

The background features two dark silhouettes of men walking from left to right. The man on the left is wearing a bucket hat and a long-sleeved shirt. The man on the right is wearing a cap and a long-sleeved shirt, and is carrying a chair or a similar object. The background is a bright yellow with large, abstract geometric shapes in white and black, creating a high-contrast, modern aesthetic.

Philippine Labor And Migrant Issues

A discussion series by the
Ateneo de Manila University
Department of Political Science
in collaboration with BusinessWorld

Series 08 – October 2020

This booklet contains a series of articles written by the faculty members of the Ateneo de Manila University Department of Political Science in relation to labor and migrant issues in the Philippines. These articles are accessible online through BusinessWorld Online.

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Philippine Labor and Migrant Issues

SERIES 08-2020

The Philippine Labor & Migrant Issues Ebook series (Series 08 – October 2020) reflects the authors, Abao and Lao’s advocacy for migrant and labor rights. It reiterates their claims to institutional and normative change in OFW/ labor governance in the Philippines in accordance with the international labor regime under the ILO. The series as well consists of the celebration of the gains from the normalization of global standards on labor rights protection into the national context, such as the absentee vote for OFWs in 2016 (Lao 2016) and the subsequent ratifications of Domestic Workers Convention and the ILO Convention 151, respectively in 2013 and 2017 (Abao 2015, 2016, 2017,2020).

Imagined alternatives are at the center of each article, such as the envisioned labor-centered framework of development, which anchors a worker’s rights-oriented capitalism (Abao 2016, 2017) and “reversals in societal priorities”, namely, the reintegration of returning OFWs (Lao 2016), responsible allocation of assistance to nationals (ATN) (Abao 2017), establishment of a department on migration (Abao 2019), and an end to contractualization (Abao 2017).

Overall the series poses a challenge to the current leadership “... not so much to embrace labor-centered development as a grand narrative, rather, to use it as an approach to elevate the status of labor in both the workplace and in society”(Abao 2018).



(Migrant Domestic) Work and (In)security

By Carmel V. Abao

01 January 2014 - <http://ateneo.edu/news/research/migrant-domestic-work-and-insecurity-blueboard-carmel-v-abao?v=desktop>

IN 1997, 20-year-old Jasmin Singuan left her hometown of Compostela Valley in Mindanao to seek greener pastures abroad. A single mother to a 13-month-old baby at the time, her aim then was to feed and sustain an entire household: her daughter, three siblings, an ailing father and a mother who served as the sole family provider. Jasmin was able to achieve this by working as a domestic worker in Singapore and Hong Kong -- but not without numerous risks and dangers.

In Singapore, Jasmin worked with several employers at least three of whom were "legal." She had standard working contracts with these employers but there was hardly anything "standard" about her work. At one point, she had a Singaporean employer who was then a recent-divorcee so Jasmin's work entailed bringing her employer's child from his house to that of his ex-wife, his aunt and his father. Jasmin, thus, had to clean and take care of four households. One contract, one employer, four work places.

Given the burden of providing for a family of six back home, not to mention back-breaking 24/7 household work in a foreign country, Jasmin succumbed to the attraction of "higher" pay as a part-time domestic worker. This arrangement, brokered by an "agency," yielded S\$50/hour. This was, however, a breach of contract and a violation of Singaporean law. When the Singaporean Ministry of Manpower discovered this arrangement, Jasmin, along with six other Filipino domestic workers, ended up in a "shelter" and stayed there until their cases were resolved.

Jasmin stayed in one section of the shelter designated for migrants with "cases" (e.g. illegal migrants, prostituted women, abused workers). At that time, there were 118 migrants held there, mostly Filipinos, and a few Indians and Sri Lankans. Jasmin was released after six months after she went through a court hearing (without a lawyer), issued a written apology where she claimed her "misdeeds," and paid the penalty of S\$2,000 or about ₱67,000 (her only other option was a two-week stay in a Singaporean jail). Through all this, Jasmin was assisted by the Transient Workers Count Too (TWC2), a Singaporean-based nongovernment organization (NGO), and the Migrant Forum Asia (MFA), a coalition of Asian NGOs. These NGOs, she says, taught her about her rights as a migrant worker and how to assert these rights.

After the ordeal, Jasmin was sent back to the Philippines where she didn't stay for very long given her resolve to work again as a domestic worker abroad. Since July 2011, she has become part of the 140,000-strong Filipino domestic work force in Hong Kong. She is now also an active

member of the Progressive Labor Union of Domestic Workers-Hong Kong (PLUDW-HK) and has been doing her share to help fellow Filipino domestic workers claim rights and entitlements as migrants, as workers and as women.

Jasmin's experience in migrant domestic work fits the definition of "precarious work" perfectly. According to the Global Union Research Network, precarious work is "characterized by atypical employment contracts, limited or no social benefits and statutory entitlements, high degrees of job insecurity, low job tenure, low wages and high risks of occupational injury and disease. From a worker's point of view, precarious work is related to uncertain, unpredictable and risky employment."

Precarious work is considered a "decent work deficit." As adopted by the International Labour Organization (ILO) that has both labor and employers as its constituency, the "decent work agenda" includes guaranteeing rights at work, creating jobs, extending social protection and promoting social dialogue. Central to this agenda is the well-being of workers. Jasmin's story illustrates how this agenda has yet to be realized on the ground. Evidently, despite agreements at the international level, decent work is still not the norm.

There is another narrative in this story, one about race and gender. Writing about "the global politics of domestic labour" in her book *Doing the Dirty Work?*, Bridget Anderson asserts that "racist stereotypes intersect with issues of citizenship, and result in a racist hierarchy which uses skin color, religion, and nationality to construct some women as being more

suitable for domestic works than others." For Anderson, the "slavery" of domestic work lies in the fact that it is the worker's "personhood," "rather than her labor power," that "the employer is attempting to buy" and "that the worker is thereby cast as unequal in the exchange."

The story is particularly instructive also because Jasmin works for middle-class people (not big capitalists) who, like her, are part of the struggling labor force, and who are, at times, even migrants like her. Addressing Jasmin's "dilemma" -- to work despite risks? -- thus requires that (i) reproductive work such as domestic work be deemed just as crucial to societal development as productive work, and that (ii) unequal partnerships within homes be resolved in a manner other than the superficial (convenient) resolution of passing on housework to "some other woman" who will do the "dirty work" for low pay.

That security of migrant domestic work remains elusive should be the concern of everyone -- of states and societies, governments and citizens, in both sending and receiving countries. The ILO Convention 189 or the "Domestic Workers Convention 2011" is a step in the right direction because it recognizes that domestic work is work. The raising of the status of domestic work is expected to transform the conditions of inequality in home-work places and thereby reduce inequalities in the larger societies.

States will have to intervene not just to protect migrant domestic workers but also to provide families with support systems needed to sustain homes and care for their children and elderly while

sustaining livelihoods. Transnational NGOs, trade unions and women's movements will have to continue to be active in framing and addressing issues and concerns related to migrant domestic work. A substantive shift in the mindset of citizens will also be necessary. In this case, social transformation, literally, will have to begin at home.

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Presidential endorsement of ILO Convention 151 urgently needed

By Carmel V. Abao

09 September 2015 - <http://ateneo.edu/news/research/presidential-endorsement-ilo-convention-151-urgently-needed-blueboard-carmel-v-abao>

If and when the Philippine government ratifies ILO Convention 151, it will be the first government in the Asia Pacific Region to do so. Adopted in 1978 by the ILO, the Convention calls for the "protection of the right to organize and procedures for determining conditions of employment in the public sector". Thus far, 52 countries have ratified this Convention.

A number of national government agencies in the country have already declared

support for the ratification of Convention 151. The Civil Service Commission (CSC) has issued a "certificate of concurrence", signed by CSC Chairperson Francisco T. Duque III and CSC Commissioners Robert S. Martinez and Nieves L. Osorio.

The Public Sector Labor-Management Council (PSLMC) has promulgated a resolution "calling on the Executive Department and the Senate to support the ratification of the ILO Convention No. 151".

This resolution was signed by the PSLMC Chairperson, CSC Chairman Francisco T. Duque III, the PSLMC Vice-Chairperson, DOLE Secretary Rosalinda Dimapilis-Baldoz, and, the PSLMC Members, namely, DOJ Secretary Leila M. De Lima, DOF Secretary Cesar V. Purisima, and, DBM Secretary Florencio B. Abad. PSLMC Sectoral Representatives coming from GOCCS, NGAs, SUCs and LGUs also affixed their signatures to said resolution.

The Tripartite Industrial Peace Council has issued Resolution No. 10, Series of 2013, declaring that "the ratification of ILO Convention No. 151 would not only align our policies with international labor standards but would also demonstrate the State's commitment to further promote freedom of association and the right to self-organization, particularly in the public sector". The DOLE secretary, representatives of employers' groups, and, representatives of organized labor, were the signatories to this resolution.

The Department of Foreign Affairs (DFA), through Secretary Alberto F. Del Rosario, has issued a Memorandum for the President stating that "the Convention promotes sound labor relations between public authorities and public employees' organizations through the protection of the right to organize, granting of facilities or privileges to its representatives, full development and utilization of machinery for negotiation of terms and conditions of employment, settlement of disputes arising in connection with the determination of terms and conditions of employment, and promotion of civil and political rights".

The Commission on Human Rights (CHR), through its former Chairperson Loretta Ann

Rosales, has also written to President Aquino asserting that "the ratification of ILO Convention 151 will help alleviate the working conditions of the 1.4 million civil servants in the country". The National Anti-Poverty Commission (NAPC), through Secretary Jose Eliseo Rocamora, has also endorsed the Convention claiming that it will "complement ILO Convention 98 (The Right to Organize and Collective Bargaining Convention, 1948) which was ratified by the Philippine government in December 1953". Even the National Police Commission (NAPOLCOM) has declared support for the Convention's ratification. Through Resolution 2015-120, the NAPOLCOM "expressed concurrence" citing that the Convention "seeks to guarantee decent work and trade union rights for those in the public sector" and "is aimed at affording protection to public workers and at providing a mechanism in the settlement of disputes". This was signed by the NAPOLCOM Chairman and DILG Secretary Mar Roxas, and, NAPOLCOM Commissioners Eduardo U. Escueta, Luisito T. Palmera, Alejandro S. Urro and Constanca P. De Guzman.

Public sector unions, meanwhile, have been at the forefront of the advocacy to push for the Convention's ratification. These unions have gathered under the umbrella of the Public Services International-Trade Union Rights (PSI-TUR) Philippines. PSI-TUR's members include the Alliance of Filipino Workers, Alliance of Government Workers in the Water Sector, Confederation of Independent Unions in the Public Sector, Manila Water Employees Union, Maynilad Water Supervisors' Association, Napocor Employees Consolidate Union, Philippine Government Employees Association, Public Services Labor Independent

Confederation, and Philippine Independent Public Sector Employees Association. Private sector unions belonging to the alliance NAGKAISA, have also joined the campaign. Moreover, Trade Union Congress of the Philippines Party Representative Raymond Democrito Mendoza has filed House Resolution 438 "urging the Senate to ratify the Convention".

Abovementioned trade unions are unified in the belief that ILO Convention 151 will help in the anti-corruption drive of government as "civil servants that are empowered to organize and have a say in their working conditions tend to be more supportive of anti-corruption efforts".

As of this writing, President Aquino just needs to endorse the Convention, after which, the Senate can deliberate on its ratification.

According to the ILO, some Asian countries, such as South Korea, Japan, Bangladesh, and Malaysia, have indicated to the ILO Committee of Experts that they could not yet ratify the Convention because there were "discrepancies between national law and practice and the provisions of the Convention". The ILO notes, however, that in the Philippines, the Constitution and the laws (e.g Executive Order 180) already "provide safeguards for the right to freedom of association and collective bargaining" of employees in the public sector. In other words, no legal impediments exist in the Philippine case.

President Aquino needs to endorse Convention 151 now, before his term expires in 2016. Otherwise, he will miss the chance of implementing his "Daang Matuwid" program in a sector that he

himself belongs to. He will also miss the chance of leading Asia Pacific towards the direction of public sector reform.

September is "Civil Service month". It is the best time to ratify a Convention that honors the rights of public sector employees and envisions a labor relations system that will enhance public services in the country.

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The Overseas Absentee Voter in the 2016 Philippine elections and beyond

By Maria Elissa J. Lao

26 April 2016 - <https://www.bworldonline.com/content.php?section=Opinion&title=the-overseas-absentee-voter-in-the-2016-philippine-elections-and-beyond&id=126523>

Overseas Absentee Voting (OAV) for the 2016 national elections began on April 9, 2016 with what the Commission on Elections (Comelec) deemed a “generally good” voter turnout. Although the OAV has been limited to voting for the positions of President, Vice-President, Senators, and Party-List groups, participation in elections by overseas Filipinos has been active, especially in nearby Hong Kong and Singapore. According to the Comelec, there are now around 1.3 million registered Overseas Absentee Voters and an expected 50%-60% voter turnout.

This is in contrast to previous years which have experienced a drop in OAV numbers. A Center for Migrant Advocacy (CMA) study on Overseas Absentee Voting showed that there was a dip in Overseas Absentee Voting, from 64.89% in 2004 or 233,137 out of 359,296 registered voters to only 25.99% in

2010 (153,323 out of 589,830 registered voters). The 2007 midterm election, on the other hand, had a total voter turnout of 16.21% or 81,732 out of 504,124.

According to the same study: “For the 2010 elections, the Comelec targeted a total of at least one million registrants. However, only 589,830 overseas Filipinos were registered for the national elections. The Comelec delisted 132,817 names from the official list of voters for failure to vote in both the 2004 and 2007 elections, while there were 224,884 new registrants.”

The “generally good” observation on OAV turnout then seems to be a sign that things are picking up and our overseas Filipinos are once again taking note of the importance of having their say in Philippine elections. This does raise several questions on the value of

elections for overseas Filipinos and vice versa: the value of overseas Filipinos in Philippine elections.

First, on the value of elections for overseas Filipinos:

1) Why is there inconsistent voter turnout on varying election years? We cannot discount the fact that there were names delisted for failure to vote in two consecutive elections, despite reminders from the Comelec, foreign offices, and civil society. Granted, some of this may be due to the difficulty of voting in particular areas (some areas in the Middle East, for example, poses challenges for female voters), there still is the possibility that national level politics may be disheartening for many overseas Filipinos and the desire to disconnect took the form of non-voting.

2) Where does the link with local politics and local communities in OAV lie? The current system does not extend to local positions, where many overseas Filipinos may feel more affinity. Some anecdotal evidence shows that OFWs are able to communicate their choices for local positions to their relatives and friends in their hometown thereby maintaining the link with local politics. How can we continue to satisfy this desire to connect politically with hometowns?

3) How do overseas Filipinos connect with candidates, parties and other electoral stakeholders? Since distance is a factor, social media and the Internet are vital links to Philippine politics.

Second, on the value of overseas Filipinos in Philippine elections:

1) Do we give enough time and space in the process for them?

It seems that this round of elections has seen some improvements, with the help of civil

society groups on the ground and additional modes of voting (with more PCOS machines to be used in OAV versus in 2013 along postal voting in more areas.)

2) Are they adequately represented in government (in the party-list, for example)?

How do OFW agendas get carried over into policy? In the past, overseas Filipinos have made their voices heard on a number of important national issues. There should be mechanisms where their voices can be consistently heard.

3) Are their voices heard AFTER elections?

Theirs may not be the only sector that needs to be heard more post-elections, but their interests should certainly be kept in mind as the President himself promised six years ago: “From a government that treats its people as an export commodity and a means to earn foreign exchange, disregarding the social cost to Filipino families to a government that created jobs at home, so that working abroad will be a choice rather than a necessity; and when its citizens do choose to become OFWs, their welfare and protection will still be the government’s priority.”

The next Administration should take adequate steps to seriously address return and reintegration. While the OFW phenomenon is most likely to remain, so should the possibility of their being able to return on their own terms and with the support that they will most likely need as they return home.

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Growth without labor unions is not ‘change’

By Carmel V. Abao

10 May 2016 - <https://www.bworldonline.com/content.php?section=Opinion&title=growth-without-labor-unions-is-not-‘change’&id=127233>

“You KMU, stop it with labor unions... Do not do that because you will ruin my administration... When you do that, I will kill you all... Do not do it now in active labor front. Because if you do that, things will be ruined... Give the Philippines a respite of about 10 years.”

These lines, from Presidential candidate Rodrigo Duterte, obviously provokes one to ask: do labor unions really prevent economies from growing? Duterte, after all, gave these remarks in a speech where

he claimed that he could attract more investors to the country -- if only labor unions would not ruin his plan. His speech delivered the message that unions are vultures that prey upon vulnerable investors.

The silencing of unions is apparently part of Duterte’s promise of a “change that is coming.” The notion that unions hinder economic development, however, is not new. Growth without labor unions has been the norm all over the world since the 1980s, so, Duterte’s model of growth is not new

The current, outgoing administration, in fact, has held a similar view: unions are bad for the economy. Very early into his Presidency, President Aquino was confronted with the Philippine Airlines workers' strike. The President then declared that the strike was an act of "economic sabotage." In a number of State-of-the-Nation Addresses after that, the President would point out, in a celebratory tone, that there were very few (practically no more) strikes in the country.

Using the lens of labor rights, both Duterte and PNoy can be proven wrong on at least three grounds.

Firstly, it is not the role of unions to spur growth or development. The role of unions is to protect the rights of workers as they deal with the costs of development. Unions exist not to bring about development but to cushion the negative effects of development on workers.

Unionism can be traced to the beginnings of industrial and capitalist development.

According to British sociologists-historians Sydney and Beatrice Webb who wrote extensively on labor's development in Europe in the 1920s, the very first association that can be considered a union is the "Printers and Hatters' Association of 1667" of the United Kingdom -- given the definition of the union as "a continuous organization of workers with the goal of improving their lives."

The first unions were "craft unions" composed of craftsmen or high-skilled workers such as "tailors, silk weavers, cotton spinners, wool pickers, and frame knitters." These workers had to protect their jobs given the shifts in the mode of production in

the 17th-18th century most especially the rise of the factory that divorced the worker from the instruments of production and highlighted the differentiation between "capitalist" and "worker."

In the Philippines, the first labor organizations were "gremios" or "craft guilds." According to historian William Henry Scott, these were either mutual aid groups or small cooperatives whose members helped each other in time of need or guilds of skilled workers that sought to protect their jobs and raise incomes. The very first Filipino "labor union" was the Democratic Union of Lithographers, Printers, Bookbinders and Other Workers formed in 1892. The very first "labor movement" was the Union Obrera Democratica (UOD) formed in 1902. The UOD's founding President was Isabelo de los Reyes who learned of unionism while in exile in Spain from 1897 to 1901 for his nationalist and anarchist advocacies.

Two centuries hence, the *raison d'etre* of labor unions remains: to protect the rights of workers. These rights are now enshrined in international labor conventions and national laws.

Secondly, investors can hardly be viewed as vulnerable or powerless. The threat of capital flight is a powerful argument often used by investors to insist on doing business "their way": if governments or workers do not like the way they do business, they can always put their money elsewhere. In the 1980s, export processing zones were created as "union-free zones" precisely to keep capital flowing into the country. Aside from the business-friendly policy environment, investors also have the resources necessary to protect their interests.

These investors often come with an army of highly-paid corporate lawyers ready to defend corporate interests. Workers, meanwhile, can only rely on unions to defend them. In the absence of unions, they simply learn to suffer in silence. Needless to say, workers do not have the resources to wage legal battles.

Thirdly, while unions can and do disrupt businesses through labor strikes, it is not true that economies cannot grow with unions. The most advanced economies of the world, in fact, grew with very strong unions.

In the United States, post-war growth can be attributed to the 'social compromise' between government, capitalists, and workers. This was brokered by then-President Franklin Delano Roosevelt who insisted on full employment as part of the "New Deal" and on the role of unions and collective bargaining in ensuring said employment.

In the United Kingdom, trade union development grew alongside the country's development and in the early 20th century, this union development was translated into the creation of the British Labour Party that served as a vehicle to advance the interests of workers.

In the '80s, all this changed when Thatcher in the UK (Prime Minister from 1979 to 1990) and Reagan in the US (President from 1981 to 1989) insisted that profits of businesses were falling because unions had become too strong. Since then, the norm has been to make labor flexible and to weaken labor movements. Since then, strong labor has been deemed bad for markets and therefore bad for everyone.

Simply put, growth without unions is capitalism without workers' rights. This is a model that has been in place since the 1980s.

If the next government genuinely wants "change", it will have to change this model of capitalism. This kind of change doesn't have to entail a shift to communism because as stated above, historically, there have been capitalist models that allowed or even required unions to thrive.

It is not the absence of unions but the presence of industrial peace that brings about development. Silencing unions only conceals industrial conflicts -- it does not resolve them. What the Philippines badly needs is industrial peace that is anchored on workers' rights.

Silencing unions may not even be possible. Labor unions are centuries-old institutions that may now be weak but will probably never die. For as long as there are workers whose rights are trampled, there will always be unions. It is not possible to "kill them all."

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Programs for returning OFWs

By Maria Elissa J. Lao

15 June 2016 - <https://www.bworldonline.com/content.php?section=Opinion&title=programs-for-returning-ofws&id=129011>

The last stage (after departure and the “on site” period) of the labor migration cycle is return and reintegration. While much of the focus has been on the governing and politics of leaving the country to work and live abroad, it is heartening to note that in the past few years, there has been a growing discourse on return and reintegration as well.

There are a number of government agencies that focus on the process of return and reintegration. These include: (most notably) the National Reintegration Center for OFWs

(NRCO) of the Department of Labor and Employment (DoLE), the Overseas Workers Welfare Administration, the Department of Social Welfare and Development, the Commission on Filipinos Overseas, and Technical Education and Skills Development Authority. There are also inter-agency efforts at improving return, reintegration, and case management.

Outgoing Labor Secretary Rosalinda Baldoz has outlined not only entrepreneurial loans and grants but also employment opportunities from the private and public

with DoLE "at the concluding stages of the development of its Human Resource Development Roadmap, a joint initiative with the International Labor Organization. The HRD Roadmapping initiative involves consultation with twenty-one (21) sectors across the three (3) major industry groups -- agriculture, services, and industry -- to determine labor supply and demand information and identify strategies for HRD competitiveness."

In terms of reach, NRCO's Livelihood Development Assistance Program which, according to their Web site, has 15,000 beneficiaries. According to the DoLE, 2013 saw the NRCO's enterprise development program being able to reach out to 3,397 OFWs that were been granted a total of P39 million worth of loans.

Aside from this, there are local governments that extend additional assistance to returning OFWs, particularly if there are groups returning from conflict or crisis areas. It is in fact in this area that there seems to be a lot of innovation ongoing.

However, these numbers are small compared to the potential market of returning OFWs. Further, definitively tracking these returning OFWs may prove to be difficult as statistics regarding return migration are not available.

According to a paper published by the IOM in 2013:

"Unlike outbound flows of labor migration which require departing OFWs to pass through government procedures, there is no such requirement for returning migrants, and thus, this inflow has eluded recording by government agencies. Apart from OFWs, there could also be some return migration of

permanent migrants. For years, there had been some discussion of estimating return migration through the conduct of a special survey or the analysis of arrival/departure cards. Knowing the scale of return migration and the profile of return migrants is germane to the formulation of a sound reintegration policy and program."

For some returning OFWs, the environment post-return is still somewhat perplexing.

According to the Center for Migrant Advocacy, for example, hard earned money is wasted on the entrepreneurial activities due to the difficulty or cost of doing business in the Philippines in general. For many of them, the decision to stay (as is the decision to leave) is just as big a gamble and there is definitely a need for government to continue to support resettling in the Philippines in a more holistic manner.

The government may have an good number of programs and agencies on board but the varying contexts of returning migrants also has to be considered fully: Conflict or crisis context returnees will need different support services but this does not mean that "regular" returnees need less support. They should likewise be provided with adequate information and guidance on government programs available to them, both at the national and local levels.

A look at the Joint Migration and Development Initiative Web site provides many useful links on the kind of projects at the local level aimed at looking at migration and development from a specific, local lens.

Whatever may be the case, the decision to return home for good is one that cannot be addressed by providing options limited to general, national programs. The role that

local governments take on to further understand the nuanced needs of returning OFWs has been highlighted in the past and I believe this will continue to be a bright spot in securing a place for our countrymen (and women) back home.

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Ending ‘endo’ and ‘5-5-5’: what’s wrong with DoLE’s ‘win-win solution?’

By Carmel V. Abao

14 February 2017 - <https://www.bworldonline.com/content.php?section=Opinion&title=Ending-%0D%C2%91endo'-and-%C2%915-5-5':-what's-wrong-with-DoLE's-%C2%91win-win-solution?&id=140553>

The marching orders of President Duterte are clear and unequivocal: end “endo” and “5-5-5.”

“Endo” and “5-5-5” are colloquial terms for illegal contractualization where the “end of contract” is deliberately and repeatedly set by employers at five months -- often with the aid of third party service providers -- to avoid the regularization of workers. As per the Philippine Labor Code, a worker must

be granted regular status after six months of work.

Thus far, President Duterte’s order has been translated by the Department of Labor and Employment (DoLE) into a proposed “win-win solution.” Said solution was initially conceptualized and recommended by the Department of Trade and Industry (DTI) and the Employers’ Confederation of the Philippines (ECoP).

Labor groups, however, have unanimously rejected the DoLE-DTI-ECOP proposal.

DOLE'S PROPOSED SOLUTION

DoLE's proposed solution was first articulated by DTI Secretary Ramon Lopez who posited that the problem was not contractualization per se but the failure of third party service providers to comply with labor laws. The solution thus was to mandate the regularization of workers upon hiring by third party service providers. These providers or "contractors" should hire regular, not contractual workers, and, pay workers the same benefits as regular workers (including SSS, PhilHealth, 13th month pay and retirement and separation packages). Moreover, employment should not be co-terminus with the service provider's contract with the principal company. The service provider will be obliged to continue paying salaries and benefits of workers until they are redeployed and/or pay the workers the legally mandated separation pay if redeployment is not possible.

In a number of news reports in September and October 2016, DTI Secretary Lopez was quoted as saying that the proposal was a "win-win" solution because "for management, we assured them we were keeping the flexibility of legitimate contractualization (and) for the labor groups, we have assured them that the right to form unions would stay." Still according to Secretary Lopez, the proposed solution "will just be a question of transferring the relationship of employer-employee from the principal and the worker, to the worker and service provider."

ECOP President Donald G. Dee was also reported to have argued that the proposal

"answers the concerns of everybody that workers are given security of tenure and they're protected. On the part of business, it will cost them much more, which they should, so at least they'd be able to outsource." The Federation of Filipino Chinese Chambers of Commerce and Industry, Inc. or FFCCCII and the Philippine Association of Local Service Contractors or PALSCON were also reported to have declared support for the "win-win solution."

A few weeks after said pronouncements, DoLE Secretary Silvestre Bello claimed that DoLE would look into the proposals of DTI and employers' groups as well as those of labor groups who, by then, were already opposing the win-win proposal.

During the High Level Dialogue between representatives from employers and labor groups held on Oct. 25, 2016, Bello reportedly declared that "we will decide whether we will end contractualization, allow contractualization, or come up with a balance of the two positions."

As of this writing, the win-win proposal is embodied in a proposed, new DoLE Department Order (DO) that seeks to replace the previous government's DO 18-A.

LABOR GROUP'S REJECTION

Practically all labor groups in the country have rejected DoLE's win-win proposal.

According to Renato Magtubo, chairperson of Partido Manggagawa or PM and spokesperson for NAGKAISA, the broadest labor coalition in the country today, composed of PM, Trade Union Congress of the Philippines or TUCP, Sentro ng Nagkakaisang Progresibong Manggagawa or SENTRO, Bukluran ng Manggagawang

Pilipino or BMP and the Federation of Free Workers or FFW, contractualization is an "epidemic" and DoLE's solution is "not enough to stop this epidemic." The proposal, Magtubo says, hinges on the "good faith" of employers and third party providers, which, he further argues, is recognized even in the previous DO 18-A but has never been fully realized -- because of the culture of "impunity" where government is unable to enforce labor laws, and, employers are able to get away with abusive labor practices.

Magtubo also doesn't believe government's claim that a new DO will promote unionization of contractual workers because "workers without job security will not opt to unionize for fear of losing their temporary jobs." The main problem, he says, is the "trilateral relationship" that deliberately obscures the employee-employer relationship through the presence of a third party "employer" -- which is actually meant to "cut production costs" and, therefore, "favorable only to the principal companies."

This sentiment is echoed by Wilson Fortaleza, deputy secretary general of PM. Fortaleza claims that the biggest problem in the win-win solution is the concept that labor needs "middlemen." Workers are "free to sell labor," Fortaleza says, but only "their labor" and "not the labor of others." Fortaleza, along with NAGKAISA, has been advocating for a "Security of Tenure" Law that will eliminate the need for such middlemen. Said proposed law is now HB 4444, sponsored by TUCP party-list Representative Raymond Mendoza. The bill aims "to totally prohibit contractualization and all its forms including all fixed term employment."

The Kilusang Mayo Uno (KMU) has also

rejected DoLE's win-win solution. According to KMU Chairperson Elmer Labog, as quoted in a post on KMU's official Facebook page, dated Dec. 15, 2016, "Bello is missing the point. Contractualization has proliferated precisely because our laws allowed it to. The DoLE could end it by junking laws and policies, especially the DO 18-A and the Articles 106-109 of the Labor Code, which has legalized this gross violation of workers' rights."

PRESIDENT DUTERTE'S END GAME?

At the end of the day, the DoLE proposal is not enough because it does not fully implement President Duterte's marching order. The full implementation of the "end endo-555" policy is important -- even to the President -- because it is one of those few policies (if not the only policy) that exhibits government's direct and supposed bias for the working class. The class bias of an "end endo-555" agenda cannot be denied and, therefore, any compromise on said agenda compromises the class bias of the President. Concretely, if employers and workers disagree on a proposed "win-win" solution, as they obviously do now, whose voice will President Duterte ultimately follow?

From a governance perspective, contractualization is one of those issues that reveal the complex dynamics between political and technical requirements, between desirability and feasibility, and, between short term and long-term outcomes. Is job security and decent work really incompatible with the survival of firms?

Under the "win-win" proposal, can everyone involved really win? Will allowing principal companies to contract out their labor needs to third party providers result in better

incomes for the companies, the providers, and the workers or will it result only in cost-cutting measures for the principals (who no longer need to directly hire or manage workers)? Will the third party providers thus be compelled to keep regular workers even when they have no new contracts or no new principal companies where their workers can be redeployed? Without new or continued contracts, where will the third party providers get the funds to sustain the employment of these so-called regular workers? Will the win-win solution actually end contractualization or will it just mean that workers can get some benefits as they jump from one non-secure job to another?

From an ideological perspective, the problem with DoLE's win-win solution is that it is embedded in the logic of free market competition where there are always winners and losers -- never all winners. President Duterte may have to decide which section of society he wants to strengthen with an "end endo-555" policy: labor or capital? His self-proclaimed "socialism" will be tested with this issue.

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Spending the 2018 billion-peso budget for overseas Filipinos

By Carmel V. Abao

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During his second State of the Nation Address last July, President Duterte declared that he had “ordered the increase of our assistance to the OFWs from P400 million to more than P1 billion” because the OFWs are “our heroes” and “have sacrificed much for the country.” On Dec. 18, the Office of the Undersecretary for Migrant Workers Affairs of the Department of Foreign Affairs (OUMWA-DFA) held a “ceremonial signing of the revised guidelines” of the promised budget.

As a member of the Board of Trustees of the Center for Migrant Advocacy (CMA), an

NGO that has been active for 15 years, and, as co-convenor of the Working Group on Migration (WGM) of the Department of Political Science of Ateneo de Manila University, I had the opportunity to attend this event. In this piece, I share the information I gathered and my thoughts on what the 2018 budget could mean for Filipino citizens, in general and overseas Filipinos (OFs), in particular.

GENEROUS PACKAGE

According to the DFA Secretary Alan Peter Cayetano, the aim of the budget increase

of 150% for the assistance to nationals or ATN fund (from P400 million to P1 billion) and 100% for the legal assistance fund or LAF (from P100 million to P200 million) is to “serve our *kababayans* abroad — whether documented or undocumented — much quicker and better.” Details of the “revised guidelines” for the new ATN fund were presented by OUMWA Undersecretary Sarah Lou Arriola while guidelines for the LAF were presented by OUMWA Executive Director Raul Dado.

ASSISTANCE TO NATIONALS (ATN) FUND

The guidelines signal a very generous package for OFs especially OFWs. The ATN fund will now be available for services such as (i) door-to-door repatriation for distressed OFs (i.e from host country to the residence of the OF and not just the airport in Manila), (ii) cremation/embalming services and burial assistance in case of death, (iii) care packages and family visits for OFs on death row or life imprisonment or with life-threatening diseases, (iv) medical and hospitalization expenses for distressed OFs (including expenses of next-of-kin).

The fund may also be used for infrastructure support and capacity-building purposes of the DFA such as (i) opening and maintenance of shelters for OFs, (ii) hiring of additional staff and/or translators here or abroad, (iii) security needs in high-threat areas, (iv) ATN missions, mapping of operations and registration of OFs, (v) paralegal training for ATN personnel, and (vi) online case management system.

An expanded ATN fund is beneficial because existing funds such as OWWA funds are often available only for OWWA members and for registered/documented OFs. With

the revised guidelines, even undocumented OFs are now assured of assistance. The increase is also warranted given that OFs in distress have been on the rise. As per data from OUMWA, the reach of ATN funds increased from 11,544 OFW-beneficiaries in 2016 to 14,995 OFWs in 2017, as of Dec. 12.

In 2016, ATN funds were also extended to 348 victims of human trafficking, and, from January to November 2017, to 9,140 “walk-in clients” with various needs.

LEGAL ASSISTANCE FUND (LAF)

In many countries, legal costs are very prohibitive.

The expanded LAF is thus beneficial especially for those who are detained in foreign host countries who cannot afford to pay for legal support.

According to OUMWA, as of December 2016, “18,641 Filipinos were detained in various parts of the world” and as of August 2017, there were 71 Filipinos on death row. Moreover, cases of OFs are wide-ranging: murder, “illegal recruitment, assault with a dangerous weapon, attempted rape, sexual abuse, drug trafficking, human trafficking, assault and battery, estafa, immorality.” The number of LAF beneficiaries have also been increasing, from 312 in 2016 to 685 in 2017, as of Dec. 12.

Like the ATN, the LAF is available for both documented and undocumented OFs who are “unable to engage the services of private counsel, and who is in a country where there is no system of legal aid or public defenders, or where there is no counsel de officio, or any lawyer provided by the foreign host government.” “Utmost priority” is given to “victims of trafficking in persons.”

The revised guidelines for the expanded LAF budget mean a more extensive coverage of services: (i) interpreters/translators, database and case management systems, (ii) public information campaigns and legal advice, and (iii) assistance for cases on appeal. Furthermore, the new guidelines “removed the caps for professional fees, filing and other court fees, incidental litigation expenses, bail bonds, preservation of evidence, witness protection, etc.”

I IMPLEMENTATION AND MONITORING ISSUES

While the fund is clearly generous, there are at least three attendant, potential problems that government, overseas Filipinos and migration-related civil society groups must look out for: (i) corruption, (ii) politicization, and (iii) coordination issues.

The fund for 2018 is “more than 1 billion” and while the DFA Secretary and the OUMWA officials have vowed to “make sure there is no abuse and the funds are used progressively,” the fact of the matter is, corruption is endemic in this society, especially in government.

At first glance, having several budget items is commendable because it means that all needs of OFs are covered, but, it could also mean more opportunities for wastage and leakage. There must be mechanisms to make transactions transparent and government personnel accountable. One way to ensure transparency and accountability is to enhance the role of “independent” bodies (i.e non government and non-beneficiaries) in monitoring fund use — for example, through a participatory performance audit as what CMA did vis-à-vis POEA and OWWA services in the recent past. Said kind of audit is useful because the methodology for coming out with findings

and conclusions about government performance is agreed upon by all involved

and implementation is participatory. The end result is not simply to ascribe blame or find fault but to create spaces for public conversations — and ultimately, public decision-making — regarding improvements in service delivery.

Politicization of the fund is a problem because taxpayers’ monies are supposed to go to intended beneficiaries, regardless of political affiliation or loyalties. That foreign-based “Duterte diehard supporters or DDS” groups seemed to be the only OF groups represented at the Dec. 18 ceremonial signing (although I could be wrong) was not a very good sign of things to come. While these DDS groups certainly have a stake in the mobilization of the fund, they should not be allowed to monopolize it to the exclusion of non-DDS Overseas Filipinos. DFA will have to devise ways to make sure that said monopoly does not happen. Non-DDS groups like CMA must also continually engage DFA to make sure this does not happen.

Non-DDS overseas Filipinos must not feel that they are not entitled to said fund just because they have divergent political views (or no strong views about politics).

The final issue is also a longstanding one.

Mobilizing funds for OFs involves an array of government agencies here (DoLE-attached agencies such as POEA and OWWA and DFA-attached agencies such as OUMWA) and abroad (Embassies and attached agencies such as the Philippine Overseas Labor Offices or POLOs). Filipinos abroad are not supposed to bother with the delineations between these offices as

Philippine embassies are said to be under the “one-country team approach” of Philippine government. This doesn’t mean, however, that coordination problems between offices have already been resolved. In this case, the OUMWA-DFA, as the lead administering agency, must make sure that said problems are avoided and that fund mobilization is done smoothly and effectively.

Aside from abovementioned potential problems, Philippine government will also have to consider the “bigger picture” in terms of rationalizing and improving domestic policy alongside foreign policy.

For example, if free (state subsidized) legal assistance is expanded for overseas Filipinos, should it not be expanded as well for Filipinos who have stayed behind? If legal assistance is made available for OFs accused of drug-related crimes, shouldn’t those accused of the same crimes here also be given their day in court instead of being subjected to *tokhang* operations, or worse, extrajudicial killings? If government is bent on assisting and freeing OFs who are on death row abroad, why is it pushing for the reimposition of the death penalty law here at home?

Our experience in protecting OFs in-distress must also inform how we treat vulnerable Filipino citizens here at home — and vice-versa. Government must seek not just to protect OFs and manage migration but also to achieve coherence in the local-national-international nexus.

The billion peso fund is a welcome development as it is a big deal for OFs particularly those needing assistance in situations of abuse or life-threatening harm.

Raised through taxpayers’ contributions, the fund should be directed at showing solidarity and seeking justice for distressed overseas Filipinos, instead of being framed as primarily an act of generosity by Philippine government. It must also be viewed in terms of the broader task of protecting Filipinos no matter where they may be — here or abroad.

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Labor-centered development: the change we need

By Carmel V. Abao

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Boracay shutdown. Bungled OFW rescue mission in Kuwait. Presidential signing of an executive order on contractualization unacceptable to organized labor. A common thread obviously weaves through these recent controversies: the labor-development-governance nexus.

In the Boracay case, the President's order to "save Boracay" caused 36,000 workers to lose their jobs. In the Kuwait case, the 260,000 OFWs being urged by President Duterte to come home point to a possible immediate increase of the country's labor

statistics from 2.4 million to 2.6 million unemployed workers.

The Presidential signing of the EO, meanwhile, signals the looming erosion of the President's image as a "strong man" capable of fulfilling all his campaign promises including the promise to end contractualization.

Certain groups have already called for the resignation of government officials involved in said labor-related controversies.

In this piece I argue that the replacement of erring, inefficient government officials, while justified, may not be sufficient to solve the labor-development-governance problem. What is needed is not just a change in government personnel but a shift in paradigms as well.

To be truly different from governments of the past, the current government must abandon its elite-centered development paradigm and work towards labor-centered development.

PARADIGM SHIFT NEEDED

According to Benjamin Selwyn, senior lecturer in the School of Global Studies, University of Sussex and author of "Workers, State and Development in Brazil" (2012) and "Global Development Crisis" (2014), elite-centered development "conceives of the poor (including laboring classes) as human inputs into or at best as junior partners within elite-led development processes."

The centrality of the elite, Selwyn argues, is seen in both market-led and state-led development models which view development from the perspective of capital and material wealth. Labor-centered development (LCD), on the other hand, focuses on "social wealth" or "the concept of rich social beings who identify, meet and expand their own development needs."

Selwyn posits that the following cases can be considered as examples of LCD: shack-dweller's movements in South Africa, the landless laborer's movement in Brazil, unemployed worker's movements in Argentina, and large-scale collective action by formal sector workers across East Asia.

In his view, these cases have shown that "collective actions by laboring classes can generate tangible development gains" and workers can be considered as "primary development actors."

Still according to Selwyn, the concept of LCD is inspired by Amartya Sen's notion of development as a process of enlarging people's choices and freedoms. It departs from Sen's "development as freedom" framework, however, on three counts: (i) the people are not "abstract individuals" but labor or laboring classes defined as "the growing numbers... who now depend — directly and indirectly — on the sale of their labour power for their own daily reproduction" ; (ii) the needs of the labouring classes can be met through their collective action and "not by the state on behalf of the poor" and (iii) the freedoms of the labouring classes cannot be achieved within the capitalistic system of development.

REVERSING SOCIETAL PRIORITIES

A world without the economic elite may seem unthinkable, especially in the Philippine context where development has always been driven predominantly by a few powerful families. The concept of a development centered on labor instead of the elite sounds utopian and impractical for developing countries where the elite is very influential and the laboring class is very fragmented. How exactly can development be centered on a labouring class that has an underclass within it (i.e the contractals)?

How can national development be centered on labor when a substantial section of said labor is based overseas?

Perhaps the challenge is not so much to embrace labor-centered development as a grand narrative, rather, to use it as an approach to elevate the status of labor in both the workplace and in society. This requires the reversal of societal priorities within and beyond the workplace: regular not precarious work, higher wages not cheap labor, increased and sustainable welfare benefits not pork barrel deployment, lesser not more management prerogatives, stronger not weaker unions, a public sector that is service and task-oriented not partisan-oriented, infrastructure for commuters not private car owners, affordable public schools not inaccessible private schools, universal not market-driven health care, jobs here not abroad.

PRIORITIZING LABOR

Duterte supporters may argue that the current government is exactly doing that — reversing societal priorities — and that the Duterte regime is controversial and “disruptive” precisely because it is overhauling society. The three controversies mentioned above, however, disprove such positioning. In all three cases, the needs of labor were made subordinate to government’s priority of projecting itself as a strong government. In all three cases, the negative outcomes are also highly visible: thousands of jobs actually and potentially lost, a diplomatic crisis, and, where contractualization is concerned: the status quo.

Yes, only a strong government can close Boracay for environmental concerns but should the needs of labor be deliberately dismissed or neglected in the process? Yes, only a strong government can protect and rescue OFWs in distress, but does it really

need to publicize its strength in social media? Yes, only a strong government can publicly profess that it will end contractualization, but shouldn’t its actions follow its rhetoric? Why reject proposals of organized labor and privilege industry players on a policy that is supposed to address industry’s abusive labor practices?

Moreover, the current government’s economic policies are no different from those of past governments: “build build build, grow grow grow” — and such growth is simply assumed to trickle down to the masses. The development paradigm is essentially the same: equity will follow growth; ergo, there must be more incentives for capital as the drivers of growth — for only said growth can generate employment and increase incomes.

Labor-centered development, meanwhile, argues that capital will always view development in terms of where profits can be highest, not in terms of employment generation or national development. Labor-centered development thus is an alternative to capitalist development. It asserts that people cannot progress under capitalist development and that, in fact, the former suffer under the auspices of the latter.

Karl Marx, the great German philosopher, sociologist and political economist whose 200th birth anniversary we celebrate this year, already criticized this system more than a century ago. In his inaugural address to the First International in 1864, Marx declared: “It is a great fact that the misery of the working masses has not diminished from 1848 to 1864, and yet this period is unrivalled for the development of its industry and the growth of commerce.”

Who really creates the wealth of nations?
Who should be enriched with the creation of
the wealth of nations? As a self-proclaimed
“socialist,” President Duterte should have
grappled with these questions before
signing that useless, misleading “anti-
contractualization” executive order on
Labor Day.

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A separate department for OFWs: Should we?

By Carmel V. Abao

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As of this writing, more than 30 bills proposing the creation of a separate department for Overseas Filipino Workers (OFWs) have been filed in the House of Representatives and the Senate. The proposal is not new. It was one of President Duterte's campaign promises in 2016, but it was vigorously pursued until recently, in July 2019, when the President gave a directive to the Department of Labor and Employment (DOLE) to ensure that the new department is created before the end of the year. According to President Duterte, this new department was necessary "to protect migrant workers from illegal recruitment."

Should this proposed legislation be supported? Should a separate department for OFWs be created?

In this piece, I present the proposed bills and then lay out the positions of the various stakeholders, from government and civil society, as shared during a roundtable discussion (RTD) on Sept. 13 which I participated in. The RTD was organized by the Center for Migrant Advocacy — Philippines (CMA) and the Working Group on Migration (WGM) of the Department of Political Science of Ateneo de Manila University (full disclosure: I am affiliated

with both organizations).

After presenting the various positions, I add my own thoughts on what should be considered in this policy debate.

PROPOSED BILLS

According to Ellene Sana, Executive Director of CMA, 34 bills relating to the creation of a separate department of OFWs have been filed in the House of Representatives and seven have been filed in the Senate. These bills, she claims, are similar in purpose, that is, to create a department that will cater exclusively to OFWs and/or Overseas Filipinos, and their families. They differ in their salient features, however, particularly regarding the abolition or retention of some agencies, and the level of elaborateness of migration governance. They also vary in terms of preferred nomenclature.

Still, according to Ms. Sana, the bills can be clustered based on the level of similarity of their proposals. Of the clusters mentioned by Ms. Sana during the RTD, two clearly stand out.

Cluster 1: Department of Migration and Development (DMD). There are at least four bills under this cluster: SB 141 of Senator Cynthia Villar, HB 526 of the DIWA Party List, HB 3313 of Congresswoman Camille Villar and HB 1439 of Congressman Luis Campos. The bills propose the following: creation of a separate department with one Secretary, three Undersecretaries, and three Assistant Secretaries, regional offices, one-stop migrant assistance centers, attached agencies Overseas Workers Welfare Administration (OWWA) and POEA (Philippine Overseas Employment Administration), an inter-agency council on

migration and development and a Special Assistance Revolving Fund of P1 billion.

Cluster 2: Department of Filipino Workers and Foreign Employment (DOFW) or Department of Overseas Filipinos (DOF). The proposed bill of Congressman Alan Peter Cayetano, Congresswoman Laarni Cayetano, and Congressman Paolo Duterte (HB02) can be clustered with that of Senator Bong Go (SB 202), Senator Koko Pimentel (SB 92), and those of the ACTS CIS Party list (HB 2319) and the Alona Party list (HB 2850). All these bills contain a proposal to "abolish" existing attached agencies like the OWWA, POEA, National Reintegration Center For OFWs (NRCO), Commission on Filipinos Overseas (CFO), International Labor Affairs Bureau (ILAB) and to create instead a singular umbrella agency that will address all the issues and concerns of Filipinos abroad. The bills, however, use different terminologies. The Bong Go bill uses the word "abolish" while the Cayetano and Duterte bills use the term "transfer," and the version of the Alona Party list uses "absorb." HB02 and SB 202 are most similar in that both propose the creation of Regional Offices, One-Stop OFW Malasakit Centers, and OFW Centers in countries of destination. They also propose billion-peso funds such as an "OFW in distress and assistance fund" (the Cayetano and Duterte bill) or a "special assistance fund" (Bong Go bill).

According to ACTS CIS Party List Representative Niña Taburan who attended the abovementioned RTD, "it was high time" that a DOF "dedicated to our modern day heroes" was created. The DOLE, she claims, "can only do so much" because "its responsibility is very broad," covering "both local and overseas workers" and "it has limited resources." In its proposed bill, ACTS

CIS wants the new department to have a special assistance revolving fund of P1 billion.

POSITIONS OF GOVERNMENT AGENCIES

Among the line agencies, there is a general consensus that a Department for Overseas Filipinos should be created, in adherence to the Presidential directive, but that some agencies should remain as attached agencies to the new department.

In its draft bill, the DOLE calls for a DOF with POEA, OWWA, and NRCO as attached agencies. To be transferred to the new department are the following offices: ILAB, including all Philippine Overseas Labor Offices (POLOs); the CFO; the Office for Social Welfare Attache; and, pertinent offices of the Maritime Industry Authority (MARINA).

According to OWWA Director Andrelyn Gregorio, the OWWA adheres to the DOLE position and agrees that the OWWA should remain an attached agency given that the OWWA Act of 2016, RA10801, does not allow for the co-mingling of funds. The OWWA fund is a private trust fund and should be made separate from operational/departmental funds.

Under any new set-up, Gregorio claims, there is a need to clarify "how to manage and preserve funds contributed by OFWs and therefore owned by OFWs." The OWWA, she further claims, is still "in transition" since it has been only three years since the OWWA Act was passed. The OWWA, she says, has, in fact, engaged the University of the Philippines National College of Public Administration and Governance (UP NCPAG) to conduct a

management audit to review and strengthen "the agency's human power complement that dates back to the 1980s." The OWWA also hopes that the creation of the new department will not lead to the displacement of existing human resources.

The POEA shares the view of OWWA. According to POEA Director John Rio Bautista, "it is hard to dissolve the POEA and OWWA because they have a unique structure" and "have governing boards representing different sectors including women, the private sector, etc." Moreover, Mr. Bautista argues that the purpose of creating a new Department should not be merely to streamline the bureaucracy but to increase personnel and expand jurisdiction. The POEA and OWWA, he claims, have been existing since the 1980s with the same personnel complement of around 400-500 (regional offices included) and that said number will not be enough if the new department will include regional offices, and provincial and municipal Malasakit Centers.

Christopher Lomibao, Committee Secretary of the House of Representatives Committee on Overseas Workers Affairs, agrees that the points raised by OWWA and POEA need to be addressed in the deliberation of the features of the proposed new department.

Ronell Delerio of the Institute of Labor Studies (ILS), meanwhile, is more concerned that government ratifies ILO Convention 181 on Private Employment Agencies. Any reorganization, he says, will have to consider concerns surrounding practices of private recruitment agencies.

Further explanation of this view can be found in Mr. Delerio's 2016 article on "Participatory Gap Analysis on Convention 181: Towards Enhancing the Global

Revolving Door for Overseas Filipino Workers” published in the ILS website.

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Dignity of labor versus the capitalist ethos: equality or hierarchy?

By Carmel V. Abao

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In recent weeks, the internet has been bursting with viral stories on disgruntled labor: a Virra Mall security guard taking hostages and demanding that "his voice be heard," a young girl enslaved as a POGO worker, Honda workers demanding a "dignified ending" and fair severance pay, and, workers of ABS-CBN protesting the non-renewal of the TV network's franchise. In this piece, I argue that these recent events reveal that there is a clear conflict between the value for equality (i.e which informs the belief that there is dignity in labor) and hierarchy (or management

prerogative as the foundation of the capitalist ethos).

THEORY OF ALIENATION

If Karl Marx were alive today, he would have described these recent displays of worker protest as indicative of "estranged labor." In his theory of the alienation of labor, Marx claims that in capitalism, the laborer is "alienated" from the products that he or she produces, from his or her labor activity, from his or her essence as a human being, and, from other human beings. In other words, labor is objectified and the laborer is

compelled to separate their labor from their “person.”

To quote Marx (1884): “It is true that labor produces for the rich wonderful things — but for the worker it produces privation. It produces palaces — but for the worker, hovels. It produces beauty — but for the worker, deformity. It replaces labor by machines, but it throws one section of the workers back into barbarous types of labor and it turns the other section into a machine. It produces intelligence — but for the worker, stupidity, cretinism.”

This kind of framing can help us understand how a security guard, sworn “to protect” by virtue of his job, ended up being “destructive.” Or, at the very least, it should lead us to ask: Why do workers have to go through such (violent) lengths just to validate one’s self and insist on one’s dignity as a worker?

HIERARCHY OF OCCUPATIONS

Ano’ng trabaho mo? Security guard lang. Kasambahay lang. Construction worker lang. Waiter lang. Titser lang. (What is your job? Just a security guard. Just a house helper. Just a construction worker. Just a waiter. Just a teacher.) These declarations are commonplace and they all signify that some types of work — and thereby, some types of workers — are more important than others.

Even government data is hierarchical. In the latest (2012) Philippine standard occupational classification (PSOC) of the Philippine Statistics Authority, occupations are listed and ranked as follows: 1.) managers, 2.) professionals, 3.) technicians and associate professionals, 4.) clerical support workers, 5.) service and sales

workers 6.) skilled agricultural, forestry and fishery workers, 7.) craft and related trades workers, 8.) plant and machine operators and assemblers, 9.) elementary occupations, and 10.) armed forces occupations, nongainful activities and special occupations.

Employment in the country is highest in “elementary occupations” (around 26% of all workers) and “service and sales workers” (around 15%). Elementary occupations are at the bottom of the classification list because they “involve the performance of simple and routine task which may require the use of hand-held tools and considerable physical effort.”

Service and sale workers are deemed higher in the classification as they “provide personal and protective services related to travel, housekeeping, catering, personal care...” but in terms of societal status, they are perceived to be of low status equal to those in elementary occupations (e.g. that security guard in Virra Mall).

Needless to say, those on top of the classification list receive higher wages than those at the bottom of the list. According to the Occupational Wages Survey of 2016, the top 10 highly paid occupations are: 1.) aircraft pilots, navigators and flight engineers, 2.) securities and finance dealers and brokers, 3.) civil engineers, 4.) actuaries, 5.) computer programmers 6.) system analysts and designers, 7.) computer engineers, 8.) accountants and auditors, 9.) production supervisors and general foremen, and, 10.) statisticians. The average monthly wage rate of the top occupation (pilots) is P116,714 while the rate of the top 10th (statisticians) is P41,480.

Those in elementary occupations receive a

lot less. As of 2016, the average monthly wage rate of “unskilled workers” is P10,162. Even the deployment of Filipino workers abroad is classified based on occupational groups. The trend is the same. As of 2018, of the 2,299,000 OFWs deployed, 37.1% were deployed to elementary occupations while 18% were deployed to service and sales.

GENDERED HIERARCHY OF OCCUPATIONS

The abovementioned classification of workers by occupational groups is based on international standards, specifically the United Nations’ international standard classification of occupations (ISOC). These standards are based on an assessment of the following: nature of work performed, formal and informal education and training requirements. In a nut shell, these standards are based on the level and extent of human capital development needed for particular economic activities.

In the global labor market, it is not only human capital that matters, but also gender. In the “race to the bottom,” human capital is not even the determinant anymore, rather, the worker must be low-skill and low-education (thus, often originating from developing countries), of a particular race (e.g Asian/Filipino), and of a particular gender (female). It is therefore not surprising that of the 1,284,000 Filipino women deployed overseas in 2018, 58.7% were in elementary occupations and 18.6% were service and sale workers. The men, meanwhile, were mostly plant and machine operators and assemblers (27.8% of 1,016,000 men deployed overseas).

Here at home, labor force participation is roughly 50% for women and 77% for men (2015 figures). Working women are found

mostly in the services sector (71%).

Less than 40% of women in the labor force are said to be in paid employment while the rest are in unpaid jobs. As for the gender wage gap, there are studies that show that Filipino male workers earn, on average, P5,000 more than Filipino female workers. Inequality in workplaces, thus, is not only based on class but also on gender.

OPTIONS FOR LABOR: EXIT VERSUS VOICE

A worker who is dissatisfied with his or her job has two options: exit or voice. The worker can opt to leave his/her job or raise their voice and demand for better working conditions. This option is said to be similar to eating in a restaurant: a dissatisfied customer can leave and eat in another restaurant or he or she could stay and negotiate with the chef so that the meal is adjusted to meet his/her satisfaction.

In the 1980s, American economists Richard Freeman and James Medoff theorized about the “two faces of unionism” (monopoly face and voice face) based on the exit versus voice choices of workers. According to these economists, the first choice was the “classic market mechanism of exit and entry, individual mobility” while the second choice was the more “political mechanism” as it entailed raising “voice” (i.e political participation and bargaining). The latter mechanism suggests that unionism is important for workers to negotiate with their employers either to determine wages (monopoly face or economic unionism) or to negotiate for the well-being of workers (voice face or political unionism). In both types of unionism, collective action, rather than individual action, is necessary. Recent episodes such as the hostage taking in Virra

Mall should remind us that “voice” can come in many forms and that raising voice on an individual basis, no matter how radical or violent, is not likely to be very productive or effective. It is only collective action that will push employers — and governments — to narrow the inequality gap between capital and labor.

Perhaps, if the security guard in Virra Mall was a member of a strong labor union, he would not have needed to go to the extreme of hostage taking just to keep his dignity as a worker and to demand better working conditions. The collective voice, however, is necessarily composed of individual voices. In this sense, the voice of that security guard is hugely important. An individual voice may be needed to spark public interest but it is collective action that will uphold the dignity of labor — in all workplaces, and for all workers.

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The **Department of Political Science** envisions itself as a catalyst in molding the political and social consciousness of the Ateneo de Manila University and the larger community which the school serves. Through its teaching, research and outreach activities, the Department seeks to participate in processes of democratization and popular empowerment at many levels—local, national and global—within the framework of critical inquiry, intellectual rigor and committed public service.

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