

Rhetoric more than Substance: Four Policy Statements on Overseas Employment*

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As a program and policy area, overseas employment, like honey, attracts a lot of flies, including gadflies like myself—people who, because of earlier involvement in the phenomena, are unable to resist invitations such as yours. Note that I said phenomena, a term usually reserved for events in which some people claim to see apparitions or divine manifestations. The fact is phenomena is what you use to denominate an exceptional or unusual event, while presumably better mortals are deciding if it passes for a miracle. It is in this context that I shall discuss overseas employment today. I am biased because, for me, overseas employment is a good thing. The facts and figures of overseas employment are now fairly well-known. I shall not attempt at a systematic rendering of that this morning. What I propose to do is select a number of statements made publicly by some honorable men and women, and then convince you that these are more

rhetoric than substance. To say these statements repeatedly perpetuates a mindset that is not only false but dangerous as well. Let me begin.

The first statement is: *Overseas employment is temporary*. I realize that this statement is in the Labor Code as well as in a number of other official documents. I also realize that the intention is to assure citizens that eventually, enough jobs can be generated locally so that people do not have to leave for foreign shores to earn a living. In fact, government pronouncements say that the intention now is to manage the migration process rather than to promote it. If there has been such a shift, I do not think very many people have noticed it. The rules have remained basically the same. The structures have not been altered, only the words have changed. Overseas employment has been officially temporary for the past twenty-five years. Before that, it proceeded as a choice, an

option for more adventurous Filipinos that they stuck even to the base of the *balangbat*-traveling natives looking for friendlier surroundings and more fertile soil.

From a more organized point of view, it may be traced to the migration of Ilocano labor to the sugar and pineapple fields of Hawaii in the early 1900s. And, to be sure, overseas employment will be here twenty years from now, for Filipino expertise will continue to go where such services will be better appreciated by way of compensation and recognition. To say something is temporary means you have a time horizon that says, only until here but no farther. To say it often enough but not really mean it is to threaten hundreds of thousands of Filipinos overseas, many of whom are naive enough to think that they should not come home because they may not be able to leave again. The truth is, any person, including a Filipino, will migrate either on a contract or permanent basis, when the push or pull factors become strong enough for him to do so. Managing the process means understanding that the flow continues not off and on, but it is the expedient or political thing to do.

The second statement is: *Government is doing nothing to protect overseas contract workers.* I might occasionally nitpick about the ambiguity of bureaucracies but this government, the past government and the government before that are definitely doing and have done something to protect the overseas contract workers. Self-flagellation being our national sport, I will go as far as to say that government is not doing

enough. But when we come right down to it, government never does anything enough. If it did, it would not be government. The mechanisms we have in place are superior to anything that our competitors have to offer. The fact is, many times in the past, we have requested for countries all over the world to come and observe our processes. They were allowed to copy our regulations. My private response has always been, let them come around and copy what we have so they can themselves size up what we do. Because we minister to a very political constituency, we put one regulation after another. The result is an oversized bureaucracy.

That last sentence is really meant to introduce the new statement which is: *The way to protect overseas contract workers is to tighten up on regulations.* Next to education, overseas employment is probably one of our most regulated industries. Here I talk about regulating the players—the recruiters, the employers, the brokers, the OCWs. If a company setting up shop in the Philippines is to meet the same kinds of requirements that these earlier-mentioned players have to collectively hurdle, we probably will not see too many of them recruiting Filipinos. From the registration of the local recruiter to the signing up of contracts with foreign employers, the accreditation at POEA, and the tedious and laborious process that the worker has to navigate before he finally boards the plane—each step is loaded with regulations. The fact is that numbers are continually growing but the action is nothing short of a miracle. Miracles take place because somebody pays the price.

That somebody is the worker. Let me just illustrate this with a brief story.

Over a month ago, I woke up to find twenty nurses in my living room. At that time, I was already with the U.P. College of Public Administration and not in active governance anymore. They had a very simple problem. They resigned from their jobs three months earlier when they were accepted for nursing jobs in Saipan. They had signed work contracts, and had airline bookings and visas for entry into this US protectorate. What they did not have was a POEA approval or a processed contract with POEA. POEA refused to process their contracts because it was insisting on a monthly salary of \$1,600 and the contracts only specified \$1,300. Since I was POEA Administrator in another life, they assumed that I would be able to exercise some moral suasion over the persons who processed these contracts. I said, "I'll try," and told them to come back in the afternoon. I tried and was told that it could not be done because there was a standard salary set for the position. I informed the nurses, and thought that was the end of it. But they were back the next morning asking, actually pleading, if I could refer them to Executive Secretary Ruben Torres for one final appeal. I obliged. Torres listened to them and seemed convinced that they had a case. He was also rejected by POEA. The last I heard, the employer had shifted to another recruiter. There, the nurses were to be paid only \$900, their contracts would not anymore be processed by POEA, and they were to leave within a week. Of course the nurses who were leaving were not those originally contracted who had resigned from their jobs. The new recruiter had his own pool

of nurses to pick from. The twenty nurses who resigned from three of Manila's biggest hospitals are now jobless. The twenty nurses who were to leave would have to make do with lower salaries than what was originally proposed. They would bypass the POEA and POEA tells me they had to do this because people had to be protected from their own greed. The nurses, for their part, lost their jobs because the regulations were imposed according to the letter and not according to the spirit. This is really just one story; there are others.

Let me tell you, for instance, that a worker who has to leave for abroad needs documents like a passport, a diploma and he has to pass through a very tedious and laborious process. The diploma he gets from his school will have to be authenticated by the Department of Education, Culture and Sports (DECS). From the DECS, he has to go to Malacañang where the signature of the DECS will have to be authenticated. If that were the only thing, it would not be too bad. But he has to do the same thing with the medical certificate. He will be examined in a government-prescribed medical clinic. The Department of Health has to authenticate the medical clinic's findings, and the medical health officer's signature has to be authenticated by Malacañang. Only after that time can he go to the embassy. The same thing happens with the birth certificate if it is issued by the National Statistics Office. If there are other requirements, like an AIDS test or a certification of training in a specific trade or craft, he has to go through exactly the same process. Regulations do not always protect the workers. They make a little money for

the government, of course. Regulations sometimes even oppress the worker to the point where he is willing to pay an economic price so he can leave without the aggravation that the regulated process is causing him. This is part of the reason why a lot of people leave as undocumented workers.

The next statement has to do with protective measures on site. According to some well-meaning people, we will send workers only to the countries where we have bilateral labor agreement. We have labor agreements only with two countries, Qatar and Jordan. The agreements were signed only because the ministers who were partners to the agreement were personal friends. Otherwise, to the disadvantage of the laborer, bilateral labor agreement requires two signatories—the sending and receiving countries. When we brought this up with our Middle East counterparts almost fifteen years ago, they said it could not be done because there were almost a hundred other nationalities working within their borders. They said that they cannot sign an agreement with us without doing the same with the others. I am not saying that bilateral agreements cannot really be done. Times change and the temper and thinking of political leaders both here and elsewhere change. We should not stop trying. But everytime I hear local politicians prescribe a bilateral agreement as a solution to our OCW problems, I mark off that politician as either somebody who is grandstanding or someone who does not know what it takes to get a bilateral agreement signed.

The last statement I would like to bring to your attention is that which says: *Exploitation can be stopped by terminating the overseas employment program.* I have always thought that the greatest exploiter of labor is unemployment. When you do not have a job, you fall prey to all kinds of injustices. Realize that there are people who would rather see this injustice happen rather than be embarrassed when they travel to Hong Kong and Singapore. In these countries, compatriots who work as domestic helpers congregate in plazas during their day off from domestic work. Their presence becomes a cause of shame and humiliation for some people. But I am willing to bet that those who are embarrassed are people who have jobs here in the Philippines and are, in fact, affluent enough to travel to the shopping havens.

Five years ago, I was in Canada on an orientation trip regarding programs and policies for women. We were brought to one university where we had sessions with some women academics. A researcher of Chinese origin asked me if I thought there was something in our culture that predisposed us to take on such jobs as domestic helpers or entertainers. Even before she could finish her question, I could feel the blood rising to my head. I remember pinching myself to keep me from throwing the nearest book at her. I told her that many of the children of an earlier generation in the Philippines were reared by Chinese *abmas*. In fact, our female workers in Hong Kong will likely come

home in 1997 to give way to Chinese women from the Mainland. Spanish and Portuguese women generally constitute the support systems for many affluent families in Europe and it is still a status symbol to have an English governess among American families. Of course, looking straight into her eyes, I said people just do not go into contract migration. Sometimes they migrate permanently and forget about their motherland.

I guess the price paid for overseas employment is sometimes high—it separates families, it breaks them up sometimes and people can get maltreated. In fact, some have died already. But I will not tell you that because there is only one percent of the OCW population that gets into trouble, we should be thankful. One percent of one million OCWs, both documented and undocumented, is 10,000 people. We cannot close our eyes to that but we cannot close our eyes either to the fact that if one million people come back to this country and could not find jobs, we'd all be in deep trouble.

Overseas employment, to me, is a safety valve which deserves our closest attention. If there was an industry that promised 700,000 jobs annually, what kind of government

support do you think it would get? Would it get the tax holidays or incentives that we grant to firms who sign up with the Department of Trade and Industry? Would it merit the attention and respect that we extend to foreign entrepreneurs who come here and create some 500,000 jobs in Export Processing Zones? I am making a case here for giving overseas contract workers the kind of official and budgetary support I think they rightfully deserve.

Everytime I go abroad and come home with countrymen who just finished their work contracts, I smile at their enthusiastic reaction as the plane finally touches down at the Ninoy Aquino International Airport. You hear the clapping, the unrestrained, "Yes!", the sense of gladness of being finally home. I realize that some people are embarrassed by this display of emotion. I am not. I think, for once, we owe the OCWs an understanding of their relief that comes with coming home especially after struggling in the past year(s) without family support systems. That way we may properly appreciate our OCWs for their contribution in keeping this country running and afloat even in the worst of times.

Thank you very much.

Note

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