

THE FIVE CORRIDORS PROJECT - CORRIDOR 4

Philippines to Taiwan: Fair recruitment in review

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project

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ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations and Humanity United. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United or OSF.

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Cover photograph: Migrant workers calling for reforms to Taiwan's recruitment and employment system, Taipei 2017. © NurPhoto / Getty Images

Assessment against the Five Corridors indicators:

8. Information provided to workers

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8. Information provided to workers

“I hardly remember the pre-departure briefing. The only thing that really stuck with us were the salaries we were going to receive; we were dazzled by that.” MARISA, 38, FILIPINA ELECTRONICS FACTORY WORKER IN TAIWAN.

Summary

The Philippines provides prospective migrant workers with detailed information on the migration and recruitment process, either online or via outreach. Pre-Departure Orientation Seminars are mandatory and workers cannot leave the country without having completed them. Civil society organisations have criticised the involvement of private recruitment agencies in the delivery of these pre-departure seminars, pointing out the conflict of interest - recruitment agents can be held accountable under the principle of joint and several liability, which serves as a clear disincentive for them to provide information to their clients on their rights abroad. Very few of the migrant workers we spoke to could recall the content of their pre-departure seminars in any detail. Philippines officials abroad have argued in favour of post-arrival orientation seminars and of holding these country-

specific information dissemination sessions once workers have spent several weeks in the country, rather than immediately upon their arrival. The quasi-governmental body MECO provides post-arrival orientation seminars at their offices in Taiwan and travels to large employers to conduct these on-site. The Philippines has partnered with the ILO to pilot post-arrival orientation seminars in Hong Kong and the ILO has offered training to journalists on recruitment and migration and has published, in conjunction with the Philippines National Union of Journalists, a series of media stories describing the reality of life overseas for Filipino migrant workers. Taiwan provides orientation and information dissemination services to foreign workers on their arrival in Taiwan, and the Workforce Development Agency can also arrange for workers to attend more detailed orientation services, which 150,000 participants attend annually.

Recommendations to the Philippine government:

- Complement pre-departure seminars with post-arrival orientation seminars and hold country-specific information dissemination sessions upon workers' arrival and semi-regularly thereafter.
- Exclude private employment agencies from any role in the provision of pre-departure and post-arrival orientation seminars.

8.1 Do government websites contain relevant information regarding fair recruitment policies, legislation, regulation, and processes? Does the government conduct outreach, including publishing “how-to” guides online, public service announcements on radio and/or television; or webinars etc.

Philippines

The Philippines Overseas Employment Administration (POEA) launched its Pre-Employment Orientation Program (PEOP) in February 1993 in order to provide the public with reliable and comprehensive information on working abroad.⁵¹⁵

515. “Campaign Against Illegal Recruitment, Trafficking and Irregular Migration: Trainers’ Manual”, Joint IOM, POEA report, (2013), p. 17.

The POEA maintains its own website but its Facebook page provides a more accessible and user-friendly repository of information, with updates and links to information for prospective migrant workers.⁵¹⁶ In 2020, for example, the POEA Facebook page linked to two instructional videos: the first is a short video in Tagalog detailing the experiences and challenges of one overseas worker, the second is an instructional video that shows prospective workers how to access an online Pre-Employment Orientation Seminar.⁵¹⁷ The online seminar has eight modules that address a range of topics related to overseas work. There is a module that contains a list of required fees for pre-departure including placement fee rulings as well as government-mandated fees, another that includes precautionary measures to help workers avoid illegal recruitment, and another that lists the minimum provisions required in the standard overseas employment contract. None of the modules specifically address the issue of workers' rights, but collectively the modules address issues highly relevant to the realisation of rights in the recruitment process.

Significant resources are also devoted to combating illegal recruitment through information dissemination. The Department of Labor and Employment has been working with local government units for more than a decade and holds seminars in regions from where many of the Philippines' overseas workers originate.⁵¹⁸

Taiwan

Taiwan provides very limited information online for its low-paid foreign workers, and there is no dedicated online source of information for its foreign workforce. The Ministry of Labour provides rudimentary information in English on its website, but the prime source of information regarding workers' rights generally is the 1955 Hotline addressed in detail in section 7.⁵¹⁹

8.2 Does the government carry out effective pre-departure orientations, including providing training regarding workers' rights and fair recruitment for potential migrants?

Philippines

Two years after it initiated its Pre-Employment Orientation program, the Philippines made provision for pre-departure programs in law. The Migrant Worker Overseas Act of 1995 mandates the POEA, in consultation with the Department of Foreign Affairs, to "disseminate information on labor and employment conditions, migration realities and other facts, as well as adherence of particular countries to international standards on human and workers rights which will adequately prepare individuals into making informed and intelligent decisions about overseas employment."⁵²⁰ The Republic Act 1002, which amended the Migrant Worker Overseas Act in 2009, made formal provision for the POEA to "undertake other programs or resort to other modes of information and dissemination campaigns, such as the conduct of nationwide, comprehensive and sustainable Pre-Employment Orientation Seminars."⁵²¹ It also stated that these seminars shall "discuss topics such as legal modes of hiring for overseas employment, rights, responsibilities and obligations of migrant workers, health issues, prevention and modus operandi of illegal recruitment and gender sensitivity" and that "the POEA shall inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert their rights and provide the available mechanism to redress violation of their rights."⁵²²

In practice, it is the Overseas Worker Welfare Administration or the Commission on Filipinos Overseas that delivers the mandatory Pre-Departure Orientation Seminar which workers must attend before being given clearance to leave the Philippines to work overseas.⁵²³

516. The POEA/POES Facebook page can be accessed here <https://www.facebook.com/POEA-PEOS206658936026081->

517. The website linking to the seminar can be accessed here <http://peos.poea.gov.ph/>

518. See, for example this story on the Munti regional government's website "Munti to Establish OFW Help Desks, Partners with DOLE, POEA, OWWA, TESDA", (4 March 2020) s a recent example of the authorities work with local government units. The partnership of central government ministries with LGUs has been ongoing for some time, see this story on the DOLE's website 'By capacitating LGUs, DOLE brings illegal recruitment-free, human trafficking-free campaign to Regions', (31 August 2011).

519. See "Notice on Work Rights of Foreign Workers in Taiwan" page

520. Migrant Worker Overseas Act, section 14.

521. Republic Act 10022, section 8. For a discussion of the pre-departure seminars' effectiveness prior to 2009 see Centre for Migrant Advocacy, "Statement to the NGO meeting of the UN Committee on the Migrant Workers Convention" (25 November 2008).

522. Republic Act 10022, section 23.

523. See details at the POEA's Pre-Departure Orientation Seminar website <http://pdosph.com/19/07/2018/pdos-pre-departure-orientation-seminar/>

Licensed third parties can also conduct the seminars. Data from the OWWA website for July 2020 shows that of the 114 third-parties who had POEA licenses to conduct these seminars: 99 were recruitment agents; 8 were NGOs; and 7 were industry associations.⁵²⁴

Representatives from the Center for Migrant Advocacy and Verite, which recently published a report on Filipino workers in Taiwan's distant water fishing sector, have both criticised the Philippines pre-departure orientation program. The CMA have said that there is a lack of legal rights education in the orientations and that they offer an exaggeratedly positive depiction of life overseas.⁵²⁵ Verite told us that the interviews they conducted with Filipino fishermen working on Taiwanese vessels revealed a need for pre-departure orientations to address workers' right to remedies.⁵²⁶

An expert on Filipino migration to Taiwan told us that the involvement of recruitment agencies in the delivery of pre-departure seminars was a problem because these agencies rarely provided workers with information on their rights abroad.⁵²⁷ This is not surprising in view of the fact that, under the joint and several liability provisions in Philippines law, it is the agents themselves who could be held liable for any abuses of their clients' rights abroad. According to a 2020 Verite report on abuses in Taiwan's distant water fishing sector, "only a few" of the 101 Filipino fishermen they interviewed reported attending orientation sessions in the Philippines wherein contracts were clearly explained.⁵²⁸

Very few of the migrant workers we spoke to could recall the content of their pre-departure orientations in any detail. Those who did said that the information was largely practical in nature, and focused on lists of do's and don'ts, although one Filipina who was recruited into Taiwan's electronic sector in March 2020 said that the seminar included a description of the various Philippines government agencies abroad who could provide assistance.⁵²⁹

One worker we spoke to said she was too "dazzled" by the salary she believed she would soon be earning to pay any attention to the seminar: a comment that highlighted a general trend among workers we spoke to - their focus was on getting to their country of destination as quickly as possible in order that they could start earning money.⁵³⁰ A Filipino labour attache in Taiwan offered the same view telling us that pre-departure orientation was inherently ineffective in isolation since attendees are too focused on the positive aspects of their forthcoming overseas deployment to pay attention to cautionary information.⁵³¹ She said that pre-departure seminars needed to be complemented by seminars in the destination state, not immediately upon arrival but after workers are settled and have begun to adapt to their new surroundings. The Philippines trade union Sentro has campaigned for the incorporation of post-arrival orientation seminars in Hong Kong and Taiwan and told us that the Philippines authorities have been receptive to the idea.⁵³²

A second labour attache noted that these types of seminars have been taking place for Filipino workers in Taiwan, with MECO providing orientation sessions in their offices for employees of smaller businesses, and on the premises of larger manufacturing companies that employ Filipinos.⁵³³

Taiwan for its part provides orientation and information dissemination services to foreign workers on their arrival in Taiwan. According to the statistics of the Workforce Development Agency, the Taoyuan and Kaohsiung Airport Foreign Workers Service Stations provide more than 230,000 foreign workers' arrival guidance services every year.⁵³⁴ Whereas these services are practical in nature, WDA staff can also arrange for workers to attend more detailed orientation services, which 150,000 participants attend annually, according to the WDA. These orientations include information to make "foreign workers...more aware of their rights and interests and to avoid any violations."⁵³⁵

524. Data available at the OWWA website <https://www.owwa.gov.ph/images/PDOS/PROVIDER/July2020/pdmu.pdf>

525. Centre for Migrant Advocacy, "Report of the Center for Migrant Advocacy for the 3rd Cycle Philippines Universal Periodic Review (UPR) on the situation of Filipino Migrant Worker", (27 May 2017).

526. Telephone interview with Daryll Delgado, Verite, (2 July 2020).

527. Telephone interview with Eden See, (1 October 2020).

528. "Recruitment Experiences and Working Conditions of Filipino Migrant Fishers in Taiwan," *Verité*, (2020 draft copy) p. 25.

529. Telephone interview with J.F., Taipei, (August 2020).

530. Telephone interview with M.M., Taipei, (August 2020).

531. Interview with Cheryl Daytec-Yangot; Labor Attache, Philippine Overseas Labor Office, Taipei, (24 November 2019).

532. Telephone interview with Shiella Estrada, Sentro, (21 August 2020).

533. Interview with Arthur A Abiera Jr., Manila Economic and Cultural Office, Director, Taichung, (10 December 2019).

534. See Workforce Development Agency website https://www.wda.gov.tw/en/News_Content.aspx?n=8E8FA34452E8DBC2&s=3CCE4A5BFD95F812

535. See Workforce Development Agency website https://www.wda.gov.tw/en/News_Content.aspx?n=8E8FA34452E8DBC2&s=3CCE4A5BFD95F812

8.3 Does government encourage outreach to workers by employers, workers' organizations, compliant labour recruiters and civil society groups

Philippines

According to POEA and IOM literature, the Philippines Pre-Employment Orientation Program “is designed to engage institutional support from local government units (LGUs), Public Employment Service Offices (PESOs), schools, civil society organizations (CSOs) and NGO partners.”⁵³⁶

The Center for Migrant Advocacy is currently engaged in a project to assist regional civil society organizations and representatives of local government units to engage more effectively with prospective overseas workers in ensuring they are fully aware of their rights and the realities of work overseas.⁵³⁷ The project is not funded by the Philippines government but the CMA told us that it enjoys the full support of the key government agencies - the POEA, OWWA and the Department of Foreign Affairs.

Taiwan

The Taiwanese authorities provide support and funding to civil society organisations in Taiwan, including the Taiwanese Legal Aid Foundation and Serve The People, one of the NGOs that is most vocal in its criticism of the protection provided to migrant workers in Taiwan.

8.4 Does the government make labour market information publicly available so as to inform decision making by workers, employers and labour recruiters?

Philippines

A training manual, devised by the POEA and the IOM, and targeted at Filipinos considering pursuing employment abroad, includes a detailed section on labour market assessment and aims to ensure that prospective migrant workers: ask the proper questions when assessing which overseas labour markets are viable options for overseas employment; assess for themselves whether the prospective gains from the jobs they choose abroad offset the risks and challenges they may face; and, learn the current labour market opportunities and global employment forecasts and how to access them. There is no information publicly available on the extent to which the training manual is used in pre-departure seminars and no indication that it is part of the mandatory seminar modules. The manual advises trainers to ensure workers know they should have “access to credible and updated information on job vacancies and employment forecasts” and advise them to access updates from “the POEA website and other official sources.”⁵³⁸

The POEA has a labour market updates page, but it has not been updated since 2015. Prior to 2015, it was regularly updated. In 2014, for example, it included information, for example, on reforms to Canada's Temporary Foreign Worker Program in 2014 and job prospects in the United Arab Emirates in the light of its successful bid to host Expo 2020.⁵³⁹

Taiwan

Taiwan's Directorate General of Budget, Accounting and Statistics regularly publishes detailed statistics on its labour market and its workforce, but the data is raw and eludes easy interpretation or analysis.⁵⁴⁰ It also publishes economic forecasts that are publicized in the media, in view of Taiwan's critical role in electronics and other manufacturing supply chains. These are more likely to be of use to employers and recruitment agencies than to workers.

536. “Campaign Against Illegal Recruitment, Trafficking and Irregular Migration: Trainers' Manual”, IOM and POEA joint publication, (2013), p. 17.

537. Telephone interview with Ellene Sana, Center for Migrant Advocacy (23 October 2020).

538. “Campaign Against Illegal Recruitment, Trafficking and Irregular Migration: Trainers' Manual”, IOM and POEA joint publication, (2013), p. 43.

539. “Canada Cracks Down on Abuse of Temporary Foreign Worker Program,” POEA Market Update, (April 2014), and “Job prospects in UAE for Expo 2020”, POEA Market Update, (March 2014).

540. See website of Directorate General of Budget, Accounting and Statistics at <https://eng.dgbas.gov.tw/mp.asp?mp=2>

8.5 Does the government collaborate with the ILO and the most representative employers' and workers' organizations to provide education and training and/or conduct awareness-raising campaigns?

Philippines

The ILO's Integrated Programme on Fair Recruitment (FAIR) was established in 2015 as a joint operation by the ILO's Fundamental Principles and Rights at Work Branch and its Labour Migration Branch. The Philippines is one of six countries covered in the program and under its auspices, the Department of Labor and Employment signed an agreement with the ILO in 2019 to develop a Post-Arrival Orientation Seminar learning system, which will include "informative videos and assessment tools."⁵⁴¹ The ILO's country director Khaled Hassan cited

the need for country-specific information "starting with their rights, privileges and responsibilities."

A further objective of the ILO's FAIR project is to disseminate global and national knowledge about fair recruitment and labour migration through engagement with the media and as part of that the ILO partnered with the National Union of Journalists of the Philippines offering them training on the issues of labour migration and fair recruitment. In 2018 the collaboration resulted in the publication of an anthology of stories depicting the reality of life for Filipino workers overseas, many of which were published by media outlets in the Philippines and in countries of destination.⁵⁴²

Taiwan

Due to Taiwan's status in international law, it cannot collaborate with the ILO. Collaborations with civil society organisations are noted under 8.4.

541. "DOLE, ILO promote rights-based information through online learning for Overseas Filipino Workers", *ILO Press Release*, (19 July 2019).

542. See 'Fair Perspective: Stories of Filipino migrant workers in the media', *International Labour Organisation and National Union of Philippines Journalists*, (2018).

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