail from there. The interview also revealed that the workers hardly knew where the Resource Centre or

the Philippine Embassy were located until somebody took them when they had to register as OFWs.

The migrants who were temporarily sheltered at the Resource Centre also expressed that since one of the initial targets of the centre was also as a place for seminars or training, perhaps language classes in Bahasa Melayu (the official language of Brunei) or English might be conducted. They also requested a small computer literacy program whereby the registration could be limited to ten to match the facilities. The suggestion was that given the many experts in this field working in Brunei, Filipinos could volunteer their services

Gender-sensitive programs

Regarding gender-sensitive programs, those interviewed were quite pessimistic about how these could actually be carried out in Brunei. While it may well be feasible, minimally, to have some discussions about gender-sensitivity, usually when gender issues are publicly discussed in Brunei, tensions can arise because of perceived conflicts with religious attitudes towards gender relations. Some people suggested that perhaps it would be better to have gender sensitive training sessions in the Philippines prior to departure.

The national philosophy of *Melayu Islam Beraja* (Malay Islamic Monarchy) has also been adapted by Brunei. It is a blend of Malay language, culture and Malay customs including the teaching of Islamic laws and values, and the monarchy system. Such ideals

must be esteemed and practiced by all (Government of Brunei Darussalam Official Website). The Ministry of Religious Affairs is tasked to foster and promote Islam. They are relatively strict in terms of religion and the ministry has special officers to investigate any breach of Islamic laws by Muslims. *Khalwat* is one crime that these officers are keeping a sharp eye on. *Khalwat* is when unmarried couples stand or sit too close to each other after dark (www.brunei.sultanate.com). This crime can mean imprisonment and a fine which has already been meted out to both local and foreigners involved with a Muslim person. The media exposed many cases of *Khalwat* from January this year with photos appearing on the headlines of the local newspaper showing police raids in hotels and apartments (Borneo Bulletin, January- March, 2000 issues).

These restrictions on sexual expressions however are not more significant in "tearing down and reassembling a masculine sense of self than the restraints employers place upon the men's voice, emotions and other distinctive attributes" (Margold, 1995: 283). Looking at welfare cases documented from April- October 2000 in Appendix III, most of the male workers belong to the skilled workers category working as masons, painters, technicians, electricians, welders, designers, operators and carpenters in the construction sites that was a booming industry until the Amadeo Group of Companies owned by Prince Jefri declared bankruptcy in 1998. Researchers have attested that Filipino migrant workers are underemployed in terms of their educational attainment and occupational experience (Battistella & Paganoni, 1992; Gonzalez III, 1998). Moreover, male migrants have also related stories of intimidation from impatient supervisors who treat them like robots or tools (Margold, 1994). Underemployment combined with

intimidation and exploitation of employers is likely to erode the male worker's sense of manhood as Margold explained in her work "Global Disassembly: Migrant Masculinity in the Transnational Workplace" where the sense of manhood that develops locally may be partially disassembled when the migrant is incorporated into the lowest ranks of the global labour force.

Furthermore, foreign workers will continue to be reminded of their place in the social and cultural hierarchy as restrictions are imposed on the sale of alcohol and non-Islamic religious objects are confiscated (EIU Country Report, 1999). These actions are also carried out following directives from the Islamic Religious Affairs Department.

Similarly the experience of female migrant workers cannot be disregarded as cases of abuses, sexual molestation and rape have been evident (Gonzalez III, 1998:90). Sarah Balabagan, a domestic helper in the United Arab Emirates (UAE) was almost put to death for stabbing her employer who had raped her. Sarah who was only sixteen at that time (1995) claimed that she stabbed her employer in self-defense (Barber, 2000). The protests of Filipinos and the Philippine government reduced her death sentence to flogging plus a year in jail. While domestic workers are considered "vulnerable", I argue that all female workers in any job category are prone to abuse. Dionisio (Gonzalez III, 1998: 92) related this story about a nurse who returned from the Middle East:

> Lisa, a pretty 32-year old widow from Mindoro decided to resign from her position as a community health nurse leaving her 2-year old son under the care of her mother....She was hired as a nurse for a 7-year old diabetic son of a prominent family in Dubai. The moment she landed at the airport, her employer started making

> passes at her. It took just six days for him to be successful in tarnishing her womanhood. To avoid further abuse she ran to the Philippine Consulate. It took 19 days before she was finally repatriated home, shocked and in severe emotional distress.

The Middle East has shown an overwhelming number of complaint cases involving female workers, 83 percent compared to 17 percent corresponding to male workers. These problems have to be addressed in the services provided by the Resource Centre. However, migrants needing psycho-social services ranging from the personal to cultural, often do not make use of such services as the concept of psycho-social services is not common in the Philippines or even in Brunei; there is no cultural model for using professional assistance (Gonzalez III, 1998: 105).

Moreover, the Internal Security Act allows detention without trial when national security is threatened, which makes foreigners cautious about their actions (EIU Country Report, 1999). Likewise, drug trafficking and murder is equivalent to capital punishment in Brunei. Similar laws exists in Malaysia and Singapore where they are used far more often than in Brunei.

Expanded Livelihood Program

In the first month of the internship, only three people came for livelihood counseling. Most of them were facing the end of their non-renewable contracts. They were keen to invest their savings in a business in the Philippines. On the other hand, some were inquiring about the maximum amount that can possibly be loaned from OWWA as start-

up capital. By May, the number of Expanded Livelihood Program inquiries from migrant workers increased by another five. This is also because of the economic crisis that has plagued Brunei, resulting in many lay-offs and the government's intensification of its localization program that restricts the private sector to employ only 30 percent foreigners of the total workforce. For June, it was evident that OFWs were very interested in the livelihood program as more of them came to inquire about it, a total of nine OFWs came to the office to know more about the Expanded Livelihood Program. With the increase in catering to inquiries about livelihood program, it thus became a necessity to conduct a seminar/orientation on Livelihood program to reach out to more people who were not aware of its existence.

From the interviews conducted with the workers staying in the Resource Centre, not all of them attended the post-arrival orientation because they thought that this duplicated the pre-departure seminar in Manila. According to the embassy officials interviewed it was a difficult task to require new OFWs to attend the post-arrival orientation since they did not come in sizeable groups as in Hong Kong. In fact the post-arrival orientation in Hong Kong was not even administered by the Philippine Embassy, a counterpart to the Philippine recruitment agency in Hong Kong conducted it.

Officials are fully aware of a rapid increase in the number of Filipinos working in Southeast Asia being laid off because of the economic crisis dating from 1997. Indeed former President Estrada boldly encouraged and assured returning domestic helpers who had previously worked as teachers in the Philippines, to come home to take up jobs that

would be provided for them. This precipitated a great leap in the number of returning migrants (Manila Bulletin, February 6, 2000). In Brunei, officials have responded to these conditions by recognizing the importance of conducting seminars on Livelihood Programs for workers departing for the Philippines.

From the multi-method ethnographic study conducted for two months using participant observation, documentary analysis and semi-structured interviews, it was reconfirmed that the four services of post-arrival orientation, pre-departure orientation for returning migrants, gender-sensitive programs, and human resource development still need to be implemented.

Conceptualization of the program

1. Program: Post-arrival Orientation

Objective: To acquaint the new OFWs with Brunei culture, laws and policies on foreign workers.

To provide information about the employment contract and worker's rights restrictions related to employment.

To introduce the officials of the Philippine Embassy who provide assistance on labour, immigration or consular matters.

Approach: Group discussions; open forum with Brunei labour and immigration officials as well as Philippine Embassy Officials

Target population: at least 100 OFWs

2. Program: Pre-departure Orientation for Returning Migrants

Objective: To assist reintegration into Philippine society

To assist the setting up of a business in the Philippines

To explain the various benefits that are available to returning Filipino workers

Approach: Group discussions; open forum with the staff in-charge of the Livelihood Program and other services for returning migrant workers.

Target population: at least 30 OFWs

3. Program: Gender-sensitive program

Objective: To sensitize OFWs to gender issues

To incorporate gender-sensitivity in the seminar/orientation to be conducted for new OFWs and returning OFWs

Approach: The President of the Filipino-Muslim Association will facilitate Incorporation of gender-sensitivity into the seminar and workshop

Target population: at least 100 OFWs

4. Program: Human Resource Development

Objective: To conduct skills training and development programs that will enhance OFW's capacity to face future challenges in the workplace.

To upgrade skills in the area of Information Technology

To provide training for OFWs in Entrepreneurship

Approach: Training programs for all OFWs interested; the first step is to hire teachers and identify volunteers from the Filipino Community

Target population: 20 persons

The overall budget for the program was estimated at B$1,000. A kit that contained reading materials about the laws of Brunei and brochures about the benefits for OFWs and a certificate of attendance was handed out to each OFW attending all programs.

Chapter 3

Implementation of the Services

Before a Filipino worker leaves to work abroad, attending the pre-migration orientation is compulsory. Orientations are designed to inform workers about the host country's culture, what to do when problems arise, and their rights as a foreign worker. To supplement its pre-migration orientation for departing OFWs, there is a pre-migration training designed specifically for domestic workers and conducted by recruitment agencies. Here it is worth noting the difference between programs which "condition" migrants as generic Philippine OFWs and a concern or demand for "job-readiness" skills such as language and technological aptitude. Whose responsibility this is becomes a key question. Still, employers in Malaysia, Hong Kong and Singapore report many complaints about the inability of domestic workers to follow instructions given in English and to operate appliances (Heyzer, Nijeholt and Weerakoon, 1994). It is difficult for the women who have grown up and lived in cultures totally different from that of their employers to adapt to a new way of life.

The Philippines, Sri Lanka and Indonesian have in fact set-up training-cum-orientation programs for prospective workers at the national and regional levels. These programs are meant to increase "job-readiness" skills and introduce migrants to the host country's culture and society. According to the Rural Development Foundation, these programs are necessary so migrants "are able to perform their work with the attitude expected by their employers" (Heyzer, Nijeholt and Weerakoon, 1994: 145). However, since not all migrants go through the official channels of deployment before leaving the Philippines,

the post-arrival orientation was introduced by the Philippine government to be carried out by Philippine embassies in host countries. The following sections contain a description of various orientation programs observed and conducted by the intern in Brunei who also attempted to incorporate gender-sensitivity into these orientations. Although, human resource development was another service that had to be implemented, the term of the practicum enabled only the formulation of a plan.

First Orientation

The first service that became a priority for implementation during my internship was the post-arrival orientation. It was difficult to set-up a date to conduct it because the workers arrive in Brunei one by one unlike destinations such as Hong Kong where they arrive in batches of 50-100. It was agreed with Embassy staff then that such orientations should be done quarterly to allow for the possibility of an accumulation of new workers. These new workers were to be notified of the orientation date in a letter signed by the Ambassador. In addition, a letter was be directed to employers providing official notification of the orientation.

Thus, the first seminar was scheduled on June 21, 2000 and was co-organized by the Filipino-Muslim Association. As those who attended were newly-arrived OFWs, it was apt that the issues tackled touched on consular matters, immigration laws and policies and the employment contract. The first part of the orientation familiarized the participants with the customs, traditions and the labour laws of Brunei. The Welfare Officer

discussed these topics with approximately 150 new OFWs. He emphasized that the Philippine labour laws are different from the Brunei labour laws because of Brunei's distance from International Labour Organization (ILO) guidelines. For example, while the Philippine labour law conforms to a specific minimum wage for workers, Brunei labour law leaves the wage contract as an agreement between the employer and employee. However, in order to regulate employment of Filipinos in Brunei, the Philippine Labour office has regulations such as the minimum wage of B$320 for domestic workers. If this minimum is not met, the contract will not be signed and authenticated by the Labour Office of the Philippine Embassy which is a procedure to be followed when hiring Filipinos. However, if a worker agrees with the employer about the salary, the labour office cannot refuse to sign the contract. Usually the officers will verify if the employee indeed agrees to a wage rate by requesting him/her to come to the office in cases where the wage appears way below the normal salary.

The welfare officer also appealed to Filipinos to stop using the "backdoor" means for entering Brunei. It was pointed out that such workers become undocumented and later face problems should they run into difficulties with their employers. Without documents they are considered illegal workers. In fact a lot of maltreatment has occurred with workers who enter through the "backdoor" because their employers know that they are scared to complain because they will get caught, fined or imprisoned. To address this problem, the Brunei labour and immigration officers conduct raids when they become suspicious of employers employing people without proper documents. When caught,

employers may be fined as much as B$800, or sent to jail. The workers are also fined or imprisoned.

A lot of cases handled by the office relate to unpaid salaries so the orientation advised OFWs about the laws pertaining to salary contracts. For example, when a worker has accepted a salary at a lesser rate than what was stated in the employment contract and this occurs over a period of more than three months, Brunei labour law recognizes that the worker had agreed to the new salary. Hence the worker is unable to claim unpaid salaries after three months have lapsed. This suggests workers must immediately complain to the embassy once the first month salary received is lower than that stated in the contract. This situation has been common for many Filipinos who were unaware that the "excuses" of the employers were fraudulent. Indeed, many are told by employers that their first few months salary is an advance on their needs. Later they will be paid back. Such practices are a ploy to reduce the worker's salary.

At this point, immigration officers turn to explaining the procedures for applying for an Employment Pass. According to the immigration law of Brunei:

a) Every foreign worker must have an employment pass and an employment visa;
b) There should be a job vacancy;
c) Employer should get a license from the Department of Labour;

d) Employers get the employment visa from the Department of Immigration, and;

e) In processing the employment visa, the following are needed:

1) the employer certifies the application

2) letter from the Labour Department of Brunei permitting the issuance of the visa

3) Form 500 (application form to be filled up by employee in applying for the visa)

The certification letter is processed by the Immigration Department within five days and then the visa approval is to be sent to the Brunei Embassy in Manila. The employment visa has to be endorsed by the employer to the Brunei Embassy in Manila. Upon arrival, an endorsement of the employment pass will be given. This is valid for three weeks and the worker undergoes a medical check-up. The extension of the employment pass is done in the Department of Immigration where it is extended for two years. This can be cancelled if a worker fails the medical test.

The post-arrival forum has also become an avenue that benefits not only OFWs, it also paves the way for the Brunei Immigration officers to express concerns about workers who enter the country on tourist visas yet intend to find work. Hence, Brunei has imposed stern penalties to curb this. Foreigners caught working while holding a tourist/social visit pass will be imprisoned for six months or less, or receive a fine not exceeding B$2,000 or both. An employer who hires an illegal worker will have to pay a

fine of B$10,000 and face imprisonment for a term of not less than six months and not more than three years. Overstayers whose employment passes have expired pose an additional concern for Brunei officials. The penalty is B$200 for the first two days of overstaying, an amount that increases over succeeding days.

Nevertheless some Filipinos still use Malaysia as an exit point having their passports restamped when they enter Brunei. This allows them to extend their stay for an additional two weeks and to work as "freelancers"- working for anybody. Now, Brunei officials are alerted to this strategy and officials are becoming very strict with people doing this "U-turn".

Benefits for OFWs

OFWs and their families have been significant contributors to national development through their remittances, tax payments (until 1997), donations and other forms of non-monetary assistance. In return, the Philippine government through DOLE and OWWA have shown their support for workers through the provision of a number of benefits. An important benefit provided for Filipinos is Security and Protection. OFWs are advised to lodge a complaint at OWWA if they are charged exorbitant fees by recruiting agents, or they are promised jobs that are not available. They are provided free legal assistance when they file a case against an agent or a recruitment agency. For employment and welfare problems, the free legal assistance is available both on-site and at the home front. OWWA also provides all departing Filipino overseas land-based workers with mandatory life and personal accident insurance protection at no additional cost to the workers.

Recently it has also opened the OWWA Hostel for transient OFWs who do not have relatives in Manila and cannot get a connecting flight to their province. There is a desk to provide other assistance for OFWs at the International Airport.

The Medical Care Program (Medicare) for OFWs also extended medical assistance and hospitalization benefits to OFWs and their dependents at an annual fee of B$48.50. The subscribers are then entitled to partial reimbursement for medical expenses. A retainer doctor was also available every Wednesday and Friday at the Philippine Embassy in Brunei for free consultation. There were minimal charges for medicines which were unavailable from the medicine supplied OWWA Manila. The Medicare has become compulsory for all OFWs and is checked by immigration officers before departing Manila.

As noted in Chapter 1, various studies have revealed that some proportion of OFW's remittances is applied to children's education. In this project, the intern confirmed this during interviews. Most OFWs interviewed expressed happiness when reporting that their children were almost finished university level education. Moreover, when such children commence paid employment, their OFW parents indicated they could come home for good. Some added that even if they had no savings, as long as their children finished college/university, as parents, they would have peace of mind and contentment. Filipino traditions place a strict obligation upon parents to educate their children to the highest possible level – university/college being the ultimate goal. In recognition of this need or priority for Filipino migrants, the government has also set-up a Congressional

Migrant Workers Scholarship Program for OFWs themselves or members of their families, to pursue post-secondary vocational courses. The Scholarship covers tuition fees, a monthly stipend, book allowance, clothing allowance, health insurance and economy airfare from the scholar's residence to the place of study at the start and end of each academic year.

The Employment Contract

After the morning session, the participants were then briefed about the Employment Contract, a very important document signed by all OFWs, employers and recruitment agencies (Appendix V).

The Employment Contract is patterned according to Philippine and Brunei Law. It contains very important elements such as a) the destination of the worker, b) duration of the contract, c)consideration (whether salary is daily/monthly), and d) benefits. Such benefits include airfare; POEA clearly outlines that the employer is to pay the airticket from the point of origin to the place of work. The cost of processing the contract should also be paid by the employer. Furthermore, it is the obligation of the employers to repatriate the worker after the completion of the contract or if the OFW dies unexpectedly.

The sessions continues with discussion of the types of employment contract: a) the direct-hire scheme , b) recruitment through an agency, and c) participation of a host agency in Brunei. The direct hire scheme is without the participation of the third party or the

agency and involves only the worker and the employer. This is the scheme for establishments hiring five or less Filipinos. It is also available for one who is a '*balik-manggagawa*' or a second-time OFW who finishes his or her contract and returns to the Philippines. During the six month period in the Philippines when a worker is able to find a new employer in Brunei, he/she does not have to go through an agency. This also applies to those OFWs coming from Hong Kong or Singapore who make a sidetrip in Brunei and find a job. Their papers can be processed by their employers in Brunei without passing through an agency.

The second type of employment contract concerns recruitment through agencies. This applies to establishments who have five or more Filipino workers. It is mandatory for workers using this system to go through a licensed Philippine agent but they are not required to have a counterpart Brunei agent. Here three parties are involved: the employer, the employee and the agent. The Philippine agent is considered the employer's representative in the Philippines and is given a Special Power of Attorney in order to hire, process employment contracts, sign documents on the employer's behalf. Costs incurred are paid by the employer. However there were many complaints from OFWs asking why they were charged as much as B$1,500 by an agent who justified it as the "cost of services". While the employer must pay the recruitment services not the worker, this regulation was recently "relaxed", allowing recruiters to also charge the worker for their recruitment services. With the increase in costs for advertising, communication, processing/facilitating and travel costs, all associated with meeting the employer's needs, the service fees paid by the employers may be inadequate. Also, the

agency still incurs expenses until a worker finally leaves. Nevertheless, the placement agencies are only allowed to collect the equivalent of a worker's one month salary. This amount can be less but not more. Sec. 6, 8 of RA 8042 states the consequence of violation of this contract:

> "Any private person or establishment collecting
> placement fees that is more than what is authorized
> by DOLE has violated the law and will be charged
> for illegal recruitment through collection of excessive fees."

The service fee may also be very high because most Philippine agencies have counterpart agencies in Brunei so more expenses are incurred.

Finally, the third type of scheme involves the participation of a host agency in Brunei. This ensures protection of workers to whom the agencies are accountable when problems with employers arise. The host agency settles disputes before the matter is brought to the Philippine Embassy. Also, the recruitment agency is responsible for looking for a new employer in the event that a worker is rejected by the employer out of dissatisfaction with their work performance. There is a three month period for workers to gain a more satisfactory employment contract with the assistance of the Brunei host.

Tyner (1995) notes however, that the Standard Employment Contract for Filipino household workers has made them more susceptible to exploitation when the contract states the employees' duties as follows:

> The Worker undertakes to perform diligently and faithfully duties of a domestic nature such as but not limited to laundry, cooking, child or baby care, general cleaning and housekeeping of the residence of the employer and other relevant household chores which the Employer may from time to time require.
>
> The Worker is expected at all times to observe proper decorum and shall be courteous, polite and respectful to her Employer and members of his/her family. She shall also observe the Code of Discipline for Filipino Workers and abide by the laws of the host country and respect its customs and traditions.

Andall (1992) also correctly observes that the exploitation of domestic workers is aggravated by the fact that because of women's concentration in the domestic sphere, they have been hidden from view. And like POEA, the private sector maintains that they are also responding to market demands.

The afternoon orientation described here, drew about 150 OFWs and was successful in terms not only of attendance but in assisting new OFWs. It became a time for OFWs to get to know each other. They were also extremely pleased when each one was presented with a Certificate of Attendance by the Philippine Ambassador.

Gender-sensitive program

In an effort to incorporate gender-sensitivity into the seminar, the facilitator started by teaching a song to everybody. The song depicted the life of people in Mindanao where there is peace and harmony. There were love songs and farewell songs for departing husbands, wives or sweethearts who go to another land seeking better opportunities-returning when they have enough savings. The facilitator explained that today both

women and men leave to work and whomever is left at home takes care of the children. The majority of Filipino couples no longer follow the traditional division of labour with the husband as breadwinner and the wife as domestic worker. And as statistical reports show, 60% of OFWs today are women. In Brunei there are 11, 700 female OFWs that outnumber the 7,800 male OFWs (Borneo Bulletin, May 10,2000: 8).

The session proceeded by illustrating gender roles and gender equality with particular reference to the Brunei situation. Brunei is a context where both men and women have equal opportunity in high-ranking government positions, however sensitivity lingers on issues of gender equality. Conservative Islamic values are preserved through the national *Melayu Islam Beraja* described in Chapter 2.

It has not been deliberate government and private sector policy to engender labour migration. Both men and women are able to land jobs as doctors, nurses and engineers. However the global notion that men's and women's work are gendered differently has influenced the categories where men and women are positioned when migrating to work. The result is a concentration of women as domestic workers and entertainers in lowly paid service sectors which is due in part to current global demands for Filipinas as servants. More importantly in Brunei it is prohibited for men and women to enter jobs that involve physical contact with the opposite gender. For instance, a barber is not allowed to cut a woman's hair nor can a hairdresser cut a man's hair. Likewise a female physiotherapist is not allowed to provide therapy for an injured male athlete, in accordance with Muslim practice and teaching.

Second Orientation

Because of the valuable information and the consequent interaction, other Filipino groups requested a similar orientation be conducted for them. One of the Filipino groups of the Catholic church extended the invitation. They requested topics that centred on 'Benefits for OFWs'. The staff requested that since most of their group had already been working in Brunei for a long time, the Expanded Livelihood Program would be valuable to them as well.

Unlike the previous orientation, this second session was conducted in the evening in the church where this group congregated once a week for their prayers. Relief from work stress was obtained from religious devotion. As Chang and Ling (200) describe service to God and the church is seen as "cleansing, filling them with a sense of righteousness and completeness that comes only once a week". And this religious faith further defines them as servants of the Lord rather than in the physical world of men.

The orientation lasted for two and a half hours and brochures detailing the benefits and the Expanded Livelihood Program were distributed after the open discussion. The orientation commenced with a brief introduction of the Scholarship Program, Medicare benefits and the PAG-IBIG Housing Loan Program. This orientation format encouraged OFWs to feel free to ask any questions of the embassy staff or to hand-in written

questions to the facilitator. This format was used since there were time pressures and to enable the workers to direct the discussions to issues that were important to them.

Pre-departure orientation for returning OFWs

The second session continued with an orientation of services in the Philippines available for returning migrant workers. For instance women workers can avail themselves of social counseling that is aimed at assisting them to overcome social problems through community organizing. Community organizing utilizes a *'barangayan'* attitude through the formation of cooperatives or social clubs to maximize utilization of leisure time in productive endeavors such as in the development of cottage industries or day care centres. The other important program available to returnees is the Expanded Livelihood Program. It loans capital to returning OFWs or their family members (unmarried children, brothers or sisters) to set up a business or expand a current business. To be eligible for the loan, the business should be manufacturing, agriculture, processing, services or trading. The amount of money that can be loaned ranges from P10, 000-500,000 (C$500 – 20,000). Once an OFW or family member has decided upon undertaking the business, free skills training seminar and business counseling will be provided by OWWA, Technical Education and Skills Development Authority (TESDA) or the Technology Livelihood Resource Centre (TLRC) for the enterprise that will be set-up. Then the applicant is requested to submit a business plan with projected financial expenses. Before approval of the loan, the project officer will perform a credit investigation and a feasibility study of the project. There will be periodic monitoring

after the loan is released. OWWA has been very strict in monitoring business development because in previous years, the non-collateral amount of P10,000 (C$400) was sometimes not used as stated in the business plan. Moreover, the amount was not paid back to OWWA. One obvious fault of this OWWA entrepreneurship strategy was pointed out by Father Graziano Battistella, Director of the Manila-based Scalabrini Migration Centre who stated that: "Migrants are migrants. If they were entrepreneurs, they wouldn't have migrated" (Gonzalez III, 1998: 104).

In the question period, an OFW asked about the plans of the government for OFWs. One staff person remarked that the year 2000 was declared OFW Year. Also, there has been a plan to put up a subdivision for OFWs – OFW Village where OFWs can buy affordable, good quality houses. Estrada had also promised jobs for returning teachers and that no more Philippine income taxes were required to be paid on overseas earnings but there remained a requirement to file income tax for recording purposes. One embassy official added that there is also a new program for those who are not registered teachers back home but are now working as teachers in Brunei. If they have taught for more than five years, they can now apply for the Professional License for Teachers in the Philippines without any examination being required. This recognizes the fact that majority of professionals in Brunei are teachers without Philippine Professional License. The Overseas Voting Bill is also now being read in Senate which will allow overseas workers to vote during presidential elections. Plans are also underway to set-up an OFW Hospital. This will enable faster attention and medical care for sick OFWs who return to Manila as well as provide care for dependents left in the Philippines.

Unknown to many, the Filipino workers around the world have representation in Congress to participate in the policy-making process to address Filipino migrant concerns. Currently, the two congress members representing OFWs previously worked in Saudi Arabia and Europe. The importance of OFWs has been recognized and they indeed have great influence on the economy as they pump in billions of dollars. In fact they have recently played a very important role during the trial for Former President Estrada when Filipinos working in the United States froze remittances to the Philippines in support of his impeachment.

Another OFW inquired about what to do when there is violation of contract, for example underpayment of workers, or being asked to work in a different position than that stated in the contract. The labour attaché advised everyone to complain about this to the Philippine Embassy. Cases known to be prevalent include:

a) substitution of contract with reduction in salary
b) substitution of contract with downgrading of position

When a complaint towards an employer is filed, an amicable settlement may be reached with the employer or otherwise the case is referred to the Labour Commission.

There was also an interesting case of one worker being prevented from leaving the country because his name was on the hold list. According to the administrative officer, the NBI clearance is necessary to prove that the person on the hold list is not you.

The turnout for this orientation was over 150 OFWs and again this confirmed the fact that the church is a very good venue to reach out to OFWs. After this seminar, an invitation came from another group to talk on OFW Benefits and the Expanded Livelihood Program. The request confirmed the realization that indeed these sessions contain vital information that has to reach as many OFWs as possible.

Third Orientation

As a starting point, the project entitled "*Mamayan Muna Hindi Mamaya Na*" (Citizens Now not Later) by the Civil Service Commission (CSC) spearheaded open discussions. This project provides an avenue for OFWs who have complaints to file them directly with CSC if they are not satisfied with the assistance of other government agencies. Ironically OFWs were also advised to report problems immediately to the Philippine Embassy in Brunei to facilitate in-country resolution rather than prolonging the case by withholding complaints until their return to the Philippines.

The medicare program was next to be discussed since this was one thing that made OFWs feel secure even when separated from their families. This was followed by the Expanded Livelihood Program which briefed people about what to do, where to go and

how much money is available on loan to start a small or medium enterprise in the Philippines. Examples of success stories were give: how seven mechanics working in Saudi Arabia contributed P50,000 (C$2,000) and loaned P 500,000 (C$20,000) from OWWA as starting capital for an auto workshop. This later expanded and continued to flourish. Another OFW from Europe who went home for good was referred by the Labour Office to a seminar provided for new entrepreneurs by the TLRC. He was taught the technology to start a catfish pond in his own backyard. He started to provide catfish to big restaurants and then expanded. Now he is a millionaire. These success stories illustrate how important it is to direct savings to good investment when equipped with capital, skills and training. Tools and materials for the business can also be bought from the duty free shop where it is cheaper. Vouchers are provided as an endorsement for training at TESDA or TLRC. Vouchers can be used for the purchase of the tools or materials.

But problems with red tape and bureaucracy are still apparent and often these lead to discouragement. The advice given in this orientation was for people to come to the OWWA/Resource Centre for endorsement to TESDA or TLRC. It is best to have an endorsement to hasten the process.

A question was raised regarding paying back loans and it was revealed that many loans for the Human Resettlement Program from the time of Former President Marcos have not been paid back to the government. During the Gulf War, evacuees in financial distress

were given airfares by OWWA, plus a loan of between P5,000- 10,000 (C$200-400). These loans were not paid back.

Towards the end of the discussion, an OFW expressed much gratitude for this open discussion and inquired how other Filipinos can attend as many remained unaware of their benefits and privileges. They were assured that a quarterly dialogue is to be conducted in the church on Sundays after mass.

While there was a relatively large attendance, concern was expressed on behalf of domestic workers who are unable to attend because they have no days off. It is a difficult task to monitor a domestic worker's situation. Employer's individual and collective fears of bad influences, and their stereotypes regarding the sexual and criminal tendencies of domestic workers have had severe effects such as the curtailment of employee's mobility. Employers have this to say to ensure a helper's good behaviour (Chin, 1997: 374):

> ....Do not let them out to learn bad habits from outsiders.
> .....Don't let her use the phone.
> .....I drive her to church and wait for her; I want to see
> that she doesn't mix with bad company.

During the orientation, an instance was cited where a person reported a case of a neighbor maltreating a Filipino domestic worker. With due concern for the domestic worker who was left by a relative of the employers to stand outside in the hot sun with her clothes thrown at her and without any food, the embassy staff took her from the house. Surprisingly, the employers filed a complaint with the police that their helper was taken

away without their knowledge. The police called the embassy to ask the persons who took the helper to report to the police station immediately since they removed her without permission, violating the non-trespassing law of Brunei. A statement was required from the embassy staff as the employer claimed that their things were ransacked. But the police were knowledgeable enough to believe the embassy staff. In cases like this, what should a domestic helper do when her employers maltreat her and do not permit her to leave the house? The domestic helper should immediately call the embassy and they can pick her up as long as she is not within the premises of her employer. She need not take her things with her as this will be easy to negotiate once the employers are informed. If the situation with the employer is not that critical, the local agent is contacted. The agent will retrieve the helper and if they do not assist their license will be cancelled. The majority of agents, do however co-operate.

Human Resource Development

Human resource development was identified as one of the services that the Resource Centre does not provide. Although an initial plan for its implementation was carried out as shown in Chapter Two, the time constraints of the practicum hampered implementation. Instead, a brochure was made to be distributed to all Filipino workers regarding the Human Resource Development Program.

All overseas Filipinos experience some degree of isolation from the general mainstream of Philippine society. For example, professionals are unable to upgrade their academic qualifications or fulfil their professional requirements. Returning OFWs particularly

semi-skilled and unskilled workers find it difficult to become productive members of society. Many fail to find gainful employment. Others are overqualified for their jobs which often entail a drop in professional status. The majority of migrants held white-collar jobs in the Philippines (Tacoli, 1999). Spouses of contract workers who are overseas generally sacrifice their professional advancement for the integrity of the family. In areas where there are no Filipino schools, children who grow up overseas do not have a good understanding of the intricacies of the Filipino language, culture and society. Re-integration into Philippine schools, especially at the collegiate or university level becomes a problem. Hence a project for Human Resource Development was conceptualized by the embassy personnel, the intern and different members of the Filipino associations. The aim of this program would be to assist OFWs and their families with their adaptation and integration in their overseas destinations and in the Philippines. The project intends to:

- Design and conduct human resource development programs that will enhance OFWs capacity to face future challenges in the workplace;
- Develop skills to adapt to the mainstream of Philippine society;
- To operationalize mechanisms that will lead to the implementation of agreed services.

For the children of OFWs, a range of activities towards learning more about their culture is envisioned:

- The Filipino language – composition, story and playwriting
- Filipino songs, dances and literature- A show

- Philippine history and culture – A play and quiz
- Philippine law and governance
- Philippine cuisine
- Philippine handicraft

The expected benefits from this project are fourfold:

- The provision of a tangible evidence of support by the Government to the welfare of OFWs in Brunei
- An opportunity to establish a closely knit and more caring Filipino community
- An opportunity to strengthen the cooperation between various Filipino associations and groups
- An opportunity to further project a positive image of the Philippines and the Filipino in the host country

Priority areas:

- Skills training and development
- Philippine language and culture
- Information technology
- Continuing professional development

The target date for the implementation of this project is September 2001. Joining hands in the spirit of community to bring this project to fulfillment are the various Filipino association and groups in Brunei and the Philippine government.

Chapter 4

The Welfare of the Filipino Workers

As an intern, a daily dairy was kept while working in the Resource Centre. The Resource Centre Co-ordinator delegated the interviewing of workers who came for assistance. Notes record not only their ordeals but also observations on the responses of employers, recruitment agencies and the Resource Centre staff. In the following pages, I summarize different cases as the content of this chapter. It is a first-hand account of interviews conducted with migrant workers who sought assistance from the Philippine embassy from April- October 2000. The information drawn from observations, interviews and orientations conducted during the practicum were helpful in analyzing the situation of Filipino migrants in Brunei and the significant roles of the Brunei government, recruitment agencies and the Philippine government towards the welfare of migrant workers.

April, May and June (2000)

Medical cases

For the months of April, May and June, there were five medical cases documented with three OFWs suffering from routine health-related illnesses. The other two suffered injury at work and serious mental disorder respectively. The OFW who was injured worked as a security guard at a factory and was stabbed when one of the workers ran 'amock'. He was treated at the government hospital with all his medical bills paid by his employer and was declared out of danger. On the other hand, the OFW suffering from a mental

disorder was immediately repatriated to the Philippines (refer to Appendix II for the Statistical Report). Looking at this in the context of the Philippine sub-culture, a sick person homebound is viewed as a collective responsibility of the immediate and extended family members to care for the person at home, as long as the behavior manifested can be managed there (Gonzalez III, 1998: 106). Whereas in an overseas setting, Filipino workers needing medical care are repatriated by their employers or referred to the nearest Philippine diplomatic mission. To avoid such an outcome, the migrant will refrain from seeking assistance for his/her condition which may lead to more serious complications. Moreover, Filipinos have sub-cultural values of shame to family name, loss of face and stigma attached to mental health (Gonzalez III, 1998).

Visitations

The actions of the Philippine labor attaches in host countries are also important since they are responsible for reporting the demands for and the working conditions of migrants back to the Philippines. According to RA 8042, the Labour Attaché is vested with the authority to verify the worksite of an OFW and can then sign or not sign the employment contact. Hence, the Attaché visited towns and factories, monitored and disseminated information regarding OFW activities and programs organized by the embassy, and listened to the concerns of OFWs. The labour attaché usually visits factories to check on migrant's working conditions because there have been many complaints in the past. Professor Jose Endriga (Gonzalez III, 1998:88) notes, however, that the government's biggest challenge has been monitoring the welfare of OFWs because the Philippine

embassies and consulates are understaffed, underbudgeted and sometimes unprepared to deal with the magnitude of welfare cases. In fact, site visitations, although necessary, disrupted other important matters performed by the Philippine embassy, such the signing of employment contracts and assisting other complainants at the Philippine embassy. Statistics have also shown extremely high ratios between the number of labour and welfare officers assigned to a country and the number of workers in that particular country. For instance, 1: 50,000 for Saudi Arabia (Gonzalez III, 1998). As a result, the stress levels of these officers is quite alarming and the quality of work sometimes suffers.

Nevertheless, workers having police cases were also extended assistance to ensure that their rights were protected and were likewise accompanied to the police station. Constant visits to the Jerudong Central Prison was also undertaken where there are currently thirteen Filipino inmates serving sentences for murder, illegal entry, and robbery.

Assistance to OFW Dependents in the Philippines

OWWA Manila also served the OFW's dependents in the Philippines by providing free assistance regarding questions, complaints or requests they had about OFW family members. OWWA Manila contacted the Resource Centre for information requested by migrant's families in the Philippines. One family member in Manila demanded the return of his money from an OFW relative in Brunei who had promised him a job. A concerned wife of an OFW also reported the case of her husband who was supposedly forced by his employer to execute an affidavit denying allegations against the company by a former

employee. To secure his signature, the employer threatened the worker with an early termination of his employment contract. The office contacted the worker who said that there was no threat of that sort and he still worked with the company. Whether true or not, it is not uncommon for employers to threaten workers with early termination knowing that they can be easily replaced by recruitment agencies (Gonzalez III, 1998). Moreover, for domestic helpers the employer can dismiss him/her without pay in lieu of notice: when the worker willfully disobeys the employer's just orders; commits serious acts of misconduct or dishonesty; habitually neglects her duties; or, is absent from work without leave from the employer or is absent without other reasonable excuses. The question of what constitutes a "reasonable order," "misconduct," or "habitual neglect" is subject to different interpretations.

Financial support to a family back home was another form of communication provided by the embassy. When one OFW appeared at the office for this purpose, he said that he had already sent money to his family for the children's tuition fees and household expenses. According to the Asian Migrant Centre (1992), the average migrant worker supports five people at home, and one out of every five Filipino depends on migrant workers' earnings.

Immigration cases

The immigration cases assisted by OWWA welfare staff consisted mostly of Filipinos who overstayed or worked under a social visit pass (refer to Appendix II for the

Statistical Report). Others migrants were also charged with harboring illegal workers and were fined B$ 800. Since the "back-door" entry has become a cheap and therefore in-demand route for Filipinos going to Brunei, boat operators plying the Zamboanga, Philippines – Sandakan, Malaysia route were also in stiff competition. According to one boat passenger, these operators provide the funds required by Malaysian immigration officers. They had runners who took the money from the passenger once the inspection was over. The Anti-Corruption Agency (ACA) arrested four Immigrant Department Staff at the Karamunting port security in Sandakan, Malaysia for suspected involvement in corruption activities involving illegal immigrants. Some of the "illegal" immigrants were later found to have been involved in the production of counterfeit money and *syabu* peddling (Borneo Bulletin, 24 August, 2000: 8). Although blown out of proportion by the media, many other crimes in the host countries have also been attributed to migrant workers, who are often wrongly accused. However, migrants who have no legal status find it difficult to win cases in host country courts (Gonzalez III, 1998).

Freelancers also increased in number due to the war that erupted in Mindanao island which forced some to seek refuge in the nearby islands of Malaysia and Borneo. Others, who were desperate to leave home became victims of illegal recruiters (refer to Appendix II for the Statistical Report). During this period, foreigners were brought into Brunei under alleged false promises and found their life in Brunei difficult. Many of the Brunei firms which were in deep financial trouble were the main culprits in importing irregular migrants. The owners and managers of these organizations, even though on the verge of collapse, nonetheless go abroad painting a rosy picture of the economic situation in

Brunei while engaging in recruiting sprees in the Philippines, particularly in Mindanao. It was not difficult for these illegal recruiters to prey on Filipinos as Samonte (Gonzalez III, 1998:104) points out, "going abroad means getting ahead and enhancing one's social status in the Philippine context". The Filipino applicants who included professionals discovered the real situation only after landing in Brunei.

Labor cases

The most prevalent case reported at the embassy during these months was exploitation by non-payment of wages (refer to Appendix II for Statistical report). The contract states that foreign workers must be paid the wage stipulated in the contract and in effect at the time the contract is signed. However, specified wages are meaningful to the worker only if the employer can be forced to pay them (Constable, 1997). Some employers who were called by the Brunei Labour Officer to settle complaints filed by their employees contend that because of decreasing business profits they had to reduce wages and they emphasized that workers had received this lesser amount for several months. The Labour officer accepts the argument based on the Brunei Labour law discussed in the previous chapter.

The sentiment of OFWs on low wages and unpaid salaries is expressed when past work experiences are recollected by migrants who have worked in the Middle East. The interviewees considered the Middle East experience comparatively better than Brunei since they were paid their wages accordingly. Some employers also resorted to

immediate repatriation of their workers without paying their salaries. To make sure that the worker did not seek assistance from the Philippine embassy, the employers would take the migrant to the airport and wait until the flight left. In a case like this, an OFW is advised to inform the Brunei immigration officer that she/he has a problem with the employer and is waiting for assistance from the Philippine embassy. This way the worker does not have to board the flight or be penalized for not leaving the country.

Exploitation of OFWs in Brunei included being paid B$15 a day for twelve hours of work without overtime pay, being made to work on public holidays without pay and some employers even made migrants pay B$600 justifying it as a required fee for Brunei Immigration. Later, the employer promised to increase their wage if he was satisfied with their work. Other Filipinos desperate to continue staying and working in Brunei buy a quota from someone who can sponsor them while they work as a "free-lancer" and agree to pay B$50 a month to the sponsor. This illustrates not only the problem with underpayment but also how workers are willing to settle for less than ideal conditions just to get a job.

Ordeals of OFWs

Studies have suggested that domestic workers are well aware of their role as status symbols (Constable, 1997). Maids, it seems, have come to be "consumed" for their employer's social status, in addition to carrying out domestic and childcare duties. Aimee (pseudonym) served a family of four. On her first day working for them, her lady

employer took her to the parlor saying that her long hair had to be cut because it was unhygienic to keep it long. Aimee's long hair was immediately cut and she told me how her employer had insisted on giving her a "man's cut". Aimee was also forbidden from wearing make-up and perfume, or tight pants and shirts. This illustrates an employers attempt to control worker's hygiene and bodily appearance. Almost every part of a worker's body is subject to the employer's control (Constable, 1997). Like other employers, Aimee's employer wanted visible markers to distinguish her as their domestic helper (Constable, 1997). To Aimee these control mechanisms were more than about her hygiene or her employer's status symbol, "my lady employer must think I will seduce her husband because I look beautiful with my long hair and I smell nice too". Constable (1997:46) adds that " Filipinas are held as 'morally suspect' by their employers, who work abroad to find a man and obtain financial security". Thus, many restrictions are imposed on them.

Aimee experienced more problems when her employers failed to pay her wages regularly only advancing cash when requested it. This arrangement continued for seven months until she sought help from a neighboring Filipino domestic helper. Upon her friend's advice, Aimee ran away and reported her ordeal to the Philippine Embassy.

When the intern asked her how her family was doing back home, it was a surprise to know that her family was financially comfortable. Her husband worked in an office and she sold frozen food. Their income made life comfortable to raise only one son. What made her come to Brunei? She said that working here would enable them to pay off their

mortgage after just a two-year contract as she had seen her neighbors do. They had one family member working abroad. To Filipinos, there is something mystical and transforming about travelling overseas (de Dios, 1992: 47):

> Ordinary Filipinos have a romanticized view of the outside world, be it Japan, the US or Europe because "going abroad" is often intertwined with economic deliverance. This is often bolstered by success stories which they invariably see and hear in their neighborhood, town, or among relatives and friends.

Substitution of the contract through degrading the position was also rampant as was seen in the cases of Remedios and Marie (both pseudonyms). Remedios applied to Brunei as a saleswoman but was told to work as a domestic helper initially. She was promised by her agent that after a week she could work in sales. However, Remedios became sick because of the amount of work she had to do and was taken back to the agency. While there, the agent took her to work as her own helper. She realized then that she would never be able to work in retail which prompted her to complain to the Philippine embassy.

Marie had a similar problem who was lured by a neighbor whose daughter was a recruiter in Brunei. She paid P29, 000 (C$1,200) for her documents and airfare to travel to Brunei. This came from pooling the savings of her in-laws, brothers and sisters. She was told to ignore the stated job position in her contract as a domestic helper because as soon as she arrived in Brunei it would be changed to tutor. Upon arrival however she was taken to a household and made to work as a domestic helper. Apparently the employers were told

by the recruiter that Marie was an 'all-arounder'- she could cook, clean the house , tutor the children and also garden. After a week her employers realized that she had no experience as a domestic helper and sent her back to the agent. She was brought to another employer but was again rejected. Time and time again she was rejected until the day when her church and had the chance to approach some Filipinos to help her. Fortunately the labour attaché was also there and invited her to stay in the Resource Centre until her case was settled. The numerous attempts of the agent for Marie to be "tested" in different households reinforces ideas about the treatment of domestic workers as being similar to commodities (Constable, 1997). On top of that, because all the employers Marie attended were not satisfied with her work, they received a free replacement. As Constable(1997: 62) puts it, " the domestic worker is marketed as though she were an inanimate household appliance: she comes in various models, goes on sale, includes a warranty, and can easily be replaced if the customer is not satisfied".

While there were also numerous cases of recruitment agencies overcharging Filipinos, they hesitated to complain least the agency may send them back home. This would be the last thing they wanted to happen to them because they had debts to pay back home. This was also the reason why a lot of workers opted to enter on a tourist visa and to avoid the exorbitant fees charged by the agencies.

Other Filipinos are also seeing the retrenchment and termination of workers as an opportunity for them to become "part-time recruiters". Take the case of Rose who was promised a job by her agency after her contract was terminated. All she had to do was

pay B$900 for the processing of her papers. The embassy found out that Rose was not the "part-time recruiter's" sole victim, they act as brokers targeting OFWs who have been terminated or retrenched and promised them new employers.

The number of domestic helpers who run away from local employers has also begun to show an alarming increase in the country (refer to Appendix II for the Statistical Report). Police reported at least one case every week. In one example, a local driver picked up a domestic helper hitching a ride in the early morning hours claiming she was running away to avoid being raped by her employer. People who sympathize with the ill-treated domestic helpers said, " We don't want Brunei to be identified as a country of maid beaters and certainly hope something is done to stop these nasty incidents." (Borneo Bulletin, May 12, 2000 :1) The domestic helpers are considered the most vulnerable because it is very hard to monitor their situation (The Overseas Employment Program, April 1995: 29). Often they are overworked, made to serve in the households of their employers' relatives and friends without getting paid.

Much to the disapproval of employers, Filipino domestic workers have stepped away from being submissive to their employers to crying out for "freedom", "injustice" and "rights" (Constable, 1997:164). Ten years ago Filipinos would have been grateful for a job, but things have changed. According to Flage (Constable, 1997: 164), "the once willing yes has been replaced by a bargaining if. The Filipino maids are slowly changing their stance and tune". This was exhibited by a domestic helper who left her employer after a confrontation regarding her salary increase. Ana had been promised the salary

increase on her second contract with the same family but it never materialized. She decided to run away and complain to the Philippine embassy. When I interviewed her she happily narrated:

> Oh, I ran away because I asked my employer how much my salary is and she said 'same like before". And I said, "But you said before next month already increase". But she said, " We see if we have money". And I replied, "OK, I will run away if you don't give me more." And we argue about the salary and I just opened the gate and walk to the embassy.

Ana was treated like a member of the family. She ate with them and joined them in the living room when they watched television and she also played card games with them. In Brunei, as elsewhere, many domestic helpers express desire to be treated "like one of the family" (Constable, 1997). This "special treatment" is probably because her employers were satisfied with her work and the children were fond of her. According to Ana, she was courageous in leaving her employer because she knew they would eventually agree to her "demands" because it would be hard for her employers to find a replacement like her, that is someone who was already familiar with household chores. An hour after I called her employers to inform them that Ana was at the Resource Centre, they came and spoke to Ana. After her conversation with her employers, Ana assured us that everything was settled and she was ready to go back to work.

July, August, September, October (2000)

Mental cases

Notable cases that occurred in the succeeding months of July, August and September was the repatriation of four OFWs due to mental disturbance (refer to Appendix III for the Statistical Report). One of them had to be escorted by the Philippine embassy doctor. Three of them were domestic helpers from whom no information could be gathered regarding their experiences with their employers. They were repatriated as soon as possible and their families were advised regarding their situation so they could be seen by a doctor upon arrival in Manila.

Immigration cases

The influx of tourist workers continued, with over fourteen reported cases mostly coming from the Mindanao area (refer to Appendix III for the Statistical Report). Out of the fourteen cases, eight of them were recruited by a Bruneian who made migrants stay in her house until they were able to find work. The recruiter made the visitors responsible for looking for their own jobs. Later, her residence was raided by Brunei Immigration officers which led to the imprisonment of migrants who could not pay the fine of B$600. The illegal recruiter was also fined an undisclosed amount. Such actions by the Immigration officers are parallel to observation in the literature, where the Immigration Department investigates and prosecutes the worker but little is done towards the recruiter

(Constable, 1997: 136). The worker, on the other hand, is repatriated and most often disallowed from ever entering the host country.

Those who were already in huge debt back home because of the fees paid, chose to be imprisoned for three months rather than borrow money from loan sharks or money lenders in the Philippines. The Philippine embassy has already issued a warning in Mindanao area for Filipinos to be cautious of illegal recruiters who paint a rosy picture of the situation in Brunei but end up either imprisoned or fined by Immigration and Labour authorities because of illegal entry. Filipinos using the "back-door" were likewise apprehended by immigration for carrying fake passports. They were made to pay a heavier fine of B$1,300 or face two months imprisonment. Even though Brunei has been aggressive in its drive against illegal workers, nothing seemed to prevent the influx of more Filipinos. Most of the victims of the illegal recruiters were young adults who could not speak English and required interpreters during police interrogation.

Assistance to OFW Dependents in the Philippines

Some referrals that came from OWWA Manila dealt with the non-remittance of financial support which has always been a frequent complaint of dependents left in the Philippines. Family members also worried about their sons, daughters or husband and wives who had not communicated for more than a month and requested that OWWA look into their situation. The office was able to contact some of the OFWs at the addresses stated in contracts but it was to difficult to locate one worker who was presumed to be working as

a "free-lancer". When OWWA contacted the worker's employer, he informed us that it had been three months since the worker was laid off . The worker then became "undocumented" which makes it difficult for the Resource Centre staff to monitor his condition.

Dialogue with OFWs

The new labour attaché also took office in July and held a dialogue with managers of garment factories where a large portion of OFWs in Brunei are now employed. This was followed by a dialogue organized for Filipino workers in three different factories. The meeting was conducted primarily to check on the situation of workers and to listen to concerns which the labour attaché could bring to attention of management. Unexpectedly, in the months after the dialogue, the factory workers took job action refusing to work, requesting better food and that public transportation be accessible on their days-off. Although, as Aihwa Ong (Constable, 1997: 205) maintains "discursive forms of resistance may transform a situation like the predicament of Malaysian and Taiwanese workers". Factory workers in Brunei had to go beyond discursive form of resistance, to hold a strike in order to be recognized by their employers.

Although the internship was supposed to end in September, the intern carried on until October at the request of the Labour section. During this time, more illegal workers and overstayers caught by the Immigration officers as a part of a "clean-up" drive in preparation for the APEC Summit in November. The immigration staff became more

strict about tourists entering the country. The Resource Centre continued to assist those who had immigration problems with their employers. It was also busy preparing for the arrival of 300 Filipino delegates for the APEC Summit.

Brunei government's response

Brunei's labour chief has pledged to deal sternly with errant employers who allegedly exploit and mistreat employees, such as failing to pay salaries and retrenching workers in the wake of the recent economic downturn. The Brunei labour office has been receiving complaints from employees alleging that their respective employers have not paid them wages and other benefits. Some employees (both local and expatriate) have also claimed that their respective employers have not paid them for as much as three to six months wages (Borneo Bulletin, November 16, 2000). In a recent case some of the foreign workers have even staged a day-long strike to protest against such ill treatment (Borneo Bulletin, July 30, 2000). However instead of getting their full pay, the workers were only paid a small fraction of what was due them. They were also told by their employers to resign and leave the country. Apparently the helpless workers were not able to file official complaints as they were allegedly not properly employed in the country. Some local people too were apparently victimized by errant employers. The Commissioner of Labour said "the number of complaints, such as non-payment of wages received by his department was relatively small and most of them were resolved amicably"(Borneo Bulletin, July 20, 2000: 39). However though the number appeared to be small, his department still considered it to be a serious matter if employers failed to pay wages due

to their workers. Non-payment or even reductions of salary without prior approval from the Commissioner of Labour was an offense. No deduction should be made on wages without the prior approval from the Commissioner of Labour as provided by the Labour Act of Brunei.

Recognizing the problems of recruitment in the region, a very important meeting on Human Resources Development and People Mobility by BIMP-EAGA was held in Brunei on 24-25 April 2000. It focused upon recruitment practices. The aim of the meeting was to "harness and maximize resources and initiatives in the development and implementation of a comprehensive employment scheme as an integral part of the region's overseas recruitment program while geared towards promoting and safeguarding the social, economic, physical and psychological well-being of all immigrant workers in the BIMP countries" (Report on the Human Resource Development and People Mobility, BIMP-EAGA, 2000). The following principles were established:

1. It shall be our primary concern to protect the overseas workers and to promote their interest and welfare. Towards this end, we shall negotiate for the best possible economic package and other employment terms and conditions and shall assume responsibility for their fair and just implementation.

2. In our marketing activities, we shall promote understanding and goodwill among BIMP countries through social and economic networking in a professional manner.

3. It shall be our responsibility to fully disclose to all parties and abide by the terms and conditions of the recruitment agreement and the worker's contract of employment as approved by the concerned government regulatory body in the BIMP region.

4. We shall provide the overseas workers with relevant and full information/orientation in line with the worker's empowerment and right to information.

5. We shall adhere always to ethical standards and practices in sourcing or recruiting workers.

6. In coordination with the government and non-governmental organizations (NGOs), we shall endeavour to undertake projects and activities for the welfare and interest of the workers.

7. It shall be our standing concern to facilitate the return of overseas workers and their re-integration into the mainstream of society in their homelands and shall fully support the programs and projects that address the needs of returning workers.

8. We shall at all times abide by the existing rules and regulations governing overseas employment and all subsequent issuances of our governments in the BIMP_EAGA region. More significantly, we shall charge no other fees from workers except those which are authorized by our respective laws and shall exert its best to lighten the financial burden of overseas workers.

This agreement was signed by ten recruitment agencies and heads of delegation from the BIMP countries. Indeed, these principles are necessary because the number of reported welfare cases concerning Filipino workers around the world has steadily risen from 1996 to 1998. In 1996, there were 1,623 welfare cases reported to POEA, the number jumped to 2,697 in 1997 and further to 3,007 in 1998 with about 967 occurring in one of the BIMP countries - Malaysia (Philippine Daily Inquirer, August 17, 1999) .

Recruitment agency's role

The recruitment agency is a very important actor in the labour migration process because it is responsible for the proper documentation to ensure that the worker reaches the host country without any problems or difficulties. It makes labour migration possible for more than 450,000 Filipinos who leave the country every year to provide a crucial source of capital for the Philippine government (The Overseas Employment Program, 1995). Figure 2 on the next page shows how recruitment is done for Filipinos going to Brunei.

While recruitment agencies should be more concerned about the employment of workers, they were found to be more motivated by the desire for profit. This extended to unscrupulous practices such as distorting documents and promising employers qualified workers which were not provided, all to hasten the process of deployment and correspondingly receive the placement fee from both the workers and the employers for their services as agent (Constable, 1997; Heyzer, Nijeholt & Weerakoon, 1994) .

Because of these practices, there are rampant cases of substitution of contracts. Also, recruitment agencies that I visited in Iloilo City and Bacolod City, in the Philippines assumed multiple roles of black market money changers, travel agents and money lenders.

The process of recruitment is such that there is an agent from both sending and receiving countries accredited by both governments. The requirements that have to be complied with before a worker is deployed is as follows (Heyzer, Nijeholt and Weerakoon 1994: 143):

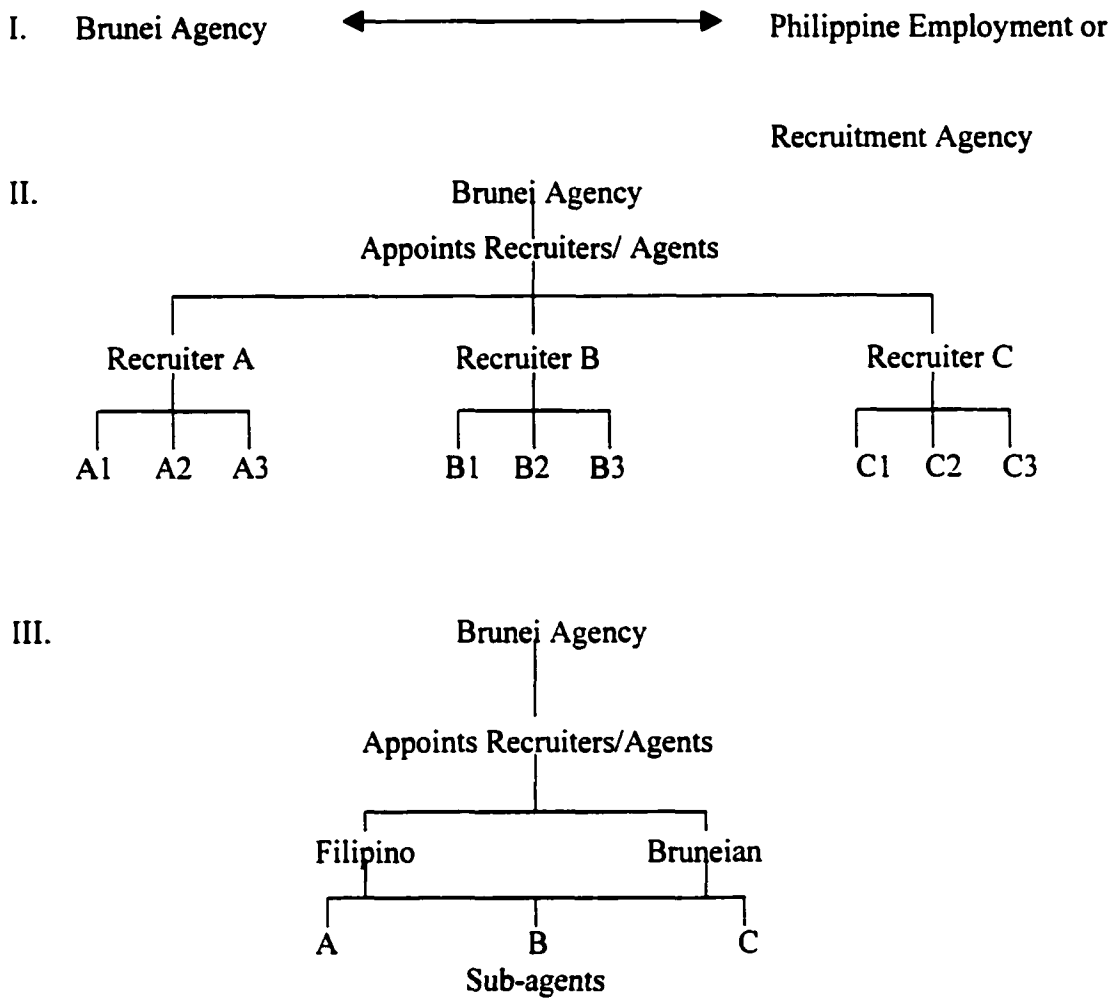
a) Complete an application form
b) Interview with the agent
c) Submit diploma, photos, NBI (National Bureau of Investigation) clearance, birth certificate, marriage contract (if married), tax account number.
d) Send bio-data to receiving country for employers to select or view.
e) Wait for the agent to contact the applicant if accepted
e) Undergo Pre-departure orientation program which is either conducted by the agency or an NGO.

The literature sheds further light on the recruitment process. Fees charged are often exorbitant, far from the stipulated amount (Chin, 1997). The dependence of migrant workers on recruitment agencies aggravates the problems as it becomes a difficult task to control exploitative practices. Corrupt practices of agents noted during the practicum included faking the worker's documents, to the substitution of applicants not approved on

Figure 2

Modes of Recruitment of Workers

to Brunei Darussalam



I. The Employment Agency in Brunei has a direct recruitment agency counterpart in the Philippines.

II. The Bruneian Employment Agency in Brunei besides having a counterpart agency in the Philippines appoints sub-agents in Brunei to recruit workers from the province and these sub-agents appoints their own relatives or friends in the Philippines to recruit workers and send bio-data or applications to the sub-agents in Brunei.

III. The Bruneian Agency appoints individuals or groups of individuals to become recruiters. These recruiters travel to the Philippines often to the provinces to recruit workers.

contract documents by interchanging photographs and names (Heyzer, Nijeholt and Weerakoon 1994: 144). On the other hand, workers manipulate information on their bio-data to make them more marketable. Because of employer's preference for applicants with prior experience as domestic workers, some applicants would transform the housework they do in their homes into "paid domestic work" for a relative (Constable, 1997).

During my internship, a friend had asked me to help her look for a Filipino domestic helper. She specifically wanted a married women because she felt they were more "stable" and less trouble than single girls. My friend also wanted someone who had children in university for assurance that her employee would finish her contract and possibly even renew for the duration of the children's college/university education. This example goes against the common assumption of domestic workers, who believe that most employers want single women without too many responsibilities back home (Constable, 1997). Sometimes workers would state work experiences that were untrue or change their age or civil status.

My observations also reveal that agents will sometimes make up stories to convince employers that the worker is ready to do anything. But the selection option rests with the employer, who examines the applicants bio-data along with the contract. The workers have no choice and are "herded" into the first available job. It is also noted that most agents resort to threats and even physical abuse when the helper runs away, is stubborn and disobedient. Despite the kindness of certain agency personnel and the "stated

patriotic or humanitarian motives of specific agencies", recruitment agencies are money-making operations (Constable, 1997: 65). Hence, Filipinos rarely go to their agents when they have problems instead, they go directly to the Philippine Embassy in Brunei. This is especially the case because of the absence of NGOs in the context.

Philippine government's initiative

The welfare cases discussed here affirm the necessity to conduct a post-migration orientation for OFW's who would otherwise be lost in a new culture, especially when they have problems. It is necessary to have this follow-up orientation because of the inefficiency and bribery associated with securing the pre-migration certificate. Salvendy and Nguyen (Gonzalez III, 1998: 109-110) have also recommended the dissemination of information about the host country before and after arrival to prepare workers for the changes and the adaptations they have to face. However, the reality is that a migrant is most likely to be excited and enthusiastic about his/her impending travel. The promises of a new land are enough to overcome the slightest bit of reservation. Even if the host country's economic condition is grim, it probably is better than his/her country of origin. Hence, the prospective workers is not deterred, whether or not she/he have digested the information.

It is the embassy staff's commitment that would continue this quarterly orientation program. As long as Filipinos continue going to Brunei to work, this program has to be carried out. It is this orientation that will provide them with guidance as complaints

procedures. The schematic presentation of the procedural course of action adopted by the Resource Centre in the resolution of complaints/ labour cases/ disputes is shown in Figure 3 on the next page.

The office of the labour attache at the Philippine Embassy is able to mediate disputes between the worker and the employer. However, this protection that the Philippine embassy could offer was criticized by a Filipino domestic helper in Malaysia when she said (Chin, 1997: 364) :

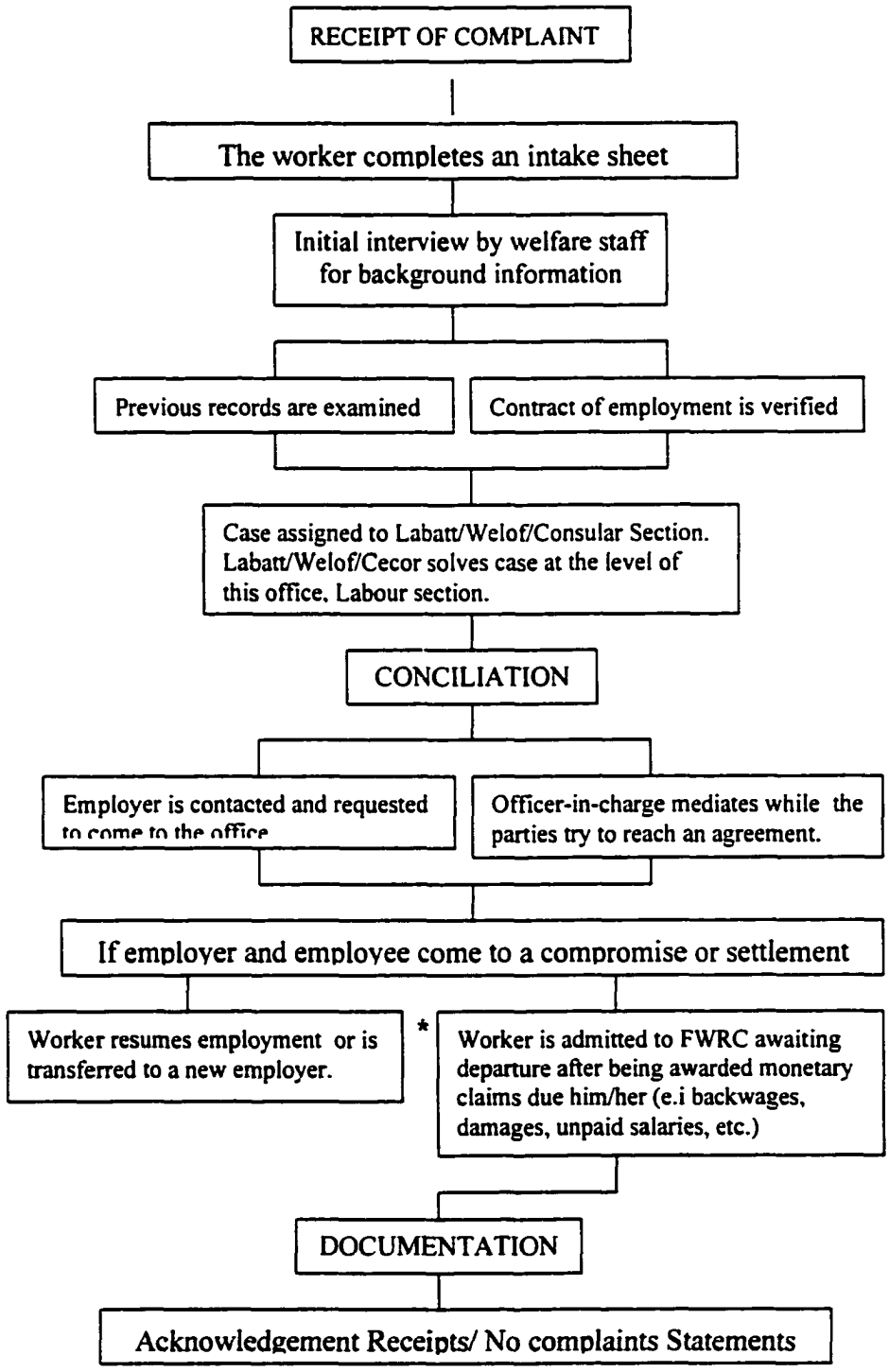
> "The embassy? They cannot do anything. They don't care. You go now and see what they'll do for you? Nothing! If I have a problem, I won't go there."

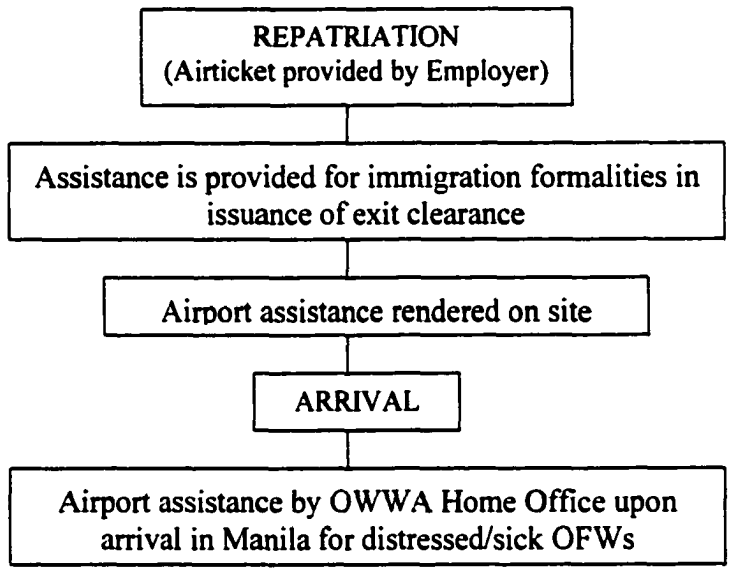
The embassy handles cases concerning contract violation, contract termination, monetary claims by either the worker or the employer, such as one month's salary in lieu of notice, abuse or maltreatment. In instances whereby the matter cannot be resolved by the Embassy, it is referred to the receiving country's Labour Department where the decision is final. The Labour Department will explain the settlement to the parties after hearing both sides (see Figure 3 on the next page).

Despite the mechanism for seeking redress, the workers most often give up or settle for less than they had filed for as it may take several months to settle. During this time the worker is not allowed to work. This means that families back home will suffer as they will no longer be able to receive money. Fighting for one's rights is not without

Figure 3

Procedural course of action adopted by the Resource Centre in the Resolution of Complaints





If there is no compromise reached at the level of the Philippine Embassy, the worker is admitted to the Resource Centre and the case is referred to the Brunei Labour Department and to the Immigration Department for lapsed Employment passes. The Labour Inspector decides on the case and once a decision is made the procedure goes back to*.

consequence. The workers loose their jobs. Thus, it is only in the most extreme circumstances that the worker will lodge an official complaint.

Besides government initiatives, NGOs also play a vital role in assisting distressed workers. There are numerous which operate in Hong Kong some of which are also church-based. In the forefront of promoting and protecting the rights and welfare of OFWs is United Filipinos in Hong Kong (UNIFIL), which is an alliance of several Filipino migrant organizations. UNIFIL also participates in discussions about macro

socio-economic issues that it sees affecting overseas employment. Other NGOS working towards the betterment of the conditions of OFWs are the Mission for Filipino Migrant Workers, Bahay Natin, Intercede, Pinay, the Asian Centre for the Progress of People, the Hong Kong Council of Women, the Scalabrini Migration Centre, Catholic Centre, Asian Migrant Worker's Centre (AMWC) and the Asia-Pacific Mission for Migrant Filipinos (APMMF)(Barber, 1995; Constable, 1997; Gonzalez III, 1998). They assist in providing services such as temporary shelter, counseling, guidance and legal advice; financial and material assistance to those who are ill or have visa or passport problems; advocacy, research, and lobby work for better conditions for migrant workers; and regional and international networking to advance the rights and welfare of OFWs.

Chapter 5

Is it worth it?

Conclusion

Hearing stories and testimonies, and having direct contact with migrants has affected me deeply. It is almost like wearing their shoes to let them take me on a journey that I would have never thought I would take. A journey to a place a migrant never dreamed of but is forced to face. It is a journey with many sacrifices, deeper than any labyrinth a human dare to enter. Interacting with them has given me a chance to get a closer perspective on the situation of migrants. Aware of their sacrifices and sufferings just to make life better for loved ones at home, I often find myself wondering: Is it worth it?

To many, the expansion of overseas employment for Filipino workers may be a "major miracle" for a country that for the past two decades has always had more workers than jobs to offer. In fact, migrant workers are constantly labeled as "modern heroes" (Chang & Ling, 2000; Philippine Times Journal, Sept. 18, 1977). Despite this high accolade however, the sacrifices, trials and abuses they endure are far from their dreams of good and well-paid jobs. Instead they are treated more like "modern slaves". In a sense labeling them as "modern heroes" seeks to refurbish their national identity from just being migrant workers to economic heroes of the Philippines (Chang & Ling, 2000). Although the Filipino workers' contribution to the national development has been acknowledged – there have been little corresponding increase in the resources of the agencies that are supposed to protect and care for their welfare. Also, there remain crucial

areas that need further action which have been recognized by the Philippine government. One of these is for government agencies to undertake reforms in policing both illegal and licensed recruiters. It is already 2001 and the implementation of this measure has yet to be seen despite the fact there are well over one-hundred (100) recruitment agencies operating all over the Philippines. These recruitment agencies should be subject to closer supervision and sanctions against violations must be swift.

Furthermore the government agencies engaged in the pre-departure orientation programs should provide information and assistance to inform the general public more effectively about destinations that are safe for workers. They should also issue warnings about places that are risky for Filipinos. This may counter the information provided by unscrupulous recruiters who entice workers to migrate.

Besides the post-arrival orientation which targets new OFWs, detailed information on working conditions, labour standards, wages, benefits and relevant cultural information should be given the widest possible publicity, especially in the far-flung towns and provinces. Such information would be the best weapon for protecting workers and managing the flow of migrants. More importantly, a Bilateral Labour Agreement (BLA) with Brunei should be proposed and worked out by the Philippine mission for the protection of OFWs who are all more vulnerable because no such agreement exists.

Five years after the formulation of RA 8042 Article XIII Section 44 and 45 on the establishment and services to be provided by the Resource Centre, much is yet to be

desired. The internship has revealed that indeed significant changes in Brunei have transpired since RA 8042 was passed.

As this report suggests, migrant workers undergo varied experiences as they prepare to leave their home country, when they arrive in the country of employment, when they assume the jobs in the host country, and when they finish their contracts. Many of them experience hardships and difficulties of varying types and degrees. Whether big or small, these concerns have to be addressed - explicitly, cautiously and thoroughly for after all is not the migration of Filipino workers a symptom of much larger problems, for instance, poverty? A migrant worker writes this to a prospective employer in Hong Kong: (Constable, 1997:68)

> Dear Sir and Ma'am in Hong Kong,
>
> My father is a farmer and my mother is a housewife. We live in Isabela. I want to be a domestic worker because I want to work very hard to help my family earn money so we can send my younger sisters and brothers to school. I promise to work very hard and faithfully and to be honest and obedient if I can work for you in Hong Kong.

The migration of Filipino workers is seen as a symptom of the larger problem of poverty and joblessness at home as attested by the worker in Hong Kong and also the workers in Brunei whom I interviewed. The answer to the problems in overseas employment lies in economic growth and development of the country which will create more jobs and slow down the outflow of Filipino skills and talents.

Recommendations

During the six month internship, three services areas in the Resource Centre were implemented. Although the orientation programs were deemed successful, some areas still need refinement to better serve the needs of the migrant workers. The following sections lay out the areas that have to be refined in succeeding orientation programs, as well as discussions the implementation of the human resource development program.

Post-arrival orientation for migrants

Many migrants who go through the government's pre-departure orientation seminar in the Philippines do not take its content very seriously and laugh at the negative cases, thinking this scenario will never happen to them (Gonzalez III, 1998). Because of this pre-conceived notion of pre-departure orientation programs, the government identified the need for a follow-up orientation. This time it was conducted in the host country.

Besides conducting quarterly post-arrival orientations, the distribution of booklets and brochures about the host country's psycho-social services, housing, education, local customs written in both English and Pilipino is suggested. The kit handed out during the orientations conducted in Brunei could be replaced by these brochures That contain valuable information. Such brochures are in fact already available in Singapore, Japan and Taiwan but with more valuable information added.

Pre-departure orientation for returning migrants

According to Heyzer, Nijeholt and Weerakoon (1994), there are two types of returnees': returnees who go back for good then reintegrate and those who stay for a short time and then leave for another labour contract abroad . One also has to differentiate return from reintegration. The first being the act of coming back and the latter as the process of being part of/ fitting into a unit (Heyzer, Nijeholt and Weerakoon 1994: 154). The returnees can be further classified as a) those returning after finishing their contracts b) those returning unexpectedly because of problems or exploitation abroad. This classification is very important since the two types require distinctive reintegration interventions and support mechanisms; the former need business counseling and entrepreneurship training, while the latter need immediate crisis intervention measures such as medical treatment, counseling and economic assistance as they may come home from physical abuse, sexual violence or mental disturbance (Gonzalez III, 1998; Heyzer, Nijeholt and Weerakoon 1994).

Migrants of the first type were extended the assistance they required through the pre-departure orientation for returning migrants but insufficient support mechanisms wwere in place for those who had problems of abuse, maltreatment and exploitation. These distressed workers were merely provided airport assistance and advised to go to OWWA Manila to file their complaints. And for returnees suffering from mental illness, they were escorted by the Resource Centre medical doctor for their flight to the Philippines

and handed over to OWWA Manila upon arrival. Once OWWA contacted the migrant's family, the families become responsible for looking after them.

Thus, there needs to be an awareness among the Philippine embassy staff, particularly the Resource Centre staff, that there is a migrant worker population in need of psycho-social services which is not yet receiving them. Therefore, there has to be a social worker or counselor permanently assigned to the Resource Centre. Services need to be accessible in both the physical and social sense. By social sense I mean program planning needs to ensure that the migrant does not fear "loss of face", identity, belonging and self-esteem through repatriation.

Gender-sensitive program

The gender-sensitive program was not fully incorporated and perhaps this is a realization that some of the programs outlined in the mandate of RA 8042 cannot be implemented in all host countries. Hence, the gender-sensitive program should be accomplished during the pre-departure orientation for migrants in the Philippines where gender ideologies are more transparent .

Human Resource Development Program

The conceptualization of the Human Resource Development program by the Philipine embassy and the Filipino association and organizations provides an opportunity to tap

resources from the community to volunteer expertise in the realization of the programs. Moreover, there are a lot of OFWs who are underemployed in Brunei and this program could upgrade their skills. For the children of OFWs, growing up in a different culture may challenge their traditions in ways which will have an impact upon their reintegration in the mainstream of Philippine society. To avoid this, the children must have a good understanding of the intricacies of the Filipino language, culture and society. Tools which can shape their growth and betterment in other societies. Having laid out its importance, the implementation process should commence by September 2001.

It is of course, simpler to prescribe remedies rather than to implement them. Difficulties naturally arise when there is lack of human and financial resources. Also, the concept of sovereignty of states is even more complicated by cultural differences in the host and home countries. However, all forces will likely convergence in acknowledging that like any other worker, foreign workers deserve respect and humane treatment. Perhaps, this will make migration worth it!

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Appendix I

Philippine Overseas Office in Brunei Darussalam
Resource Centre Rules and Regulations

1. Centre Tenants should seek permission from the Officer-in-Charge of The Resource Centre for any appointments outside (eg. Embasy, Agency, Ministry of Labor, Immigration, etc.) Only official appointments are allowed;
2. Centre Tenants are instructed to log-in and log-out whenever they leave The Resource Centre. This includes making telephone calls outside the premises;
3. Only authorized personnel and individuals are allowed to make phone calls in the Resource Centre.
4. The Resource Centre tenants are not allowed to leave The Resource Centre premises on Fridays and Sundays except for settlement of cases.
5. Centre tenants are expected to help in the maintenance of order and cleanliness in The Resource Centre premises at all times.
6. Participation in various Resource Centre activities in encouraged.
7. A discharge paper is accomplished before leaving The Resource Centre for repatriation or transfer.
8. Repeated violation of rules will mean discharge from The Resource Centre.

Appendix II

1. Welfare Cases for the month of April 2000

Job Category	No. of Workers Affected		Nature of Complaint							Settlement		
	M	F	Termination w/o notice	Unpaid salary	Food	Plane Ticke t	Maltreat-ment	Advice	Immig-ration case	Phil. Embassy	Brunei Labour	On-going
Professionals	1			1							1	
Skilled Workers	4			3		2				3	1	
Semi-skilled workers	1	2		3						2		1
Unskilled	3			1				2		3		
Domestic workers	1	6	1	2	1		2			7		
Freelancers	4	4							8	8		
TOTAL	**14**	**12**	**1**	**10**	**1**	**2**	**2**	**2**	**8**	**23**	**2**	**1**

Appendix II

2. Welfare Cases for the month of May 2000

Job Category	No. of Workers Affected		Nature of Complaint							Settlement		
	M	F	Termination w/o notice	Unpaid salary	Comp-laint against a Fil.	Plane ticket	Maltreat -ment	Swindled	Immig -ration case	Phil. Embassy	Brunei Labour	On-going
Professionals	1	4	1	1				4		1		4
Skilled Workers	3			1		1			1	2	1	
Semi-skilled workers	2	4		3	1	1			1	4	2	
Unskilled	2	2	1	2		3		1		4		
Domestic workers	1	10	1	2		3	5	1		7	3	1
Freelancers	1								1	1		
TOTAL	**10**	**20**	**3**	**9**	**1**	**8**	**5**	**6**	**3**	**19**	**6**	**5**

Appendix II

3. Welfare Cases for the month of June 2000

Job Category	No. of Workers Affected		Nature of Complaint							Settlement	
	M	F	Termination w/o notice	Unpaid salary	Comp-laint against a Fil.	Plane Ticke t	Swindled	medi-cal case	Immig -ration case	Phil. Embassy	Brunei Labour
Professionals	2	2		3	1					2	2
Skilled Workers	6		2	1		1		2		6	
Semi-skilled workers	2	3		2		2	1	1	1	5	
Unskilled	3	1		1				1	1	4	
Domestic workers	1	4	1	2				1	1	5	
Freelancers	5	3							8	8	
TOTAL	**19**	**13**	**3**	**9**	**1**	**3**	**6**	**5**	**11**	**30**	**2**

Appendix III

1. Welfare Cases for the month of July 2000

Job Category	No. of Workers Affected		Nature of Complaint							Settlement		
	M	F	Theft	Unpaid salary	Comp-laint against a Fil.	Plane ticket	Maltreat -ment	Swindled	Immig -ration case	Phil. Embassy	Brunei Labour	On-going
Professionals	7			7						1	6	
Skilled Workers	3	1		1	1				1	4		
Semi-skilled workers	3	2	1	3			1			3	2	
Unskilled	4			3		1				3	1	
Domestic workers	1	13		6	1	2	1	1	3	10	4	
Illegal recruitment	3											
Freelancers	2								5	5		
TOTAL	**23**	**16**	**1**	**20**	**2**	**3**	**2**	**1**	**9**	**26**	**13**	

Appendix III

2. Welfare Cases for the month of August 2000

Job Category	No. of Workers Affected		Nature of Complaint							Settlement		
	M	F	Termination w/o notice	Unpaid salary	Plane Ticke t	Maltreat -ment	Swindled	Medi-cal Case	Immig -ration case	Phil. Embassy	Brunei Labour	On-going
Professionals	2			2							2	
Skilled Workers	6		1	3						5		1
Semi-skilled workers	10	6	2	8	1	1	3	1		14	2	
Unskilled	2									2		
Domestic workers	1	5		1	1	1				6		
Illegal recruitment	3								3	3		
Freelancers		5							5	5		
TOTAL	**24**	**16**	**3**	**14**	**2**	**2**	**3**	**1**	**8**	**35**	**4**	**1**

Appendix III

3. Welfare Cases for them month of September 2000

Job Category	No. of Workers Affected		Nature of Complaint								Settlement	
	M	F	Termination w/o notice	Unpaid salary	Mental Case	Can't get along with emp-loyer	Maltreat -ment	Wants to go back to the Philip-pines	Theft	Immig -ration case	Phil. Embassy	Brunei Labour
Professionals	1		1								1	
Skilled Workers	5		1	3						1	3	2
Semi-skilled workers		15	1	4		8	1	1			15	
Unskilled	2	1		1				2			2	1
Domestic workers		8		1	2	2		1	1	1	8	
Freelancers	2	1								2	3	
TOTAL	**10**	**25**	**3**	**9**	**2**	**10**	**1**	**4**	**1**	**4**	**32**	**3**

Appendix IV

A Sample of an Application Form Filled by a Domestic Helper

Name:_____
Mailing Address:_____
Provincial Home Address:_____
Date of Birth:_____
Place of Birth:_____
Languages Spoken:_____
Civil Status:_____
Available Date of Employment: _____

Age:_____
Tel.:_____
Tel.:_____
Sex :_____
Weight:_____
Height:_____
Complexion:_____
Religion:_____

FAMILY BACKGROUND

	Age	Occupation
Father's Name: _____	____	_____
Mother's Name: _____	____	_____
No. of Brothers: _____	____	_____
No. of Sisters: _____	____	_____
Husband's Name: _____	____	_____
No. of Children: _____	____	_____

I am the _____in the family.

Special Skills: _____

EDUCATIONAL ATTAINMENT

	Name of School	Year
Highschool	_____	from_____to_____
College/Vocational	_____	from_____to_____

EMPLOYMENT HISTORY

Name of Employer	Nationality	Year
_____	_____	from_____to_____
_____	_____	from_____to_____
_____	_____	from_____to_____

ATTACH FULL BODY PHOTO HERE

ANSWER SHEET

Please tick your answer below to show which of the following duties you are willing to undertake and which you have had experience already.

	Willing		Experienced	
	YES	**NO**	**YES**	**NO**
1. Care of babies aged 0-3 months				
2. Care of babies aged 3-12 months				
3. Change diapers				
4. Feed baby				
5. Take care of babies at night				
6. Care of children aged 1-5 years				
7. Care of children aged 5-10 years				
8. Care of children over 10 years				
9. Play with children				
10. General Housework				
11. Operate washing machine				
12. Operate carpet cleaner				
13. Operate dryer				
14. Do personal laundry by hand				
15. Ironing				
16. Sewing				
17. Do plain cooking				
18. Do Chinese cooking				
19. Look after semi-invalid person				
20. Drive private vehicle				
21. Look after invalid person				
22. Gardening				
23. Cleaning/Washing of car				

Give details on the following questions:

1. What experience do you have in baby care/children care?

_____

2. What experience do you have in taking care of the aged/bedridden?

_____

3. What experience do you have in cooking? State the dishes.

_____

PERSONAL QUESTIONS

	YES	NO
Please tick your answer.		
1. Are you prepared to eat Chinese food only?		
2. Are you prepared to eat Western food only?		
3. Are you prepared to work for a Chinese family?		
4. Are you prepared to work for a Western family?		
5. Are you prepared to use the telephone only with employer's permission?		
6. Are you prepared to take your day-off set by your employer?		
7. Are you prepared to give up some of your day-off to earn more in addition to your basic salary?		
8. On your day off, are you prepared to finish the morning chores before you go out?		
9. Are you prepared to return home not later than 7:00 pm during your day-off?		
10. Can you promise not to ask salary advance from your employer no matter what the circumstances may be?		
11. Are you prepared to follow the code of discipline drawn up by your agency?		
12. Are you prepared to shoulder your return airfare to Manila if you do not finish your 2 years contract?		
13. Are you ready to follow your employer if they emigrate to another country?		
14. Can you promise not to invite your friends at your employer's residence without his/her consent?		
15. Can you promise not to use make-up while at work?		
16. Do you smoke?		
17. Do you drink alcohol?		
18. Are you afraid of dogs? other pets?		
19. Are you afraid of being left alone in the house at night?		
20. Do you have any physical defect?		
21. Do you suffer from any allergy? If so, what?		
22. Have you suffered from any serious illness before?		
23. Have you undergone any operation over the last 12 months?		
24. Do you suffer from any skin diseases?		
25. If any member of your family becomes seriously ill, would you want to go home?		
26. If any immediate member of your family should die while abroad would you like to go home?		
27. Must you attend church weekly?		
28. Are you ready to extend your contract after 2 years?		
29. Do you love babies/children?		
30. Do you love animals?		

Applicants' Signature

Applicant's Name:_____ Date of interview:_____

Complexion: ( )Fair ( )Tanned ( )Dark tanned

CHARACTER	Excellent	Very Good	Good	Fair	Poor
1. Facial Expression					
2. Personality					
3. Spoken English					
4. Comprehension					
5. Attitude towards work					
6. Attitude towards supervisors					
7. Alertness					
8. Personal Grooming					
9. Intelligence					
10.Initiative					
11.Reasoning and Judgement					
OVERALL RATING					

WORK EXPERIENCE:

_____

_____

_____

SKILLS RELEVANT TO WORK:

_____

_____

_____

REMARKS/RECOMMENDATION:

_____

_____

_____

_____

Interviewer's Signature

Appendix V

STANDARD EMPLOYMENT CONTRACT FOR FILIPINO HOUSEHOLD WORKERS IN BRUNEI DARUSSALM

AN AGREEMENT is made this _____ day of _____ 199___

BETWEEN

A. Employer : _____
Citizenship : _____ IC No: _____ Colour: _____
Occupation/Professession: _____
Complete Address/location of home _____

_____
(House Nr./Street/District/City/Province)

Office: _____
(House Nr./Street/District/City/Province)

Telephone Nos. Home _____ Office: _____ Fax No: _____

herein referred to as the **EMPLOYER**

B. Represented in: _____ Brunei Darussalam _____ by
(Receiving Country)

_____
(Name of foreign placement agency/company)

_____
(Address/Telephone/Telex/Fax Numbers)

C. Represented in the Philippines by:

_____
(Name of Philippine Agency/Company)

_____
(Address/Telephone/Telex/Fax Numbers)

AND

D. Household Worker Name : _____
Civil Status : _____ Passport No: _____
Date & Place of issue : _____
Complete address in the Philippines: _____

Work Permit No : _____ Date issued: _____
Visa No : _____ Date issued: _____

Herein referred to as the **WORKER**

[1] DURATION AND EFFECTIVITY OF CONTRACT:

The Employer shall employ the worker and the worker shall serve as a domestic helper for a period of _____ commencing of the date of the workers departure for Brunei.

[2] MONTHLY SALARY/WAGE:

The Employer shall pay the worker a monthly salary of _____ payable in cash at the end of each calendar month. The monthly salary must be duly acknowledged by the worker in writing.

[3] WORKING HOURS:

The worker shall not work more than ten (10) hours each day and shall be given at least a continuous period of eight (8) hours rest/ sleep.

[4] DAY OFF:

Frequency of the worker's day off shall be once a week, preferably Sunday, and shall be treated with flexibility. Days off shall be paid should the employer require the worker to work during the days off shall be paid an additional compensation of B$_____ on top of her basic salary for each day off foregone by the worker.

[5] DUTIES AND RESPONSIBILITIES OF THE WORKER:

The worker undertakes to perform diligently and faithfully all duties of domestic nature such as but not limited to laundry, cooking, child care, general cleaning and housekeeping of the residence of the employer and other relevant chores which the employer may from time to time require. The worker is expected at all times to observe proper decorum and shall be courteous, polite and respectful to her employer and members of his/her family. She shall observe also the Code of Discipline for Filipino workers and abide by the laws of Brunei and respect its customs and traditions.

[6] DUTIES AND RESPONSIBILITIES OF THE EMPLOYER:

The employer shall be responsible of the continued valid stay of the worker in Brunei Darussalam.

The employer shall at all times treat the worker in a just and humane manner. Under no circumstances shall physical violence be use by the employer or any member of his/her household on the worker. The worker shall further undertake to create harmonious relations and working conditions conducive to good employer-employee relations.

[7] TERMINATION OF CONTRACT

Neither the Employer nor the worker may terminate/cancel the contract except as follows:

(a). The employer may terminate the Contract when the Worker.

- willfully disobeys the employer's just orders
- commits serious acts of misconduct or dishonesty
- habitually neglects her duties
- for absence from work without leave from the employer or absence without other reasonable excuse.

(b) The Worker may terminate the Contract upon the following instances:

- When the worker is subjected to inhuman treatment by the employer or any member of his/her household.
- when the worker reasonably fears physical harm from violence of disease.
- when the employer violates the terms and conditions of this contract.
- when the employer commits any of the following acts:
  deliberate non-payment of salary; physical molestation; physical assault; and illegal employment; transfer without the consent/approval of the commissioner of Labour.

The Employer of Worker may terminate employment by giving at least (1) month notice to the other party. When the employer summarily terminates employment, the employer shall pay one month salary/wages in lieu of the said notice. When the employee summarily terminates, he/she shall forfeit one (1) month salary/wages in lieu thereof.

All terminations/cancellations of this contract of employment including transfer thereof shall be subject to the authority of the Commissioner of Labour, Negara Brunei Darussalam, without prejudice to any action the aggrieved party may take against his/her recruitment agency in the Philippines.

Incase of transfer of employment, the Labour Attache of the Philippine Embassy shall be notified and furnished a copy of the transfer of employment contract duly attested by the Commissioner of Labour, Deputy Commissioner of authorized official of said Labour Department for hi record.

[8] SETTLEMENT OF DISPUTE:

In case of any dispute between the Employer and the Worker, the matter shall be referred to the Labour Department for conciliation, mediation and adjudication in accordance with the pertinent provision of the Labour Enactment and Workmen Compensation law. The Philippine Embassy shall render assistance upon the request of any of both parities.

[9] REPATRATION UPON RENEWAL OR COMPLETION OF CONTRACT:

Upon completion of the period of employment, the employer shall provide the worker with a one way economy class air ticket to Manila or point of origin in the Philippines. Should the contract be extended for a further period of one year, the employer shall allow the worker to return to the

Philippines and provide the worker with a round trip economy class air ticket to Manila or point of origin in the Philippines and fifteen (15) days salaries/wages as paid vacation leaves.

All extensions of the period of employment thereafter the employer shall provide the worker with a roundtrip economy class air ticket and fifteen (15) days paid vacation leaves. Should any or both parties do not whish to extend further the contact, the employer shall shoulder the cost of reparation to Manila or point of origin in the Philippines.

[10] GENERAL PROVISIONS:

The worker shall be entitled to the following benefits:

(a) Free transportation from Manila or point of origin in the Philippines to the site of employment and all fees and incidental expenses relevant to the contract of employment shall be shouldered by the employer.

(b) Suitable accommodation free of charge and adequate food or food allowance including free work clothes.

(c) Free dental and medical services, including free hospitalization when the worker is unable to perform his/her duties on account of illness or disability whether or not such illness, disability or injury arise out of or in the course of employment. The worker shall receive full wages for the first month and one half month salary/wages for the next succeeding month of the illness/injury. In the event that such illness, disability, or injury as certified by a local medical practitioner, prevents him/her from further services, the employer shall immediately inform his Insurance Company for the payment of compensation under the Workmen Compensation laws of Brunei and take steps thereafter for the repatriation of the worker to Manila or point of origin in the Philippines.

(d) In case of the death of the worker, the employer shall bear the expenses for the repatriation of the worker's remains and personal effects/properties to the Philippines, and facilitate the release and remittance of the proceeds of the Workmen Compensation Insurance to the workers beneficiaries or next of kin the Philippines. In these instances, the Labour Attache, Philippine Embassy, shall be informed for the necessary assistance for the repatriation of the remains and advice to the beneficiaries or next of kin.

(e) The employer shall assist the worker in the regular remittances of his salary to her designated beneficiary in the Philippines through the normal banking channels.

[11] SPECIAL PROVISIONS:

(a) The worker shall work exclusively for the employer and his/her immediate household. The Employer shall in no case require the worker to work in another residence or at his/her business establishment

(b) It shall be unlawful to deduct any amount from the salary of the worker other than of the compulsory contribution prescribed by law. Such deduction must be issued a corresponding receipt.

(c) The Employer shall provide the worker with a Personal Life and Accident Insurance for the duration of the Contract at no cost to the worker.

(d) It shall be unlawful to deduct any expenses shouldered by the employer against the salary/wages of the worker relative to the worker's employment to Brunei.

(e) The employer shall within two (2) days of the arrival of the worker allow the latter to advise and register with the nearest Philippine Embassy of his/her arrival.

(f) The employer shall allow the worker to participate in skills and other trainings conducted by the Philippine Embassy.

(g) The employer shall allow the Philippine Overseas Labour Official or appropriate Philippine Embassy staff regular visitation of the worker at the employer's residence. Any chance in address/workplace of the worker shall be duly reported to the Philippine Embassy.

(h) The employer shall present this Contact of Employment authenticated by the Philippine Embassy and validated/confirmed by the Philippine Overseas Employment Administration, Department of Labour and Employment, Manila, Philippines, to the Commissioner of Labour, Deputy Commissioner or authorized official, for attestation pursuant to the pertinent provision of the Labour Enactment, Negare Brunei Darussalam. The Employer shall provide a copy to the worker.

[13] All other provision of the Labour Enactment and Workmen Compensation Laws of Negara Brunei Darussalam are deemed included in this Contract of Employment.

[14] **NON-ALTERATION**

No Provision of the Contract shall be altered, amended or substituted without the consent/approval of the Commissioner of Labour, Negara Brunei Darussalam, and the Philippine Embassy or the Philippine Overseas Employment Administration shall be duly informed of the approved alteration, amendment or substitution thereof.

The contracting parties hereunto set there signatures.

Name and Signature of Employer	Name and Signature of Worker
BRUNEI AGENCY:	PHILIPPINE AGENCY:
By:	By:
Name and Signature	Name and Signature

LABOUR DEPARTMENT

Explained By:

Both in the presence of:

COMMISSIONER OF LABOUR
NEGARA BRUNEI DARUSSALAM

FOR MAGISTRATE/ADVOCATE

FOR LABOUR ATTACHE/ POEA

Pasuguan ng Pilipinas *Embassy of the Philippines*
Office of the Labor Attache
Brunei Darussalam

30 April 2001

Fax No: 1-902-420-5561

MADAM ANNE MACLEAN
Manager University Archives,
Special Collections and Records
Patrick Power Library
Saint Mary's University
Halifax, NS B 3H 3C3
Canada

Dear Madam Maclean,

As per request of Ms. Maria Rocy P. Tendencia, we are pleased to inform you that we are allowing her to include in her "practicum report" the sample form of our Standard Employment Contract for Filipino Household Workers and Application Form filled-up by our domestic worker.

Best regards.

Very truly yours,

ATTY. JUSTO CESAR C. CARONAN, JR.
Labor Attache
Philippine Embassy
Brunei Darussalam

Suite 12, 4th Floor, Badiah Complex, Mile 1, Jalan Tutong, Bandar Seri Begawan, Negara Brunei Darussalam.
Tel. Nos. 236981, 237053
Fax No. 236980

Pasuguan ng Pilipinas *Embassy of the Philippines*
Office of the Labor Attache'
Brunei Darussalam

19 June 2001

Fax No: 1-902-420-5561

MADAM ANNE MACLEAN
Manager
University Archives
Special Collections and Records
Patrick Power Library
Saint Mary's University
Halifax, NS B 3H 3C3
Canada

Re : Copyright permission

Dear Madam Maclean,

Further to our letter dated 30 April 2001, we are allowing Ms. Maria Rocy P. Tendencia, to include the following additional materials in her "practicum report", to wit:

1) Table 1. *Filipino Workers in Brunei Darussalam as of 31 December 1999, by Category of Employment (Source: Annual Report 1999, Philippine Overseas Labor Office, Philippine Embassy, Brunei Darussalam)*

2) Table 2. *Summary Report of the Welfare Cases Reported for the Months of April-June 2000 (Source: Resource Centre Monthly Service Statistics (April, May, June 2000). OWWA Administration, Overseas Programs Department, Philippine Embassy, Brunei).*

3) Appendix 1. *Philippine Overseas Office in Brunei Darussalam Resource Centre Rules and Regulations.*

Thank you.

Very truly yours,

ATTY. JUSTO CESAR C. CARONAN, JR.
Labor Attache
Philippine Embassy
Brunei Darussalam

Suite 12, 4th Floor, Badiah Complex, Mile 1, Jalan Tutong, Bandar Seri Begawan, Negara Brunei Darussalam.
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