



CAIRTIM

Campaign Against Illegal
Recruitment, Trafficking
and Irregular Migration

TRAINER'S MANUAL

Pathway to Safe Migration

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

POEA is an attached agency of the Department of Labor & Employment which regulates the recruitment and employment of Filipino workers abroad through a system of standards setting and enforcement on recruitment & employment, licensing agencies, accrediting foreign employers, documenting departing workers, adjudicating recruitment complaints & employment contract-related conflicts and providing public information.

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Publisher:

International Organization for Migration
28th Floor, Citibank Tower, 8741 Paseo de Roxas, Makati City, Philippines
Tel.: +63.2.230 1999
Fax: +63.2.848 1257
E-mail: iomphilippines@iom.int
Internet: www.iom.int

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FOREWORD

The Philippine Overseas Employment Administration (POEA), a government agency under the Department of Labor and Employment, tasked to manage labor migration of world-class Filipino migrant workers, continues to pursue its crusade against illegal recruitment and trafficking in persons for more than three decades.

Countless information dissemination fora through the Anti-Illegal Recruitment, Trafficking in Persons (AIRTIP) seminars and the Pre-Employment Orientation Seminars (PEOS), and the extensive use of the tri-media have proven to be potent avenues to increase awareness on the modus operandi of illegal recruiters and the legal modes of migration, the challenges of employment overseas, and empowering them to rethink their options and the like.

This instructional manual was crafted primarily to guide trainers who will spread the myriad of anti-illegal recruitment, trafficking in persons and irregular migration core messages, labor migration regulations, labor laws, and related information on overseas employment. It also integrates proven communication tools, strategies and useful training materials that have been produced over the years.

The development of a standard manual therefore is seen as a strategic way of maximizing technical and logistical resources, while at the same time bringing the campaign to the grassroots communities, through continuing capability enhancement trainings of representatives from the local government units, the academe, the law enforcement groups, civil society/non-government organizations, among others.

Ultimately, it is the POEA's dream that the day will come that no one will be victimized by illegal recruiters/traffickers because worker-applicants have become more aware of their roles and responsibilities in the recruitment process, empowered, wiser and firmer in their resolve to go only the legal way, should they finally decide to work abroad.

Philippine Overseas Employment Administration

PREFACE

The **Pathway to Safe Migration: Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM) Trainer’s Manual** was produced within the framework of the *Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth* under the thematic window of Youth, Employment and Migration (YEM) which was implemented jointly by ILO, IOM, UNICEF and UNFPA.

Among the aims of the Joint Programme is to increase access to decent work for poor, young women and men, through public-private partnerships, more inclusive approaches to basic education and life skills, career guidance, including on safe migration, vocational training, and entrepreneurship. In support of providing labor market-responsive vocational and entrepreneurship skills training, with safe migration and life skills for poor out-of-school youth, one of the interventions under the MDG-YEM Joint Programme is the up-scaling and intensification of community-based safe migration information, orientation and advocacy campaign which is referred to as the “Campaign Against Illegal Recruitment, Trafficking and Irregular Migration” (CAIRTIM). The campaign was implemented by the Philippine Overseas Employment Administration (POEA), with the support of the International Organization for Migration (IOM).

The production of this Trainer’s Manual seeks to document and formalize the relevant modules used and innovations introduced in the campaign. This manual is a culmination of the many experiences of POEA’S PEOS (pre-employment orientation seminar) trainers and facilitators over the years. It also makes reference to a collection of useful training materials produced in the past. The Manual carries updates arising out of amendments of the Migrant Workers and Overseas Filipinos Act and amendments of POEA rules and regulations and policy thrusts of the Philippine Government. CAIRTIM comes forth as a programme ‘brand name’ with a vivid intention to adopt an integrated approach that includes an essential understanding of irregular migration and how it relates or differentiates from illegal recruitment and trafficking in persons.

While the Manual comes handy with practical examples and appears as a convenient complete reference, it remains by all means a living document that stands to evolve in the years to come.

Ovais Sarmad

Chief of Mission, IOM Philippines
Director, Manila (Global) Administrative Centre

EDITORIAL AND PRODUCTION TEAM

The **Pathway to Safe Migration: Campaign Against Illegal Recruitment, Trafficking in Persons and Irregular Migration (CAIRTIM) Trainer’s Manual** was authored by the following contributors from among the officials and staff of the POEA and the IOM:

POEA

Atty. Jone B. Fung (Principal Author)

Atty. John Rio A. Bautista

Eleanor S. Samson

Augusto B. San Diego III

Moira Lintongan-Idiesca

IOM

Ricardo R. Casco (Chief Editor)

Benjamin N. Lelis

The manual would not have been possible without the moral, conceptual, institutional and/or administrative support of the following offices and individuals:

From POEA, Administrator Hans Leo J. Cacdac, Deputy Administrator-designate Jaime P. Gimenez, Deputy Administrator Amuerfina R. Reyes, Deputy Administrator Liberty T. Casco, Director Melchor B. Dizon, Director Rosemarie Gondranios-Duquez, Ralph Genaro M. Buiser, Ma. Teresa D. de los Santos, Anti-Illegal Recruitment Branch, Licensing Branch, Employment Regulation Branch, Planning Branch, Marketing Branch and the PEOS facilitators and counselors of POEA and its partners, with special acknowledgement of Felicidad E. Aboga, whose experiences and insights have all formed part of this manual.

From IOM, Ma. Teresa Cruz, Margarita Parreñas-Simon, and Miguel Martin V. Meñez.

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LIST OF ACRONYMS

BI	Bureau of Immigration
CAEP	Continuing Agency Education Program
CAIRTIM	Campaign Against Illegal Recruitment, Trafficking and Irregular Migration
CET	Capability Enhancement Training
CHED	Commission on Higher Education
CIDG	Criminal Investigation Detection Group
DepED	Department of Education
DILG	Department of Interior and Local Government
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
HIV/AIDS	Human immunodeficiency virus infection / acquired immunodeficiency syndrome
ILO	International Labour Organization
IM	irregular migration
IOM	International Organization for Migration
IRR	Implementing Rules and Regulations
JP-YEM	Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth (Youth, Employment and Migration)
LGU	local government units
MDG	Millennium Development Goals
MDG-F	MDG Achievement Fund
MOU	Memorandum of Understanding

NLRC	National Labor Relations Commission
NSO	National Statistics Office
OEC	Overseas Employment Certificate
OFW	overseas Filipino workers
OWWA	Overseas Workers Welfare Administration
PCW	Philippine Commission on Women
PD	Presidential Decree
PDOS	Pre-Departure Orientation Seminar
PEOP	Pre-Employment Orientation Program
PEOS	Pre-Employment Orientation Seminar
PESO	Public Employment Service Office
PLOS	Pre-Licensing Orientation Seminars
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
RA	Republic Act
SCRA	Supreme Court Reports Annotated
SRA	Special Recruitment Authority
TOT	Training of Trainers
UNODC	United Nations Office on Drugs and Crime

HOW TO USE THIS MANUAL

Target Users

This Trainer's Manual is intended for individuals engaged in providing trainings and counselling to prospective migrants. It was designed to fit the needs and capabilities of both experienced and novice trainers. For seasoned trainers, it hopes to supplement their wealth of experience and knowledge by providing structure in the way the modules are presented. For budding trainers, this manual provides an abundance of information that will be useful when giving advice and when conducting trainings for prospective migrants. Moreover, the language and structure of this material was conceived to be useful for trainers and counsellors from different sectors including those from the Philippine Overseas Employment Administration (POEA) Head Office, POEA Regional Offices, non-government organizations, religious organizations, recruitment agencies, schools and other training institutions providing pre-departure orientation seminars and orientation on illegal recruitment, trafficking in persons and irregular migration.

Objectives

This manual has been designed to equip trainers and counsellors of the core messages and key information that need to be conveyed to Filipinos who are contemplating on working and living abroad. In general, while this manual hopes to promote the proper attitude and mindset towards migration, it also provides specific and practical information that will be useful for individuals who have decided to live and work abroad. Specifically, this manual aims to:

1. Assist the trainers and counsellors in conditioning the prospective migrants of the proper mindset when making a decision to live or work abroad, particularly within the framework that safe migration is only possible if the migrant has full access to legal information, has the right perspective in aspiring to work & live abroad, is able to understand and assess her/his options, and can make a responsible decision in consideration of the risks and challenges involved;
2. Provide the trainers with accurate and useful information that they need to convey to individuals who are participants to pre-employment orientation seminars; and

3. Set the minimum standard for delivering the key messages that need to be relayed to prospective migrants.

While this manual has been designed specifically for prospective labour migrants as the target audience, the lessons and information are useful for the general public.

Manual Structure and Design

This manual is divided into five parts: (1) Understanding the Overseas Employment Program, (2) Assessing of Labour Market Opportunities, (3) Understanding Illegal Recruitment, (4) Understanding Trafficking in Persons, and (5) Understanding Irregular Migration. Parts 1 and 3 have been divided further into sub-modules in order to make the sizeable topics more manageable.

Each module defines the objectives for each session. Reviewing the objectives allows a trainer to identify the standard information that needs to be conveyed to the pre-employment orientation seminar participants. To assist the trainer in preparing for a session, the needed materials have also enumerated at the beginning of each module. Suggested preparation activities have also been included together with supplemental *Tip!* boxes that provide suggestions on how to be effective trainers and facilitators.

One perceived strength of this manual is that it attempts to engage the target participants in a transformative learning process. This manual asks questions and presents opportunities that will facilitate learning among the participants through open sharing and lively discussion. Learning is process-based—the participants are encouraged to learn the values and realize the lessons for themselves, in addition to the trainer providing accurate and reliable information.

While this manual hopes to standardize the delivery of trainings by providing structure and content, it does not intend to limit a trainer's expertise and capacity in delivering presentations. Rather, this manual is meant to supplement a trainer or a counsellor's wealth of knowledge and experience. While each module is instructive and demonstrative in the way it was written, trainers and facilitators are given the freedom to tailor each module as they deem necessary, in consideration of the resources, time constraints, and session participants.

INTRODUCTION

The Pre-Employment Orientation Program (PEOP) – A Proactive Approach

The Pre-Employment Orientation Program (PEOP) was launched in February 1993 by the Philippine Overseas Employment Administration (POEA) as a proactive response to the need of the public for reliable and comprehensive information to guide their interest or aspiration to work abroad. The PEOP complements POEA's Anti-illegal Recruitment Program in its preventive approach to curb illegal recruitment and other irregular modes of deployment.

Broadly, the PEOP hopes to: increase awareness on realities of overseas employment, help prospective overseas workers make a responsible decision on whether to pursue employment abroad or not, increase awareness on the hazards of illegal recruitment, trafficking in persons and other irregular modes of migration, and forewarn prospective OFWs of the modus operandi of illegal recruiters and traffickers.

Mandate

The POEA conducts the PEOP as mandated by law. According to the Implementing Rules and Regulations of Republic Act 8042, or the Migrant Workers Act of 1995, "The POEA may undertake other programs or resort to other modes of information and dissemination campaign such as the conduct of nationwide, comprehensive and sustainable Pre-Employment Orientation Seminar." Further in Section 23 of RA 8042, as amended by RA 10022, the POEA shall strengthen its comprehensive Pre-Employment Orientation Program through the conduct of seminars that will 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. Moreover, the POEA shall inform migrant workers not only of their rights as workers but also of their rights as human beings. The POEA seeks to instruct and guide workers on how to assert their rights and to provide the available mechanism for redress of violations of their rights. The POEA shall maintain and strengthen its partnership with local government units (LGUs), other government agencies and NGOs advocating the rights and welfare of OFWs for the purpose of information dissemination on

all aspects of overseas employment. The POEA shall also continuously provide the concerned entities with updated lists of licensed agencies and entities and information materials such as brochures, pamphlets, posters, as well as recent anti-illegal recruitment laws and regulations for distribution to their respective constituents.

Strategic Framework

The PEOP constitutes an empowering programme which is offered to the public, notably aspirants for overseas employment, even before going through the process of job application. In this pursuit, the guiding principle is to enable the aspiring migrant worker to “look before she/he leaps” so she/he can make an intelligent decision.

The decision-making process follows a strategic framework referred to as L.I.P.A.D which outlines the four key stages of the decision-making process to ensure safe migration, namely:

Stage 1: Obtain **L**egal **I**nformation

Stage 2: Have the right **P**erspective

Stage 3: **A**ssess your options

Stage 4: Make a responsible **D**ecision

The PEOP is designed to engage institutional support from local government units (LGUs), Public Employment Service Offices (PESOs), schools, civil society organizations (CSOs) and NGO partners as duty bearers in order to maximize grassroots outreach and ensure sustainability. Thus, the PEOP implements Trainings of Trainers (TOT) and Capacity Enhancement Trainings (CET) for these duty bearers as an important component of the overall delivery strategy.

In addition to the conduct of trainings and seminars, the POEA has developed a series of information materials in order to propagate the message of the program. Below are some of the materials used for this purpose:

Brochures

- Country-specific Brochures
- Skills-specific Brochures
- Frequently Asked Questions

Posters

- “10 Kautusan Upang Makaiwas sa Illegal Recruitment”
- “Sino ang Isang Illegal Recruiter”
- “Ang Legal na OFW”
- “Attend PEOS”
- “L.I.P.A.D. the Only Way to Safe Migration”
- “Human Trafficking is Modern-Day Slavery”
- “Say No to Illegal Recruiters”
- “Matalino Ako, Hindi Ako Magpapaloko”

Audio-visual presentations

- “Ang Bagong Bayani”
- “Ikaw, Handa Ka Na Ba?”
- “Paano Ba Ang Mangarap?”

The Pre-Employment Orientation Seminar (PEOS)

Central to the implementation of the PEO is the holding of Pre-Employment Orientation Seminars (PEOS). The PEOS is a public information service which takes the form of lectures and discussions, provided to any group or individual who is contemplating on working abroad. It is a strategy to empower and educate migrants, jobseekers and the general public with critical information useful for making intelligent decisions in working abroad, enabling them to act responsibly to ensure their own safety and protection.

The PEOS involves the multi-sectoral participation of NGOs, LGUs, faith-based groups, civic organizations, and private entities as partner-providers. While it maintains a core structure that provides its audiences with general knowledge,

the PEOS may be tailored and adapted to the specific needs of its participants. Examples of groups for which a session may be tailored include students, workers, youth, adults, jobseekers, vulnerable groups, rural communities, urban poor, displaced migrants, migrant family circles, and so on. The PEOS may also be tailored for those who seek specific orientation according to their destination country as well as skills and employment category.

To facilitate learning, the PEOS utilizes a multi-media approach. Delivery techniques may vary according to audience needs and other circumstances. While a PEOS session may take a minimum of half-day to be comprehensive, the time allotted may be lengthened or adjusted according to specific goals.

A PEOS session should offer the following information: overview of the overseas employment of Filipino workers; factors to look into when assessing prospects for overseas employment; risks and rewards of working abroad; guidelines on legal requirements, procedures and documentation in applying for overseas employment as well as processing employment & travel documents; precautionary information on job markets which are restricted due to security concerns and lack of protective mechanisms; and government services available to overseas job applicants and hired workers.

The Anti-Illegal Recruitment Program

While laws exist to prevent illegal recruitment, it will persist as long as there are unsuspecting vulnerable jobseekers. Illegal recruitment may be committed by either licensed or unlicensed agencies which prey over the ignorance of the public, the desperation of the unemployed, the mishandling of labour market information by media and other sectors, and the failure to run after illegal recruiters. In many instances, the problem of illegal recruitment worsens with the indifference of the victims themselves; first, by their unwillingness to pursue cases in court, and moreover, by their active solicitation of the services of illegal recruiters just to be able to work abroad.

The POEA employs a two-pronged strategy to control illegal recruitment: through information dissemination (preventive approach), and law enforcement and prosecution (remedial approach). The preventive approach involves several activities which include, among others:

- Conduct of information and education campaigns:
 - o Pre-Employment Orientation Seminars for prospective migrant workers
 - o Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM)
 - o Information/Education Campaign Seminars, training workshops for law enforcement groups and prosecutors
 - o Training of Trainers (TOT) and Capability Enhancement Trainings (CET) for non-government organizations, LGUs and the academe
 - o Pre-Licensing Orientation Seminars (PLOS) and Continuing Agency Education Program (CAEP) for private recruitment agencies
- Dissemination of information and education materials down to the grassroots level (poster, brochures, leaflets, etc.)
- Publication of monthly travel advisories and labour situationers (labour and employment conditions, migration realities and adherence of particular countries to international standards on human and workers rights) in newspapers, POEA website, regular press releases to warn the public against illegal recruiters, their modus operandi and other pertinent information
- Continuing AIR Multi-Media Campaign in print, radio and television
- More stringent requirements for issuance / renewal of license
- Stiffer penalties for recruitment violations committed by licensed agency
- Local Alternative Action to increase accessibility to jobs, such as; jobs fair, special recruitment authorities (SRA), establishment of branch offices of licensed recruitment agencies
- Partnerships/ linkages with stakeholders.

On the other hand, the remedial approach is implemented through:

- Provision of legal assistance to victims of illegal recruitment and related cases which are administrative or criminal in nature, such as but not limited to documentation and counselling
- Prosecution of illegal recruiters, during preliminary investigation and during trial in collaboration with the DOJ prosecutors
- Special Operations such as surveillance and closure of establishment or entities suspected to be engaged in illegal recruitment
- Monitoring of illegal recruitment cases
- Coordination with other law enforcement agencies in implementing the AIR Campaign

Together with a wide network of partners within the government, civil society and international community, the POEA undertakes these programs for the benefit of current and prospective overseas Filipino workers.



PART I.

Understanding the Overseas Employment Program

Module A *The LIPAD Framework*

L.I.P.A.D. for a Better Future

Module B *Challenges, Risks and Motivations in Working Abroad*

“I would like to work overseas because...”

Challenges of Working Abroad

Module C *Legal Modes of Recruitment and Mobilization
of Filipino Migrant Workers Abroad*

Overseas Employment Certificates

Module D *Standard Employment Contract for OFWs*

Definition of Employment Contract

The POEA Standard Employment Contract

Jurisprudence of Cases of Termination
by Foreign Employer: Principles Affirmed

Mandatory Insurance Coverage of OFWs

Module E *The OFW Code of Discipline*

Module F *HIV/AIDS Among Migrants*

Part I: UNDERSTANDING THE OVERSEAS EMPLOYMENT PROGRAM

MODULE A. The LIPAD Framework

Objectives:

By the end of this module, the participants are expected to:

1. Gain a deeper understanding of the LIPAD framework;
2. Be able to explain the LIPAD Framework and relate it to individual circumstances of the potential and departing Overseas Filipino Workers.

Materials Needed:

- LIPAD poster
- LCD projector and white screen
- Power Point presentation on LIPAD

Preparation:

1. Mount the LIPAD poster in front of the seminar room.
2. Alternatively, the facilitator may wish to flash the LIPAD poster on a white screen using a Power Point presentation.

Discussion:

1. Direct the participants' attention to the LIPAD poster in front of the room or to the white screen where it is flashed if using a Power Point presentation. Give them a couple of minutes to read the text in the poster.
2. Explain the origins of the LIPAD Framework using a brief account of its creation below:

The LIPAD Framework originated from one of POEA's field officers from Region IV-A who wanted to provide the proper perspective when educating potential overseas labour migrants. After garnering years of experience in implementing Pre-Departure Orientation Seminars, she felt that aspiring migrants and the general public need to be sensitized to the risks of moving to another country for purposes of employment. The strength of the LIPAD framework lies in its ability to inculcate the values of having the right motivations for leaving the country by going through the proper channels, using reminders and questions that will lead to self-realization. LIPAD, as an acronym, is useful for memory recall. While the acronym stands for the essential elements for the formation of an intelligent and responsible decision in working abroad, in itself, lipad is a Filipino word which means "to fly". LIPAD is offered as the only way "to fly safely" abroad and fulfil the motivations for migrating.

3. Explain the Framework by going through each letter of LIPAD which serves as its acronym: obtain **L**egal **I**nformation, have the right **P**erspective, **A**ssess your options, and make a responsible **D**ecision. The LIPAD poster contains reminders and questions that seek to further elaborate what the LIPAD Framework is all about. As you go through each item, provide concrete examples that your participants can easily relate to and/or engage them to contribute their examples. For example, when explaining 'Obtain Legal Information', you may mention briefly the application procedures for obtaining an authentic passport and the common procedures in applying for visas.

L.I.P.A.D. for a Better Future

Obtain Legal Information

- Understand the legal requirements for working abroad.
- Ensure the integrity of documents.
- Deal only with legal entities.

Have the right Perspective

- What is your purpose and motivation for working abroad?
- Are you driven by career, economic, or psycho-social goals?
- Be clear about your perspective.

Assess your options

- Evaluate your options. Is overseas employment your best option?
- Are you prepared to work abroad?
- Do you have the capacity for overseas employment?

Make a responsible Decision

- Consult your family and other responsible people about your decision.
- Don't let anyone decide for you.
- Assume responsibility for the decision you made.

Tip! *Begin each session by cultivating a respectful and amiable atmosphere. Introduce yourself and the organization that you represent. Always show respect to the participants by acknowledging them first before allowing them to speak. Watch and listen to the participants as they speak. Always be honest and never make up stories. Be open to learning from the participants and be considerate of their feelings and emotions. Have fun during the session and enjoy. Participants can always sense how the trainer feels during a session.*

4. Ask the participants if everything is clear. Elicit questions if necessary. If there are no more questions, close the session by reviewing the main points of the LIPAD framework. Test if the acronym LIPAD helps them remember the key prerequisites at the pre-employment stage to ensure safe migration. Make sure to state the end of this module.

MODULE B.

Challenges, Risks and Motivations in Working Abroad

Objectives:

By the end of this module, participants are expected to:

1. Make a personal assessment if overseas employment is the right career path for himself/herself;
2. Ask the proper questions in assessing if he/she is prepared for overseas employment;
3. Be aware of the risks and challenges of overseas employment.

Materials Needed:

- LCD projector and white screen
- Sound system
- Power Point presentation
- Relevant case studies

Preparation:

1. As this module requires you to facilitate an open discussion among the participants, it is advisable to have microphones ready for their use as well.
2. During the open discussion, you may also instruct training assistants to move around the room and be ready to assist participants to talk through the microphone.

Discussion:

1. You may begin the module by asking the group who among them are thinking of working abroad. You may also ask who among them have relatives or friends who are working abroad. Using this simple survey, you may establish early on the prevalence of overseas employment

among your participants which may symbolically represent a microcosm of the larger situation in the country. Point out that Filipinos seek employment for a variety of reasons. Explain that this module will help the participants assess for themselves if the reasons they have for seeking employment abroad are justifiable and if the gains they foresee from overseas employment are sufficient to offset the risks and challenges that come with it.

2. Flash the following slide on the screen and explain that these are typical responses from Filipinos when asked why they would like to work overseas. As you go through each bullet, you should be able to elaborate on the implications of each of these reasons including the pros and cons. Feel free to further elaborate on each item by explaining concomitant circumstances that may be tied to each response. You may also ask the participants if they can identify with any of these responses.

“I would like to work overseas because. . .

- I have no job in the Philippines.
- I only have a part-time, informal job in the Philippines.
- I want to earn more as my salary in the Philippines is not enough for me and my family.
- I want to advance my career as I feel I am getting old.
- I am capable of living and working independently abroad.
- I know of successful friends who worked/are working abroad.
- I want to join my family abroad.
- I want to send my kids/siblings to good schools.
- I want to experience improved quality of life in a more developed country and place of work.
- I want to provide financial support for a sick member of the family.

- I want to forget and move on from a traumatic experience at home.
- I want to earn and save money as capital for the business I am planning to put up.
- I want to be able to buy a vehicle and/or equipment for my business.
- I want to build my dream house or buy a condominium in the metropolis.
- I can endure work in an environment very different from the Philippines.
- It will serve as a stepping stone for my eventual permanent migration.

3. After going through each item, explain to the group that you would like to spend the next few minutes discussing their own responses to the question “Why would you like to work overseas?” This segment of the presentation is intended to help the participants articulate their own reasons, thereby, allowing them to make personal assessments of whether overseas employment is for them or not. After they provide their own reasons, ask them the following questions to engage the participants in a lively discussion:

- How will you rank these reasons?
- How much do you earn now? How much premium will you earn when you are abroad? Will such premium be enough to compensate for certain challenges like being away from home and family, lack of support system, cultural difficulties, and so on?
- Do you feel that you have exhausted all possible options you may have in the Philippines (such as going back to school, getting a local job, practicing one’s profession, being an entrepreneur, among others)?

4. Follow this up by flashing five questions that need to be answered by anyone who is thinking of working abroad. Inform the participants that if they answer “no” to any of the questions below, then they may not yet be ready for overseas employment.

- Am I ready to work in a foreign country?
- Am I ready to leave my family?
- Am I qualified?
- Am I ready to face the challenges and risks?
- Am I financially capable?

Tip! When facilitating an open discussion among a large group of people, ensure that only one person is talking at any one time. Make sure that you listen intently to the one who is speaking and be prepared to analyse the response. When eliciting responses, frame your questions in a manner that can be easily understood by your participants. If you are having difficulties in getting any reaction, try rephrasing your question. Always give your participants a few moments to think and to formulate their answers. To foster a more engaging atmosphere, move around the seminar venue with a microphone to get close to participants who might have ready responses but are too shy to go in front.

In situations where the number of participants is difficult to manage, this segment can be executed by distributing the list above to individual participants and asking them to rank the reasons as they apply to them.

5. After exhausting all possible responses from the participants, taking into consideration the time you have allotted for this section, proceed by explaining that overseas employment can be one of the major decisions one person may have to make in his/her life. While the promised benefits can be too good to pass up, one needs to be aware of the attendant challenges and risks of working abroad. Below are some of the challenges that one may face when he/she is working abroad; go through each item carefully ensuring that they are understood well by the participants. Provide concrete examples to better illustrate each item.

Challenges of Working Abroad

- **Cultural adjustments** – customs and traditions of the host country may be new to you; difficulty in understanding a foreign language; local norms and practices may be different to the one you are accustomed to; the predominant religion is different from your own; the manner of dressing and social etiquette are different from your own
- **Physical adjustments** – there are differences in the climate, dwelling areas, time difference, topography, distance of workplace to lodging, food, recreational options from what you are accustomed to
- **Work place adjustments** – there are differences in work ethic, management culture & practices, technological facilities from what you are used to
- **Homesickness** – missing those who are left behind, typically: family members, friends, peer group; a migrant may also miss the following: his/her house, the neighbourhood, food from his/her locality, the recreational activities he/she used to do, the religious and cultural festivities he/she traditionally participates in, the different forms of entertainment available to him/her
- **Crisis situations** – employer-employee disputes, sickness, injury, accident, cultural conflict, natural disasters, wars, epidemic, prevalence of crimes, involvement in or accusation of crimes, physical, verbal or sexual abuse, employment contract violations, company closures, mergers, retrenchments, incidences of runaways, illegal recruitment, trafficking, irregular migration, deportation
- **Crisis in the family** – risk of having a broken family; possibility of family's over dependence on OFW's remittances; possibility of infidelity of the OFW's spouse during the latter's absence; other potential consequences of a parent being absent during a child's formative years

6. To conclude this module, explain to the participants that there are different motivations for entertaining the idea of working abroad. Whatever these may be, it is essential that one carefully weighs the rewards against the challenges and risks. This is important so that the eventual labour migrant will not regret whatever decision he/she will make. Emphasize that part of making an intelligent decision is to “look before you leap”.

MODULE C.

Legal Modes of Recruitment and Mobilization of Filipino Migrant Workers Abroad

Objectives:

By the end of this module, the participants are expected to:

1. Learn the different modes of legal recruitment;
2. Be aware of the legal procedures in obtaining the necessary documents for overseas employment.

Materials Needed:

- LCD projector and white screen
- Sound system
- Power Point presentation
- Audio-visual material “Ang Bagong Bayani” video produced by POEA, a file is supplied in the enclosed disc
- *Working Abroad: a Preparation Checklist* or any hand-out on the requirements for working abroad

Preparation:

1. As a video presentation is required for this module, ensure that the video file supplied in this manual (see DVD pouch) is compatible with your laptop or video disc player. Test the disc before you start the session.
2. Test the audio level of the video and make sure that it will be audible to all those in the room.

Discussion:

1. Explain to the participants that if overseas employment is their ultimate choice given the different risks and challenges, it is to their advantage to gain a complete understanding of how to go about it through the proper

and legal channels in order to avoid being victimized in the process. Inform them that there are three modes of hiring legally recognized in the Philippines.

Filipino workers may be hired legally through the following modes:

- **Recruitment agencies licensed by POEA** – Private employment agencies are either: **Land-based agencies**, which could be any person (natural or juridical) licensed by the POEA to recruit workers for all land-based jobs for and in behalf of its foreign principal; or **Manning agencies**, which could be any person (natural or juridical) licensed by the POEA to recruit seafarers to man/board vessels plying international sea lanes and other related maritime activities. These licensed employment agencies ensure that only Filipino workers are qualified and medically-fit are deployed.¹
- **Government-to-government hiring/placement Facility** – the Government of the Philippines, through bilateral agreements with the governments of other countries may facilitate the hiring of Filipino workers through the Government Placement Branch of POEA.
- **Name Hiring** – refers to a situation where a worker hired by employers for overseas employment as authorized by the Secretary of Labor and Employment and processed by POEA, including: those hired by international organizations, those hired by members of the diplomatic corps, and name hires or workers who are able to secure overseas employment with employers without the assistance or participation of any agency.²

In addition to the above legal modes of recruitment established in the Labor Code, the Migrant Workers and Overseas Filipinos

Sources:

¹ POEA Official Website, "Hiring Filipino Workers," accessed from <http://www.poea.gov.ph/about/hiring.htm> on 21 September 2012.

² Section 1 (j), Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, 8 July 2010.

Act and the POEA Rules and Regulations, the following must be understood:

- **Name Hire Processing Facility** – In recognition of realities that Filipino migrant workers are able to secure legitimate overseas jobs, appropriate working visas or their equivalent and appropriate legal documents without the assistance or participation of any recruitment agency, the POEA requires these workers to submit their documents under the “name hire processing” unit. POEA, however, cautions workers under this situation against the role of informal agents, and unauthorized persons facilitating the deal between migrant workers and foreign employers, even among fellow Filipinos who are already abroad. Internet-based hiring likewise carries certain risks related to possible fictitious opportunities, scams and malicious recruitment agenda.
 - **Intra-company Transferees** – Filipino workers stationed in Philippine-based companies who will be assigned to foreign branches or home-base of foreign multinationals or who will be assigned to fulfil service contracts of foreign clients requiring temporary movement abroad will also be subject to name hire processing if these movements are covered by working or employment visa or their equivalent.
 - **Registration of former irregular workers** – Former irregular workers who have secured regular status from host country authorities, coming home with re-entry work or employment visa and/or employment contract, may register with the POEA through the *balik-manggagawa* facility. This process draws them to be of regular status from the point of view of the Philippine government.
2. After explaining thoroughly the different modes of legal recruitment and mobilization, enumerate the preliminary documents that prospective labour migrants need to prepare when seeking employment overseas. Emphasize that these documents have to be secured from proper channels and that potential migrants should never deal with fixers.

Basic Documents

- Bio-data / Resume / Curriculum Vitae (CV)
- Birth Certificate (authenticated by NSO)
- High School (authenticated by the Department of Education [DepEd] / College Diploma and/or Transcript of Records (authenticated by the Commission on Higher Education [CHED])
- Certificates of Employment
- Professional License
- Any Skills or Trade Test Certification

Other Documents

- Marriage Contract (for married female applicants)
- Certificate from National Commission of Muslim Filipinos (for Muslim applicants)
- Certificates of Training

For Name Hire Processing

- Employment Contract (verified and authenticated by the Philippine Embassy which has diplomatic jurisdiction over the country of work)
- Passport
- Working Visa / Employment Permit
- Pre-Departure Orientation Seminar (PDOS) Certificate
- Certificate of Medical Clearance

For Balik-Manggagawa

(Workers on leave going back to their employer/place of work abroad)

- Passport bearing working visa or equivalent
- Return ticket

3. Explain that costs will be incurred when applying for overseas employment. Below are tables summarizing the different fees. Highlight that while some fees need to be shouldered by the applicant, there are those that have to be shouldered by their Employers. It is also important to constantly monitor the schedule of authorized fees from POEA as these may change over time.

COSTS FOR THOSE HIRED BY RECRUITMENT AGENCIES

Placement Fee Chargeable to the Worker	Maximum of equivalent to one (1) month salary, except for household workers, seafarers and countries where charging of placement fees is not allowed.	
Fees & Costs Normally Chargeable to Foreign Employers/Principals	Visa Fee	variable
	Airfare	variable
	POEA Processing Fee	PHP 200.00
	OWWA Membership Contribution	USD 25.00
	Compulsory Insurance Coverage	As prescribed by the Insurance Commission

Cost of the following to be paid by the worker:

- Passport
- NBI / police / barangay clearance
- Birth certificate
- Documentary authentication fees
- PhilHealth contribution
- Pag-IBIG contribution
- Trade test (if necessary)
- Inoculation (if required by host country)
- Medical examination fees
- Pre-Departure Orientation Seminar (PDOS) Fee provided by authorized NGO service providers
- Social Security System (SSS) contribution (optional)

If the recruitment agency performs documentation services, the worker shall pay only the actual cost of the document which should be covered by official receipts issued by the respective institutions issuing the documents.

COSTS FOR NAME HIRES PAID AT THE STAGE OF PROCESSING		
Placement Fee	Not applicable	
Processing Fees	POEA	USD 100.00
	OWWA Membership Contribution	USD25.00 per contract not exceeding two years
	PhilHealth Contribution	PHP 1,200.00 per year
	Pag-IBIG Contribution	PHP minimum of 100.00
	Insurance Coverage (optional)	As prescribed by the Insurance Commission

POEA PROCESSING FEE FOR BALIK-MANGGAGAWA (Workers on Leave going back to their Employers)

PHP 100

FOR THOSE HIRED BY THE POEA IN-HOUSE PLACEMENT FACILITY UNDER GOVERNMENT TO GOVERNMENT ARRANGEMENT

Placement Fee	No Placement Fee
---------------	------------------

While there is no placement fee, there are administrative and pre-deployment costs that vary from country to country which cover personal identity documents, skills certification, authentication of documentary credentials, medical examination requirements and pre-deployment trainings among others.

- Inform the participants that in addition to the documentary requirements enumerated above, departing overseas Filipino workers are required to secure an Overseas Employment Certificate (OEC) from POEA. Explain that the OEC is proof of compliance to all the requirements for OFWs. Highlight that the OEC carries with it several benefits indicated below.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF LABOR AND EMPLOYMENT

OVERSEAS EMPLOYMENT CERTIFICATE

OFFICIAL RECEIPT Date & Time: 5/3/2011 3:14:49PM No: 6936908I
LB: 1106021617 5936908

NAME: [REDACTED]
Position: WELDER
Agency: NAMESHIRE
Principal: [REDACTED]
Direct Employer: [REDACTED]
Jobsite: SAUDI ARABIA
Salary: PER MONTH 400.00 US DOLLAR
Date Processed: 5/3/2011 Valid for exit up to: 5/3/2011
CG Number: 5511795

Nature of Payment	Amount
POEA PROCESSING FEE	PHP 4,311.00
OWWA MEMBERSHIP	PHP 1,077.00
PHI-HEALTH-MEDICARE	PHP 800.00
Total	PHP 6,288.00

PHP SIX THOUSAND TWO HUNDRED EIGHTY EIGHT AND 00/100

VALIDATION
Received the amount stated above
Manuel Rivera
5/3/2011 3:14:49PM

This document is not considered a receipt unless machine validated.

Overseas Employment Certificates serve as:

- Exit permit** - without which the departing OFW will not be allowed by airport/immigration authorities to exit the country
- Proof of payment** – POEA Processing Fee, OWWA Membership Fee, PhilHealth & Pag-IBIG Contributions

- **Travel Tax Exemption** - payment of PHP 1,620.00 travel tax shall be waived for those who can present a valid OEC
- **Airport Terminal Fee Exemption** – payment of airport terminal fee shall be waived for those can present a valid OEC
- Exemption from payment of documentary tax on remittance

You may wish to inform the participants that in certain areas outside Metro Manila, some OECs may still be issued manually. While this is still the case, the POEA is working to standardize the issuance of OECs electronically.

5. Ask the participants if they have questions or if they would like to be clarified on any of the documentary requirements. If there are none, distribute the reference, *Working Abroad: A Preparation Checklist* (Annex VI in this Manual) that contains a summary of the documentary requirements and procedures when applying for a job overseas. Another option is for this checklist to be distributed while the documentary requirements are being discussed.
6. Explain that if overseas employment is their ultimate option given its attendant challenges and risks, emphasize that there is no other way to go about applying for overseas employment but through the legal and proper channels. Insist that completion of the requirements may seem daunting at first but these are all intended to safeguard the welfare of the departing migrants and each step is in place to make sure that OFWs are well-protected should any form of crisis arise during their tenure abroad.
7. Trainers must point out that proactive preparation and planning among aspiring migrant workers should be undertaken to have enough lead time to go through all phases of the legal process. Inform the participants that many service systems innovations and improvements are already observed among government frontline offices such as those involving passport processing, NBI clearance application and POEA processing. Government agencies have increasingly decentralized their services through their regional branches or through cooperation with the private sector using their facilities. Take this opportunity to introduce the proper procedures in securing employment overseas through the checklist

mentioned in item #5 above. If copies of this checklist are available, distribute them to the participants.

8. **Video Showing:** One of the approaches in running this session is to play an audio-visual tool demonstrating the procedural sequence in applying for work abroad. An example of this video is “Ang Bagong Bayani” which runs for 17 minutes. Introduce the video by telling the participants that they need to have a complete understanding of the application procedures in order to avoid being victimized in the process. The video is intended to guide Filipino job seekers in understanding the administrative procedures for overseas employment and in obtaining employment abroad. It is also designed to prepare workers and their families for post-overseas employment.

VIDEO SHOWING:



“Ang Bagong Bayani”

9. **Processing:** Process the video that was shown by asking the following questions:

- How did you feel after watching the video?
- What are some of the lessons that you picked up from the video? If there was one lesson you would like to share to your family/friends from this video, what would that lesson be?
- Do you see yourself in any of the personalities shown in the video? Can you situate yourself in any of the circumstances that have been depicted in the video?
- If you told your family/friends that you would like to seek employment abroad, what do you think their reaction would be?
- What do you think prepared Juancho Aguila in his quest to seek employment overseas? What other preparations can you think of? How can you prepare your family before and while seeking employment overseas?
- What should be the proper mind set when one is seeking employment overseas?
- Has any of your views/opinions changed after watching the video? In what way?

Tip! *Audio-visual materials are great teaching tools. The use of multiple sensory organs amplifies the lessons that can be learned from a particular material. However, trainers and facilitators should never leave everything to the tool. Often, when video materials are available, trainers have the tendency to play the material without explaining or processing it. One must remember that while the video may seem clear or self-explanatory, trainers and facilitators still need to process the content. This way, participants will have an opportunity to seek clarification and the trainer can provide further inputs that may not have been discussed in the video.*

MODULE D.

Standard Employment Contract for OFWs

Objectives:

By the end of this module, the participants are expected to:

1. Know the minimum provisions for a Standard Employment Contract for OFWs as stipulated in the law, particularly in so far as the rights and obligations of the parties to the Contract are concerned;
2. Have a basic and functional understanding of the legal grounds for termination;
3. Possess a functional knowledge of the rights and obligations of migrant workers with regard to due process in a situation where an employment contract is terminated;
4. Acquire basic information on the Government's policy on insurance coverage for OFWs.

Materials Needed:

- LCD Projector and White Screen
- Power Point Presentation
- Sample Standard Employment Contract

Preparation:

1. The matter of employment contracts and the standards that govern them is central to the objective of providing institutional mechanisms to protect the rights of migrant workers. Realistically, employment contracts are constructed under an industry, employer, occupation or country-specific framework, influenced by market forces, national laws, bilateral processes or international conventions. Some of your participants may have prior knowledge of cases and anecdotes involving employment contracts and their violation. Make sure that you know your material well in order to respond appropriately to the queries.
2. If you are not adequately familiar with issues being raised, do not make up answers. Politely tell the participant that you can refer her/him to

competent authorities. Another approach is to invite a sharing from anyone among the participants who have similar situational experience and the remedies employed.

Discussion:

1. Begin the discussion by quickly surveying the participants' familiarity or experience with employment contracts. Ask a few to share their knowledge of the contents of an employment contract and their experience in its enforcement. Explain that the employment contract is one of the most important documents that an OFW will ever handle. It has the following uses: (a) reference for rights & obligations of migrant workers and their employers; (b) critical reference for adjudicating employer-employee conflict; (c) reference for legal identity and may be checked upon departure or arrival at country of destination. It is, therefore, imperative for the prospective OFW to read and understand the contents of the contract and make sure that they understand that its provisions must be in accordance with the law or POEA standards. Continue the discussion by giving the formal definition of the employment contract and the minimum provisions prescribed by the POEA indicated in the box below.

The Employment Contract¹ refers to the following:

- For **land-based** workers hired by private recruitment/employment agencies – an individually written agreement between the foreign principal/employer and the worker based on the master employment contract approved by the Administration; and
- **For seafarers** – the written standard POEA-approved employment contract stipulating a specific period of employment and formulated through tripartite consultation, individually adopted and agreed upon by the principal/employer and the seafarer.

Source:

¹ Section 1 (i), Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, 8 July 2010.

The POEA Standard Employment Contract

- The POEA has set minimum provisions to ensure that the employee will not be placed in a disadvantageous position. However, there is no prohibition against stipulating contract terms and conditions that are more beneficial or advantageous to the worker.
- Below are the minimum provisions or stipulations of the POEA Standard Employment Contract:
 - o Statement of worksite or place of work
 - o Contract duration
 - o Position Title
 - o Monthly salary rate in accordance with prescribed standards or guiding rates
 - o Regular work schedule of eight (8) hours per day for not more than six (6) days per week
 - o Overtime pay for service beyond regular working hours
 - o Free transportation to and from the worksite, or offsetting benefits
 - o Free food and accommodation, or offsetting benefits
 - o Benefits which include Vacation Leave, Sick Leave, Medical and Dental, and Workmen's Compensation in cases of work related sickness, injury or death
 - o In the event of death of the employee, worker's remains and personal belongings shall be repatriated to the Philippines at the expense of the Employer
 - o Just causes for termination

Inform the participants that a sample POEA Standard Employment Contract may be downloaded from the POEA official website (www.poea.gov.ph). Moreover, certain occupations or countries of destination have specific Standard Employment Contracts tailored to

the prevailing conditions of such occupations, developed and mutually endorsed by sending and receiving countries. This is applicable especially for vulnerable types of migrant workers such as domestic workers and other occupations which are subject to special regulations such as seafarers.

2. Ask the participants if there are any questions regarding the POEA Standard Employment Contract. Entertain the questions keeping in mind the time allotted for this segment of the module. Proceed by discussing the Just Causes for Termination. Explain that contracts may be terminated by either the employee or the employer. Depending on the cause of termination, either the employee or the employer will be responsible for the cost of repatriation of the former. Below are the different just causes for termination.

Just Causes For Termination By Employer	
<ul style="list-style-type: none"> • Serious misconduct • Wilful disobedience of employer's lawful orders • Habitual neglect of duties • Absenteeism • Insubordination • Revealing secrets of establishment • Violating customs, traditions, and laws of host country • Violating terms and conditions of the employment contract 	<p>The Workers shall bear the expenses.</p>

Just Causes For Termination By Worker	
<ul style="list-style-type: none"> • Serious insult by the employer or his representative • Inhuman and unbearable treatment accorded the employee by the employer or his representative • Commission of a crime/offense by the employer or his representative • Violation of the terms and conditions of the employment contract by the employer or his representative 	<p>The Employer shall shoulder the repatriation expenses.</p> <p><i>NOTE: The employee may terminate the contract without just cause by serving one (1) month in advance written notice to the employer. The employer upon whom no such notice was served may hold the employee liable for damages. In any case, the employee shall shoulder all expenses relative to his repatriation back to his point of origin.</i></p>

Just Causes For Termination Due to Illness

Either party may terminate the contract on the ground of illness, disease or injury suffered by the employee or when displacement or the threat to life and safety emerge out of war, political conflict or climate change disturbances

The Employer shall shoulder the repatriation expenses.

3. Explain that in cases where a contract is terminated by the employer, due process must be observed. Due process means that certain procedures as stated in the law must be observed. Explain to the participants that everyone is entitled to due process which means that it is their right to demand it. Therefore, it would be to one's advantage to have a basic knowledge of how law would treat an employment contract.
4. Equally important is to advise the participants that Philippine recruitment agencies are jointly and solidarily liable with the acts of the foreign employer or principal. This means that any breach of due process in employment contract termination by the employer can make the Philippine recruitment agency liable under Philippine courts. Therefore, while the next section refers to employer obligations, the enforcement of these measures are likely to be addressed in Philippine courts when the justice system fails in the host country, charging the potential liability against the Philippine agents of such employers in breach of due process.

Below is a discussion of the jurisprudence in cases of termination which describes the appropriate procedures expected of parties when terminating a contract. Due to their legal/technical nature, these references on jurisprudence are provided for the knowledge of trainers and may only be discussed as the need arises. It is not expected to explain all the principles in every session.

Jurisprudence on Cases of Termination by Foreign Employer: *Principles Affirmed*

Due process in termination of cases:

- The employer shall furnish the worker a written notice containing a statement of the cause of termination.
- Employer shall afford the worker ample opportunity to be heard and defend himself, article 277 of the Labor Code of the Philippines as amended by Sec 33, RA No. 6715 (Herrera-Veloso Law).
- The minimum requirement of due process in termination proceedings consists of notice to the employees intended to be dismissed and the grant to them of an opportunity to present their own side. (Klaveness Maritime Agency Inc. vs. Jose Marius Palmos, G.R. Nos. 102310-12, May 20, 1994 [232 SCRA 448])
- So long as a party is afforded a fair and reasonable opportunity to explain his side, the requirement of due process is complied with. (Padilla vs. Sto. Tomas, 243 SCRA 155)

Two-Notice Rule:

- **Pre-Notice** – Apprises the employee of the particular acts or omission for which dismissal is sought
- **Post Notice** – Subsequent notice which informs the employee of the employer's decision to dismiss him (Jones v. NLRC, 250 SCRA 668)

Basic Principle in Termination of Cases:

- The basic principle in termination cases is that the burden of proof rests upon the employer to show that the dismissal is for just and valid cause, and failure to do so would necessarily mean that the dismissal was not justified and therefore, was illegal. (Polymedic General Hospital v. NLRC, G.R. No. 64190,

January 31, 1985, 134 SCRA 420; and also Article 277 of the Labor Code).

- Employer is liable to pay nominal damages as indemnity for violating the employee's right to statutory due process in the amount of P30,000.00. (EDI –Staffbuilders International Inc. vs. NLRC G.R. Bi, 145587, October 26, 2007)

Non-compliance with Due Process where a Valid Cause for Dismissal Exists:

- If dismissal of an employee is for just and valid cause but he is not accorded his right to due process, the dismissal shall be upheld but the employer shall be sanctioned for non-compliance with due process. (Serrano v. NLRC, 323 SCRA 445)

Seafarer/OFW's Nature of Employment:

- Seafarers/OFWs are contractual not regular employees. (Millares Case)
- Seafarers / OFWs cannot be considered as regular employees under Article 280 of the Labor Code. Their employment is governed by the contracts they sign every time they are rehired and their employment is terminated when the contract expires.

Compassionate Justice:

- When the conflicting interests of labour and capital are weighed on the scales of social justice, the heavier influence of the latter must be counterbalanced by the sympathy and compassion the law must accord the underprivileged worker. (Eastern Shipping Lines, Inc. vs. POEA, 166 SCRA 533)
- It is a fact that the sympathy of the Court is on the side of the labouring classes, not only because the Constitution imposes such sympathy, but because of the one-sided relation between labour and capital. The constitutional mandate for the protection of labour is explicit as it is demanding. The purpose is to place

the workingman on an equal plane with management with all its power and influence, in negotiating for the advancement of his interests and the defence of his rights. Under the policy of social justice, the law bends over backward to accommodate the interests of the working class on the humane justification that those with fewer privileges in life should have more privileges in law. (PAL vs. NLRC, G.R. No. 77875, February 4, 1993)

Jurisdiction Over Money Claims:

- Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission or NLRC shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary and other forms of damages. (Sec. 1, Rule VII, IRR)

Joint and Several Liability of Principal/Employer and Recruitment/Placement Agency:

- The liability of the principal/employer and the recruitment/ placement agency on any and all claims under this Rule shall be joint and several. This liability shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/ placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers.
- If the recruitment/ placement agency is a juridical being, the corporate officers and directors and partners, as the case may be, shall themselves be jointly and severally liable with the corporation or partnership for the aforesaid claims and damages. (Sec. 3, Rule VII, IRR)

Effect of Illegal Termination and/or Deduction

- In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deduction from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement fee with interest of twelve per cent (12%) per annum, plus his salaries for the unexpired portion of his employment contract or three (3) months for every year of the unexpired term, whichever is less.
- In case of any unauthorized deduction, the worker shall be entitled to the refund of the deductions made, with interest of twelve per cent (12%) per annum, from the date the deduction was made. (Sec. 5, Rule VII, IRR)

Effect of Final and Executory Judgment

- In case of final and executory judgment against a foreign employer/principal, it shall be automatically disqualified, without further proceedings, from participating in the Philippine Overseas Employment Program and from recruiting and hiring Filipino workers until and unless it fully satisfies the judgment award.
- For this purpose, the NLRC or any party in interest shall furnish the POEA a certified true copy of the sheriff's return indicating the failure to fully satisfy a final and executory judgment against a foreign employer/principal.
- Should the disqualified foreign employer/principal fully satisfy the judgment award, the NLRC or any party in interest shall furnish the POEA a certified true copy of the sheriff's return indicating full compliance with the judgment which may be a basis to lift the disqualification. (Sec. 6, Rule VII, IRR)

5. After explaining the jurisprudence surrounding the employment contract for OFWs and its importance, proceed by discussing the mandatory nature of insurance coverage for OFWs. Explain that the mandatory insurance coverage assures that the migrant worker is protected from

further harm should any untoward incident transpire during their stay in the host country. Inform the participants that there are different types of insurance covering different kinds of situations. Explain these to the participants using the guide below.

Mandatory Insurance Coverage of OFWs

Coverage of Migrant Workers

- In addition to the performance bond to be filed by the recruitment/manning agency under Section 10 of the Migrant Workers & Overseas Filipinos Act, each migrant worker deployed by a recruitment/manning agency shall be covered by a compulsory insurance policy which shall be secured at no cost to the said worker. (Sec. 1, Rule XVI, IRR)

Policy Coverage

- Such insurance policy shall be effective for the duration of the migrant worker's employment contract and shall cover, at the minimum:
 1. Accidental death, with at least Fifteen Thousand United States Dollars (US\$ 15,000.00) survivor's benefit payable to the migrant worker's beneficiaries;
 2. Natural death, with at least Ten Thousand United States Dollars (US\$ 10,000.00) survivor's benefit payable to the migrant worker's beneficiaries;
 3. Permanent total disablement, with at least Seven Thousand Five Hundred United States Dollars (US\$7,500) disability benefit payable to the migrant worker. The following disabilities shall be deemed permanent: total, complete loss of sight of both eyes; loss of two limbs at or above the ankles or wrists; permanent complete paralysis of two limbs; brain injury resulting to incurable imbecility or insanity;

4. Repatriation cost of the worker when his/her employment is terminated by the employer without any valid cause, or by the employee with just cause, including the transport of his/her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any assistance necessary in the transport, including but not limited to, locating a local and licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing death certificates, purchasing the minimally necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home. This provision shall be without prejudice to the provisions of Rule XIII of these Rules and Regulations;
5. Subsistence allowance benefit, with at least One Hundred United States Dollars (US\$100) per month for a maximum of six (6) months for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the receiving country;
6. Money claims arising from employer's liability which may be awarded or given to the worker in a judgment or settlement of his/her case in the NLRC. The insurance coverage for money claims shall be equivalent to at least three (3) months salaries for every year of the migrant worker's employment contract;
7. **Compassionate visit.** When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, he shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation cost of the family member or requested individual to the major airport closest to the place of hospitalization of the worker. It is, however, the responsibility of the family

member or requested individual to meet all visa and travel document requirements;

8. **Medical evacuation.** When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician, evacuation under appropriate medical supervision by the mode of transport necessary shall be undertaken by the insurance provider; and
 9. **Medical repatriation.** When medically necessary as determined by the attending physician, repatriation under medical supervision to the migrant worker's residence shall be undertaken by the insurance provider at such time that the migrant worker is medically cleared for travel by a commercial carrier. If the period to receive medical clearance to travel exceeds fourteen (14) days from the date of discharge from the hospital, an alternative appropriate mode of transportation, such as air ambulance, may be arranged. Medical and non-medical escorts may be provided when necessary. This provision shall be without prejudice to the provisions of Rule XIII of these Rules and Regulations. (Sec. 2, Rule XVI, IRR)
6. After elaborating on the jurisprudence as well as conditions for and benefits under insurance coverage of overseas Filipinos, now would be a good time to emphasize the importance of leaving the country for overseas employment under a legal status. Remind the participants of the importance of obtaining authentic travel documents and working under legal conditions in a foreign country. Emphasize that doing so would ensure that migrants will be protected by the law in their destination country.

Tip! *Effective trainers and facilitators are those that promote an atmosphere that encourage learner participation. This may be achieved by continually throwing questions to the participants and entertaining responses from the group. Feedback from the participants may also be used such as the examples that they give during open discussions. In this manner, participants are also encouraged to learn from each other.*

MODULE E.

The OFW Code of Discipline

Objectives:

By the end of this module, the participants are expected to:

1. Gain a deeper realization of what an OFW's duties are to his/her self, family, fellow OFWs, countries of origin and destination, and employer
2. Know what an OFW should and should not do when he/she is already in the country of destination.

Materials Needed:

- Supplemental Case Studies
- LCD Projector and White Screen
- Power Point Presentation
- Whiteboard/chalkboard, whiteboard markers/chalks, meta-cards

Preparation:

1. This session includes a discussion on how OFWs should conduct themselves when they are living and working in their host country. While some reminders are already specified below, you may wish to add more as you prepare to present this module. In the process, you may need to plan how you will draw from the participants their own contributions to substantiate the key messages.

Discussion:

1. Begin the session by instructing the participants to imagine that they are now OFWs, that they are already living in their host country, and that they are now employed by a foreign employer. Continue by asking them to imagine what life would be like for them and for their families left behind, to picture what everyday life would be like once they are already abroad. Give the participants a few moments to think about these scenarios.

2. Proceed by asking the participants what they think they need to do once they are already in their country of destination. Ask them to whom they shall be held responsible and what their obligations are, if any. Write their responses on the board you prepared or engage them to write their responses over pieces of paper or meta-cards which you can later be posted on your whiteboard.
3. Explain to the participants that while they may want to work abroad for a variety of reasons, working overseas entails corresponding responsibilities to one's self, family, fellow OFW, country and host country/employer. As you go through each of the items below, try to maintain an interactive atmosphere by asking participants what they think they can add to the list.

The OFW Code of Discipline

Duty to Oneself

DOs

- Assert the occupation, position and job scope to which you have been hired for.
- Assert one's entitlements to all wages, compensation and benefits agreed upon in the employment contract.
- Be professional; maintain self-respect, good image and track record.
- Ensure personal health as well as psycho-social and economic well-being; be aware of one's vulnerabilities to HIV/AIDS.
- Be responsible for one's safety and security at all times, including that of one's belongings and personal property.
- Notify the Philippine embassy or diplomatic mission of your presence in the country of work.

DON'Ts

- Engage in prostitution, drug trafficking, illegal recruitment, human smuggling & trafficking or other transnational crimes whether as a principal party or accessory.
- Possess deadly weapons, explosives and prohibited drugs, alcohol, pornographic or other contraband materials.
- Solicit services of unauthorized manpower brokers and fixers for clandestine migration.
- Succumb to “4D” jobs – dirty, dangerous, demeaning and (unreasonably) difficult.

Duty to Family***DOs***

- Provide ample financial and moral support to your family in the Philippines.
- Communicate with your family as often as you can and make your presence felt just as if you were around.
- Provide them detailed information and documents about your overseas employment.
- Be faithful to your spouse.

DON'Ts

- Abandon your family, and refuse/discontinue support for the children.
- Bring your family, especially young children, to hardship posts or countries where there is high risk to one's welfare and security.

Duty to Fellow OFWs

DOs

- Assist and cooperate with other OFWs working in the same site, especially in times of crisis.
- Support OFW organizations or Filipino diaspora groups and contribute to their productive role.

DON'Ts

- Degrade a colleague or put him/her in bad light in order to get a position/rank or other personal gains.
- Act as an unofficial remittance courier for all its risks of loss or robbery or spend for personal use money entrusted by fellow workers.
- Invent lies and allegations against fellow OFWs to have them deported, detained or be under police surveillance.

Duty to the Country

DOs

- Uphold the laws and interests of the Republic of the Philippines and to defend it, if warranted.
- Abide by the rules and regulations aimed at promoting the worker's interest and enhancing national gains.
- Be an ambassador of goodwill, projecting the good in the Filipino.
- Avoid wilful commission of punishable crime, causing to draw sensational public sympathy to put undue pressure to Philippine authorities to come to your rescue.

DON'Ts

- Unduly put the Philippine Embassy, the Philippine Overseas Labor Officers and service attaché corps in a bad light.
- Spread rumours and other forms of misinformation which could cause panic or threaten public interest.
- Take sides and join civil conflicts at the country of work
- Disregard official travel and other precautionary advisories, especially during wars, conflicts and disasters posing threat to safety, life and property.

Duty to Host Country***DOs***

- Respect the mores, customs and traditions of the host country.
- Respect and obey the laws of the host country.

DON'Ts

- Commit felony such as murder or any other crime punishable by Philippine law and by their law.
- Use, possess and/or sell prohibited drugs.
- Gamble in countries prohibiting such activity.
- Drink excessively especially in countries where alcoholic beverages are prohibited.
- Smuggle or break customs regulations of the Philippines or of the host country.

Duty to Employer***DOs***

- Fulfil your duties and responsibilities provided in your employment contract.

- Observe basic work place decorum, code of ethics and company policy.
- Handle company equipment and property with due diligence and care.

DON'Ts

- Engage in moonlighting which jeopardizes use of official work hours or draw conflict of interest.
- Spend for personal use company's funds or commit any form of theft/robbery and/or vandalism.

2. To wrap up the lecture, highlight that the safety and welfare of the OFW can only be assured when the OFW herself/himself is aware of the right choices to make and the proper behaviour to have. No amount of assistance, guidance or interventions from the government, civil society and other duty bearers can be more effective in protecting them than by the responsible behaviour they make. It is important to emphasize that the OFWs are the ones signing the employment contract, engaging their agents, coming into the work place and interacting with different parties such as their employer, recruitment agent, the multi-racial workforce, host country authorities, and so forth.
4. **Processing.** Conclude the session by asking the participants what they think of the Code. You may use the suggested questions below for further discussion or ask them related questions you deem fit. You may encourage them to cite other examples which exhibit challenges to the Code of Discipline or encourage them to ask questions.

- Why is it important to abide by a Code of Discipline?
- Do you agree with the Code? If yes, why? If no, why not?
- Among the different items in the Code, what do you think is the most important?
- What do you think is the most challenging part in the Code?

- What can you anticipate as untoward repercussions of the breach of the Code?
- How do you think you can situate the Code in your value system? How can you put it in your heart and mind? What do you need to keep it in practice? Do you need incentives, constant reminders or should there be some sanctions?
- Are there external parties or factors which you anticipate can pose a challenge to the implementation of the Code of Discipline?

Tip! *Good trainers and facilitators are capable of using a variety of techniques in their methods. For example, a brief lecture may be followed with a small-group discussion. More creative methods include role playing. For example, the trainer may select a group of participants to act a particular scene involving how OFWs should act when they are in a foreign country. Different roles may be given for different scenes, for example, when inside the airplane, when asking for directions, when handling conflict at work, and so on.*

Another option is to act out sample behaviours and let the participants discern whether it is proper or inappropriate behaviour.

MODULE F.

HIV / AIDS Among Migrants

Objectives:

By the end of this module, the participants are expected to:

1. Learn about the nature of HIV and AIDS;
2. Learn how HIV/AIDS is transmitted.
3. Learn about the special vulnerability of migrants to HIV/AIDS

Materials Needed:

- LCD projector and white screen
- Power Point presentation
- Whiteboard/chalkboard, whiteboard markers/chalks

Preparation:

1. As HIV/AIDS is a sensitive topic, ensure that proper language and attitude is observed. Avoid inappropriate language and examples.
2. Some questions that may be raised may require specific scientific or clinical knowledge. If questions arise to which the answers you are not quite familiar with, do not make up answers. Politely tell the participant that you will take note of the inquiry and you will get back to him/her on the appropriate response. After the module, approach the participant to get his/her contact details and make sure that you get in touch once you know the answer to the question.

Discussion:

1. Begin the discussion by explaining that in certain periods in recent years, the rise in HIV/AIDS incidence in the Philippines has been linked to OFWs and seafarers. It may be useful to cite the latest available HIV/AIDS Registry, reported regularly by the Department of Health. This may be due to the prevalence of high-risk behaviour among OFWs who are under different circumstances when they are abroad. Being in a

foreign country where their usual support system is not present, some OFWs are inclined to engage in activities that may lead them to acquire HIV/AIDS.

2. Ask the participants what they know about HIV/AIDS. Write their responses on the board. Enrich the discussion by asking the participants if they know how HIV/AIDS is transmitted.
3. After spending a few minutes in discussing what the participants know about the disease, proceed by sharing the following information about HIV/AIDS:

HIV

- Human Immunodeficiency Virus (HIV) is the virus that causes AIDS.
- It attacks the immune system – the body's defence against disease.
- HIV is found in blood, breast milk, semen and vaginal fluids.
- HIV is a virus that attacks the body and makes it weak. When the body is weak, it is easier to get cough, diarrhoea, fever and other health problems.

AIDS

- Acquired Immune Deficiency Syndrome is the name given to a group of illnesses in HIV positive people.
- These illnesses arise when the people living with HIV are no longer able to fight off infection because of lowered immunity.

How is HIV transmitted?

- Unprotected Sexual Contact
- Blood transmission HIV infected blood gaining entrance to the body
- Mother-to-child transmission

HIV is NOT transmitted through:

- Hugging or kissing
- Contamination of clothes
- Breathing the same air
- Shaking hands
- Toilet seats
- Food utensils or drinking cups
- Sweat, contact through sport
- Public baths or swimming pools
- Mosquito bites
- Bed bugs
- Any other biting insect or animal
- Tears

4. Inform the participants that while there is no cure for HIV and AIDS at the moment, there are several ways by which HIV/AIDS can be prevented:

Preventive Measures

- A – Avoid unsafe sexual practices
- B – Be faithful
- C – Condom
- D – Don't use / share needles
- E – Educate yourself about HIV/AIDS

Tip! *Effective trainers and facilitators always review. Before proceeding to the next topic, be sure to ask the participants if everything is understood and if anything needs to be clarified. Make sure that you also recapitulate the important points of the module. Another way of checking if the participants have understood the module is to ask them to review the lessons they have learned using their own words.*



PART II.

Assessing Labour Market Opportunities

Country of Destination

The Employer

The Work Place

The Job

Terms and Conditions of Employment

Assessing the Supply of Workers

Competitive Demands of the Market

Global Market Forecasts

Part II: ASSESSING LABOUR MARKET OPPORTUNITIES

Objectives:

By the end of this module, the participants are expected to:

1. Ask the proper questions when assessing which overseas labour markets are viable options for overseas employment;
2. Assess for themselves whether the prospective gains from the jobs they choose abroad offset the risks and challenges they may face;
3. Learn the current labour market opportunities and global employment forecasts and how to access them.

Materials Needed:

- LCD projector and white screen
- Power Point presentation
- Audio-visual material, “Paano ba mangarap?” produced by IOM and POEA, a file is supplied in the enclosed disc
- Sound system
- Internet access and sample employment sites
- Latest bulletin/brief from the POEA and/or other official sources

Preparation:

1. This portion discusses how to appropriately conduct a labour market analysis, for purposes of determining the level of qualification and technical preparedness to work abroad, thereby aiding the decision whether or not to work abroad. This session seeks to correct false hopes raised by advertised job vacancies or employment forecasts which often stir undue expectations. While it remains useful to provide information on job vacancies and employment forecasts, it is extremely important that such information is duly verified as official and current. Without these qualities, there will be risk of misinformation which could

lead to increased vulnerability of jobseekers to illegal recruitment. The trainer must ensure that she/he has access to credible and updated information on job vacancies and employment forecasts. The trainer may access updates from the POEA website or other official sources.

2. As a video presentation is required for this module, ensure that the video file supplied in this manual (see DVD pouch) is compatible with your laptop or video disc player. Test the disc prior to beginning the module.
3. Test the audio level of the video and make sure that it will be audible to all those in the room.

Discussion:

1. Begin the discussion by asking the participants what they think are the primary considerations when deciding on which country to work in if they are contemplating on working overseas. Write their answers on the board; observe patterns in their responses and take note of the common reasons.
2. Explain that crucial to the process of contemplating on overseas employment is careful consideration of the overseas labour market. This means obtaining clear and specific information about the market, including, but not limited to: the country of destination, the employer, the work place, the actual job, terms and conditions of employment, competitive demands of the market including recruitment standards and practices. Proceed with the conduct of a basic labour market analysis that will help them decide which countries should be considered for overseas employment.

Country of Destination

When looking at the country of destination, consider the following:

- Geographic location
- Traditions, customs and local culture
- Ideologies and existing political structure
- Status of its membership in any geopolitical association or international organization, for example, the UN, ASEAN, IOM, ILO, UN WOMEN, and so on
- Diplomatic & trade relations with the Philippines and the rest of the global community
- Security situation
- State of development
- Track record as host to migrants
- Laws on immigration, labour, and justice
- Vulnerability to climate change
- Attitude towards temporary migrants or permanent immigrants; which of the two is more common in this country?
- Response to trafficking of migrants; is it known to be a destination or point of transit for illegal recruitment, trafficking, and/or irregular migration?

The Employer

- Is the employer a juridical personality or natural person?
- In which industry does it belong? What are the services, products?
- Is it a multi-national or national company?

- Will you be working at the home office, headquarters, branch, subsidiary, or sister company?
- Will you be working for the owner? Concessionaire? Lessee? Manager? Contractor? Sub-Contractor?
- Will you be working for a specific project?
- Who will you be reporting to directly? What is his rank? Nationality?
- What is the corporate culture like? What is the prevailing work ethic? Management style?
- Is the employer legally registered and accredited by the POEA? Is it in the POEA watch list/blacklist? Does it have any derogatory record in the POEA or in the country of operations?

The Work Place

- Where is the work place situated? Office? Hospital? Factory floor? Passenger ship? Fishing vessel? Dockyard? Construction site? Project camp? Military installation? Government facility? Farm? Warehouse?
- How will you describe the location of the workplace? Topography? Accessibility from accommodation and basic service facilities?
- What is the state of technology in your work place? Will you be working with automated machines?
- Will you be working with a multi-cultural work force?
- Are there any hazards to occupational safety and health present in the work place?

The Job

- What is the job title? Rank?
- What is the job description? What is the nature of your work? What are the expected outputs?
- What will your reportorial flow be? How are the coordination roles established?
- How is physical mobility within the company's facilities or with clients & project areas arranged?
- What are the technical skills required? Are there any "multi-skilling" requirements?
- What are the required soft skills (negotiation, communication, supervisory, trouble-shooting, coaching, and so on)?
- Are there inherent risks to safety, health, and/or life?

Terms and Conditions of Employment

How will you rate the:

- Wage & non-wage benefits?
- Medical and/or dental benefits?
- Social security?
- Vacation & sick leave credits?
- Standard work hours? Days of work? Overtime pay provisions?
- Grievance machinery?
- Pre-employment provisions: airfare, medical fitness certification?
- Assistance in remittance and repatriation (where necessary)?
- Test offer against Philippine standards?

3. Inform the participants that the initial questions have mainly been about the conditions of work in the prospective country of destination. More than looking at these considerations, point out that it is also important to look at the competitiveness of both the perspective employees and the receiving country. This may be achieved by assessing both the supply and demand aspects of the labour market. Proceed by going through each of the questions below, elaborating on each item further based on your personal knowledge and experience.

Assessing the Supply of Workers

- Do we have ample human resource/skills supply?
- What is the quality? Are skills being certified? Have satisfactory abilities been demonstrated in the past?
- Are there quality controls? What are the existing support programmes for market access?
- Is there an estimated number of workers being supplied in a particular country, industry? Which part of the Philippines serves as the feeder source for a particular host country, industry?
- Is there a brain drain situation? Or a “bandwagon surplus” situation? (An example of the latter was the “caregiver recruitment bandwagon” in the years 2003-2005, owing to the misinformation about the alleged opening of the caregiver market in Japan.)
- Is there an updated skills registry? Labour market information?
- Is there an efficient and professional delivery system when talking about recruitment and mobilization?

Competitive Demands of the Market

Foreign employers are inclined to hire:

- On the basis of value for money; often associated with productivity levels.

- Multi-skilled & knowledge-sharing migrant workers.
 - Workers between the employable age, commonly between 25 and 40 years old.
 - Previously hired workers. This means that if the “re-hire” rate is growing there is preference for seasoned migrant workers.
 - Workers with demonstrated and certified, or trade-tested, skills. Experience is, therefore, a must.
 - Worker who do well on written and practical tests. Applicant, therefore, must demonstrate good “testmanship”.
 - Workers who are physically fit.
 - Workers with specialized and allied work experience, notably proficiency in a particular technology.
 - Workers with a working knowledge of the local language. Knowledge of English is commonly a minimum requirement.
 - Workers with integrity, meaning there is no existing derogatory record.
 - Workers with a high level of technological literacy for specific technologies.
4. Proceed by sharing with the participants the prevailing global conditions that affect the overseas labour market. These conditions will persist for several years and are not as volatile as country, and occupation-specific information. While it is important to give up-to-date information on country and occupation-specific conditions, most of the participants will still most likely be in the decision-making phase and may not necessarily find such information relevant at this stage in their decision-making process. A global market forecast, on the other hand, may persist for a much longer period, and thus, would be more useful for your participants at this point.

Global Market Forecasts

- The impact of globalization will still be felt. There will be the prevalence of shared sources of labour between sending and receiving countries. An increased demand for productivity & cost efficiency, freer trade & people mobility will, therefore, persist.
 - Developed and industrial countries will continue to harbour “ageing societies”. Employment sectors that will cater to such a demographic will remain to be important.
 - Global youth unemployment will continue to rise.
 - The demand for temporary staff provided by employment-services, outsourcing, off-shoring, and online marketplaces will continue to grow.
 - Labour’s overall share of profits, or the share of national income which goes to worker compensation, is getting smaller.
 - *Transformational* (e.g., construction) and *Transactional* jobs (e.g. routine administrative work) will continue to suffer from fierce competition, meaning there will be slim profit margins and low pay. Meanwhile, *Interactional* knowledge work (e.g., consultancy, design, etc) will continue with bright prospect. Those who are performing well in this industry will be well-remunerated.
 - The demand for highly-skilled & multi-tasking personnel, along with technical-vocational skills will remain high. On the other hand, the demand for low-skilled workers will be on the decline.
5. After going through the different questions and factors to be considered when looking for a job overseas, emphasize that it is important for a prospective OFW to match his/her capacity and credentials with the needs of the market. This means reviewing one’s academic/technical credentials, both financial capacity and financial need, psycho-social preparedness, and compliance obligations to Philippine laws.

6. **Video Presentation.** After guiding the participants on how to conduct a basic labour market analysis, proceed by reminding them of the different costs of overseas labour migration, particularly its impact on the family and society. Remind the participants that this should be part and parcel of the decision-making process: to weigh the promised benefits of overseas employment against the attendant risks tied to working overseas. Proceed by playing the video “Paano ba mangarap?” This video presentation will run for 23 minutes.

The film aims to contribute to a holistic understanding of the motivations behind working abroad, including perspectives on social costs and on migration’s impact to community development. It shares a true-to-life story of two communities in the Philippines and illustrates, without making judgment, a value-system observed by an aspiring migrant in confronting the dilemma of working abroad for greener pastures versus leaving the comforts of home. It presents testimonies on the extent of risks and sacrifices OFWs are willing to take, which includes irregular migration, to make overseas employment the path in the fulfilment of their ambition.

VIDEO SHOWING



7. **Processing:** Process the video that was just shown by asking the following questions:

- How did you feel after watching the video?
- What are some of the lessons that you picked up from the video? If there was one lesson you would like to share with your family/friends from this video, what would that lesson be?
- Do you see yourself in any of the personalities shown in the video? Can you situate yourself in any of the circumstances that have been depicted in the video?
- Why is Elmer, at his tender age, so involved and asking so many questions?
- What is Leo's dilemma? What is his motivation for entertaining the idea of working abroad; at the same time, what is the source of his confusion? Will he have a career abroad?
- How are the migrant parents and elders depicted in the film?
- How does the community benefit from migration?
- What risks does Leo face in his plan to be a "tourist worker"? Who may be facilitating his clandestine movement?
- Are the migrants and left-behind families shaping the right decisions to fulfil their dreams?

8. Proceed by sharing hand-outs of the latest Overseas Labour Market Brief, Labour Market Information or similar reports from POEA and other official sources. You may request this information from the POEA or download it from the POEA Official Website (www.poea.gov.ph). You may also attempt to demonstrate how to search online for the websites of the POEA, a reputable recruitment agency, the PhilJob-Net, and others, if you have access to the internet in your session hall. What is important is to ensure that the provision of information on job vacancy

must make reference to the most current and updated information, as even the POEA-approved job orders easily get filled up.

9. Conclude the session by giving these reminders: do not rely on just any source of information on job vacancies. Since Philippine laws define a system of employer accreditation, job order approval and licensing of agencies, it is best to secure only information on POEA-approved job orders, some of which may be advertised by licensed recruitment agencies. Not all the time are press releases to be relied upon as there is the tendency of some media practitioners to exaggerate information or headlines to entice readership or these releases may only be referring to an observed trend, an ongoing negotiation, some hiring plans and the like. Not until job vacancies are verified and approved by the POEA or are officially published by licensed agencies can one rely on them.

Tip! *As you go through each module, it is useful to provide concrete examples for the benefit of your participants. Providing examples is a proven way to make sure that the principles that you are teaching are remembered by your participants. Make sure that you provide examples that are appropriate to your participants' demographics. As much as possible, ensure that your examples are accurate and are not misleading. Real life examples are encouraged. You may also solicit situational examples which the participants themselves can easily identify with.*



PART III.

Illegal Recruitment

Module A The Law on Illegal Recruitment as Amended by Republic Act 10022

Illegal Recruitment Defined

Other Prohibited Acts

“Authority” Defined

“Non-Licensee” Defined

Nature and Characteristics of License or Authority

Ban on Direct-Hiring

Kinds of Illegal Recruitment

Persons Liable for Illegal Recruitment

Penalties

Venue of Action

Prescriptive Period

Cases and Jurisprudence on Illegal Recruitment

Module B Identifying and Avoiding Illegal Recruiters

Who is an illegal recruiter? / Sino ang isang illegal recruiter?

Modus Operandi of Illegal Recruiters

10 Don'ts to Avoid Illegal Recruitment

Guide questions for further discussion

Part III: ILLEGAL RECRUITMENT

MODULE A. **The Law on Illegal Recruitment as Amended by Republic Act 10022**

Objectives:

By the end of this module, the participants are expected to:

1. Be able to understand illegal recruitment through all its operative indicators;
2. Determine the different prohibited acts within the context of illegal recruitment;
3. Have a basic understanding of the law that covers illegal recruitment.

Materials Needed:

- LCD projector and white screen
- Power Point presentation
- White board and marker

Preparation:

1. Illegal recruitment is another delicate topic which persists as long as there are people desperate for jobs and dare to do anything for it. Some of your participants may have prior knowledge of cases and anecdotes involving illegal recruitment. Make sure that you know your material well in order to respond appropriately to the queries.
2. If questions arise to which the answers you are not quite familiar with, do not make up answers. Politely tell the participant that you will take note of the inquiry and you will get back to him/her on the appropriate response. After the module, approach the participant to get his/her contact details and make sure that you get in touch once you know the answer to the question.

Discussion:

1. One way to begin the session is by asking the participants if they know what illegal recruitment is. Continue by asking them if they, or someone they know, have had an encounter with illegal recruitment. If somebody responds in the affirmative, ask them if they can relate the incident and how did they know that it was already something that can be referred to as illegal recruitment. As illegal recruitment often leads to or constitutes trafficking in persons (to be discussed in Part IV), care must be taken in the questions to be asked.
2. Proceed by soliciting the participants' views as to why illegal recruitment and trafficking occurs. It is likely that a mix of the following responses may arise:

- Extreme poverty, with very few options for livelihood or employment;
- Devastation from climate change disaster, environmental hazards, earthquake, fire, ejection of informal dwellers;
- Development-related displacement among indigenous populations;
- Too many graduates of a course with no placement assurance;
- Exposure to potential syndicates especially among hospitality industry workers;
- Business retrenchment that displaces workers;
- Family problems;
- Political conflicts and peace and order problems driving people away from home;
- Lack of education and/or skills;
- Lack or loss of identity documents;
- Media misinformation and premature announcements of job prospects abroad;

- Absence or inaccessibility of public information and service facilities such as Public Service Employment Offices, POEA and DOLE offices;
 - Lack of presence or competence of law enforcement agencies;
 - High unemployment during economic recession;
 - Undue pressure from parents, spouse or other relatives to push one to work abroad;
 - Persistent immigration-restrictive environment in labour-short economies;
 - Lack of knowledge and orientation.
3. Explain to the participants that the Government has taken the matter of illegal recruitment seriously. Evidence of this is the extensiveness of laws that define what illegal recruitment is and which acts can be considered as such. Discuss the definition of illegal recruitment below as defined by Presidential Decree No. 442, The Labor Code of the Philippines and the Republic Act No. 8042 or the Migrant Workers Act of 1995, as amended by RA 10022.

Illegal Recruitment Defined

Republic Act No. 8042, Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022

Section 6. Definition. For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising [mnemonic: CETCHUP CRAP] for employment abroad, whether for profit or not, when undertaken by non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, that any such non-licensee or non-holder who, in any

manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

- a) To charge or accept directly or indirectly any amount greater than the specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay or acknowledge any amount greater than that actually received by him as a loan or advance;
- b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
- c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code, or for the purpose of documenting hired workers with POEA, which include the act of reprocessing workers through a job order that pertains to non-existent work, work different from the actual overseas work, or work with a different employer whether registered or not with the POEA;
- d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
- e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency or who has formed, joined or supported, or has contracted or is supported by any union or workers' organization;
- f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;
- g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

- h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separations from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;
- i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;
- j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;
- k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing rules and regulation;
- l) Failure to actually deploy a contracted worker without valid reason as determined by the Department of Labor and Employment;
- m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault; and
- n) To allow a non-Filipino citizen to head or manage² a licensed recruitment / manning agency.

Other Prohibited Acts

1. Grant a loan to an overseas Filipino worker with interest exceeding eight percent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the migrant worker issue, either personally or through a guarantor or accommodation party, postdated checks in relation to the said loan;
2. Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to avail of a loan only from specifically designated institutions, entities or persons;
3. Refuse to condone or renegotiate a loan incurred by an overseas Filipino worker after the latter's employment contract has been prematurely terminated through no fault of his or her own;
4. Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/ship owner;
5. Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo training, seminar, instruction or schooling of any kind only from specifically designated institutions, entities or persons, except for recommendatory trainings mandated by principals/ship owners where the latter shoulder the cost of such trainings;
6. For a suspended recruitment/manning agency to engage in any kind of recruitment activity including the processing of pending workers' applications; and
7. For a recruitment/manning agency or a foreign principal/employer to pass on to the overseas Filipino worker or deduct from his or her salary the payment of the cost of insurance fees, premium or other insurance related charges, as provided under the compulsory worker's insurance coverage.

Inform the participants that further to the definition of illegal recruitment, the law has also defined “Non-licensee” and “Authority”:

“Authority” Defined

Authority refers to a document issued by the Secretary of Labor and Employment authorizing the officers, personnel, agents or representatives of the licensed recruitment/manning agency to conduct recruitment and placement activities in a place stated in the license or in a specified place. (Sec 1 (b), Rule II, IRR of R.A. 10022)

“Non-Licensee” Defined

Any person, partnership or corporation with no valid license to engage in recruitment and placement of overseas Filipino workers or whose license is revoked, cancelled, terminated, expired or otherwise delisted from the roll of licensed recruitment/manning agencies registered with the POEA. (Sec 1 (cc), Rule II, IRR of R.A. 10022)

Nature and Characteristics of License or Authority

Article 29. Non-transferability of license or authority. No license or authority shall be used, directly or indirectly by any person other than the one in whose favour it was issued or at any place other than stated in the license or authority, nor any such license or authority be transferred, conveyed or assigned to any other person or entity. Any transfer of business address, appointment or designation of any agent or representative including the establishment of additional offices anywhere shall be subject to the prior approval of the Department of Labor. (P.D. 442, Labor Code of the Philippines)

Three (3) requirements before an agent or representative can lawfully engage in recruitment and placement activity :

1. The person or entity whom the agent represents has a valid license or holder of authority;

2. The agent or representative has been duly appointed by the licensee or holder of authority; and
 3. The agent's appointment was previously authorized by the POEA.
3. Moreover, highlight that the Government of the Philippines has also imposed a ban on direct hiring or workers according to Article 18 of the Labor Code. Explain this ban to the participants using the explanation below.

Ban on Direct-Hiring

Article 18. No employer may hire a Filipino worker for overseas employment except through the Board or entities authorized by the Secretary of Labor. Direct hiring by member of the diplomatic corps, international organization and such other employers are may be allowed by the Secretary of Labor is exempted from this provision. (Presidential Decree No. 442, The Labor Code of the Philippines)

Reason for the Ban

A Filipino worker hired directly without government intervention, may not be assured of the best possible terms and conditions of employment. He/She is not in a position to know the real financial condition of the foreign employer and the prevailing terms and conditions of employment in the host country. On the other hand, the Philippine government, through its various diplomatic missions and service attaches abroad has up-to-date and reliable information on the conditions prevailing in foreign countries. As a Filipino worker may be over-eager to find employment abroad, government intervention is necessary to protect him from exploitation by foreign employer.

Inform the participants that, generally, there are three kinds of illegal recruitment. Go through each kind below explaining each item as you go along.

Kinds of Illegal Recruitment

1. **Simple Illegal Recruitment** – Absence of circumstance which will qualify the crime of illegal recruitment as an offense of economic sabotage
2. **Illegal Recruitment Committed in Large Scale** – if it is committed against three (3) or more persons individually or as a group
3. **Illegal Recruitment Committed by a Syndicate** – if it is carried out by a group of three (3) or more persons conspiring and/or confederation with one another

Persons Liable for Illegal Recruitment

1. Principal
 2. Accomplices
 3. Accessories
 4. In case of juridical persons, the officers having ownership, control, management or direction of their business who are responsible for the commission of the offense and the responsible employees /agents.
4. Inform the participants that every illegal action in the Philippines has a corresponding penalty. Explain that since illegal recruitment is considered to be a serious offense in the Philippines, the following penalties apply, as stipulated in Section 6 of R.A. 10022, amending Section 7 of R.A. 8042:

Penalties

Section 7 of R.A. 8042, as amended by Republic Act 10022

1. Simple Illegal Recruitment

- Imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) nor more than Two million pesos (P2,000,000.00).

2. Illegal Recruitment which constitutes economic sabotage:

- a) **Large scale** – if committed against three (3) or more persons individually or as a group.
 - b) **Syndicated** – if carried out by a group of three (3) or more persons conspiring or confederating with one another.
- Life imprisonment and a fine of not less than Two million pesos (P 2,000,000.00) nor more than Five million pesos (P 5,000,000.00) shall be imposed, if illegal recruitment constitutes economic sabotage.

Provided, however, that the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

- Any person found guilty of any of the prohibited acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One million pesos (P1,000,000.00).

Venue of Action

Section 9, R.A. 8042, as amended by R.A. 10022

- Criminal action shall be filed with the RTC of the province or city where the offense was committed; or
- Where the offended party actually resides at the time of the commission of the offense.

Prescriptive Period

Section 12, R.A. 8042, as amended by R.A. 10022

- Simple Illegal recruitment shall prescribe in five (5) years
- Illegal recruitment cases involving economic sabotage shall prescribe in twenty (20) years

5. If the time permits and as the need arises, you may proceed by discussing the following cases involving illegal recruitment that will further explain its nature. Each case sets a precedent on how rulings shall be adopted given a set of circumstances:

Cases and Jurisprudence on Illegal Recruitment

Presumptions on Engaging in Illegal Recruitment

- The Supreme Court in an en banc resolution interpreting the afore-quoted provision, made the pronouncement that the number of person dealt with is not an essential ingredient of the act of recruitment and placement. Any of the acts mentioned in the basic rule will constitute recruitment and placement even if only one prospective worker is involved. The proviso was intended neither to impose a condition on the basic rule nor to provide an exemption thereto but merely lays down a

rule of evidence that an individual or entity is presumed to be engaged in recruitment and placement when he or it, for a fee offers or promises employment to two or more persons. The words “shall be deemed” create that presumption. (People vs. Panis, 142 Supreme Court Reports Annotated (SCRA) 664)

Elements of Illegal Recruitment

- The elements of illegal recruitment are: (1) the offender has no valid licence or authority required by law of lawfully engage in the recruitment and placement of workers; and (2) he undertakes any activity within the meaning of “recruitment and placement” defined under Article 13(b) of the Labor Code. (People vs. Abordo, 588 SCRA 148. Retualo vs. People, 591 SCRA 24)

Money is not an essential ingredient

- For even if at the time appellant was promising employment no cash was given to him, he is still considered as having been engaged in recruitment activities, since Article 13 (b) of the Labor Code states that the act of recruitment may be for profit or not—it suffices that appellant promised or offered employment for a fee to the complaining witnesses to warrant his conviction for illegal recruitment. (People vs. Domingo, 584 SCRA 669)

Good faith and absence of criminal intent are not valid defences

- On the nature of the crime of illegal recruitment, illegal recruitment is an offense made punishable by a special law. It is a crime which is “malum prohibitum” or wrong because it is prohibited and penalized by statute. As such, good faith and absence of criminal intent are not valid defences, and the only inquiry is whether the law has been violated. (People vs. Neri , 14° SCRA 406)

Single witness sufficient to convict

- The testimony of a single prosecution witness in an illegal recruitment case when credible and positive is sufficient to prove beyond reasonable doubt the guilt of the accused. (People vs. Javier, 180 SCRA 830)

Testimony need not be corroborated

- There is no law which requires that the testimony of a single witness has to be corroborated, except where expressly mandated in determining the value and credibility of evidence. Witnesses are to be weighed, not numbered. (People vs. Pabalan, 262 SCRA 574)
- The rule, therefore, that for evidence to be believed, it must not only proceed from the mouth of a credible witness but it must be credible in itself such as the common experience and observation of mankind can prove as probable under the circumstances. (People vs. Pabalan, 218 SCRA 534)

Conviction for other crimes

- Where some other crimes or felonies are committed in the process, conviction under the Labor Code (now R.A. 8042) does not preclude punishment under other statutes.
- An accused of illegal recruitment may be charged and be convicted for violating Article 315 of the Revised Penal Code which provides for one of the modes of committing estafa. (People vs. Calonzo, 262 SCRA 534)

Absence of receipts does not warrant acquittal

- The absence of receipts in a criminal case for illegal recruitment does not warrant the acquittal of the accused and is not fatal to the case of the prosecution. (People vs. Pabalan, 262 SCRA 574)

Number of victims must be alleged

- For the accused to be convicted for illegal recruitment in large scale, the number of victims must be alleged in the information. (People vs. Reyes, G.R. No. 105204, 9 March 1995)

Simple illegal recruitment can be amended to large scale

- Separate information for simple illegal recruitment can be amended to illegal recruitment in large scale. (People vs. Fronda-Baggao, G.R. No. 151785, 10 December 2007)

Four (4) simple illegal recruitment cases can be considered large scale illegal recruitment

- Four separate cases of simple illegal recruitment committed at the same time and at the same place in four separate information filed and tried at the same time is illegal recruitment in large scale. (People vs. Bartolome, G.R. No. 129486)

Referral defined

- “Referral” is the passing along of a worker after an initial interview to any agency or bureau. (People vs. Goce, 247 SCRA 780)

Lack of license or authority renders the activity illegal

- Recruitment for overseas employment is not in itself necessarily immoral or unlawful. It is the lack of necessary license or authority that renders the recruitment activity unlawful or criminal. (People vs. Borromeo, 305 SCRA 180)

Giving false impression to send a worker abroad is illegal recruitment

- There is illegal recruitment when one purports to have the ability to send a worker abroad though without authority or license to do so. (People vs. Villas, 277 SCRA 311)

Affidavits of desistance has no persuasive value

- Generally, the Court attaches no persuasive value to affidavits of desistance, especially when it is executed as an afterthought. It would be a dangerous rule for courts to reject testimonies solemnly taken before the courts of justice simply because witnesses who had given them, later on, changed their mind for one reason or another, for such rule would make solemn trial a mockery and place the investigation of truth at the mercy of unscrupulous witness(es). (People vs. Romero, 224 SCRA 749, cited in PP vs. Buemio)
6. You may end this module by further emphasizing the importance of the campaign that the POEA is doing against illegal recruitment. Highlight that the campaign and drive against illegal recruiters is continuous and unrelenting. Explain that the Government will not be content with bringing to justice a few illegal recruiters who take advantage of the dreams of our countrymen who wish to live a better life. Only when the last of the illegal recruiters has been convicted and punished can the Government rightfully claim that it has fulfilled the constitutional mandate to protect the rights and promote the welfare of workers (People vs. Tan). Explain that while this remains to be the challenge of the Government, efforts are continuously being undertaken to curb illegal recruitment in the country.

MODULE B.

Identifying and Avoiding Illegal Recruiters

Objectives:

By the end of this module, the participants are expected to:

1. Identify who is an illegal recruiter by looking at their actions, behaviour and mode of operations;
2. Learn what the common modus operandi of illegal recruiters are;
3. Know what one should not do in order to avoid being victimized by illegal recruiters.

Materials Needed:

- LCD Projector and White Screen
- Power Point Presentation
- Posters: “Sino ang isang illegal recruiter?”, “10 Don’ts to Avoid Illegal Recruiters”
- Hand-outs: brochures, flyers, pamphlets on illegal recruitment

Preparation:

1. Before beginning this module, mount the POEA-produced posters in different parts of the room or venue. The posters that will be discussed in this module include “Sino ang isang illegal recruiter?” and “10 Don’ts to Avoid Illegal Recruiters”. You may also wish to flash the posters in the white screen using a Power Point presentation.
2. The POEA has also prepared numerous hand-outs in relation to their campaign against illegal recruitment. Prepare these hand-outs for distribution before or after this session. Be prepared to answer any of the questions in relation to these hand-outs should there be any.

Discussion:

1. Begin the session by asking the participants who among them have had an encounter with illegal recruiters. Ask them to describe what an illegal recruiter looks like, how does an illegal recruiter speak, and/or what an illegal recruiter offers. Explain that illegal recruiters can be identified by their actions and promises. POEA has compiled a helpful list on how to identify an illegal recruiter. Go through each of the items below elaborating further based on your experience and that of the participants.

Who is an illegal recruiter? / Sino ang isang illegal recruiter?

Siya yung...

- Agad naniningil ng placement fee o anumang kaukulang bayad pero hindi nagbibigay ng Official Receipt.
- Nangangako ng madaliang pag-alis patungo sa ibang bansa.
- Nagre-require agad ng medical examination o training kahit na wala pang malinaw na employer o kontrata.
- Nakikipag-transaksyon sa mga aplikante sa mga pampublikong lugar at hindi sa opisina ng lisensyadong ahensya.
- Nagre-recruit sa bahay-bahay ng mga aplikante papuntang abroad.
- Hindi nagbibigay ng sapat na impormasyon tungkol sa ina-aplayang trabaho.
- Nagsasabi na may kausap na direct employer sa abroad at ang aplikante ay hindi na kailangan dumaan sa POEA.
- Nangangako na mabilis na mapapa-alis ang aplikante ngunit gamit ay “Tourist o Visit Visa”.
- Walang maipakitang Employment Contract o Working Visa.

- Nagpapakilala na taga-agency ngunit hindi siya nakatala sa POEA.
- Nagpapakilala na konektado sa isang travel agency o training center at nangangako ng trabaho sa ibang bansa.
- Nanghihikayat sa mga aplikante na mangalap ng iba pang aplikante upang kunwari ay mapabilis ang pagpapaalis at mapunan ang pangangailangang dami ng trabaho.
- Hindi nagbibigay o umiiwas na magbigay ng sapat na impormasyon tungkol sa kanyang sarili tulad ng buong pangalan, address, at ibang pagkakakilanlan sa kanya.
- Nangangako na ang mga dokumento ng aplikante ay ipapasok sa POEA para ma-i-process at maikuha ng exit clearance, pero ang dokumentong ibibigay ay mga huwad o peke.
- Nakapagpaalis ng isa o mahigit pang manggagawa na gamit ay tourist o visit visa, at sa ganitong paraan ka niya hihikayatin para mabiktima.

2. Explain that illegal recruiters can pretend to follow any one procedure but actually do not. Inform the participants that over the years, illegal recruiters have become very creative in their pursuit of taking advantage of prospective OFWs. Go over the list below to educate the participants of the different modus operandi being employed by illegal recruiters.

Modus Operandi of Illegal Recruiters

Tourist Scheme

- Workers leave the country as tourists but are actually leaving for employment abroad.
- Often this scheme is resorted to in order to supply manpower requirements of blacklisted and notorious foreign employers.

- At other times, this scheme is used to skirt official procedures through the facilitation of unauthorized persons.

Escort Services

- Workers are “escorted” at the airports and seaports and allowed to leave even without the required travel documents. They may be escorted away from the usual lines of departing passengers going through official immigration counters. The worker may be handed over from one escort to another at different points of the port facilities.

Backdoor Exit

- Workers leave through the ports of exit where immigration control is lax. They are usually transported on board cargo ships or on boats. Some ports in the Visayas and Mindanao serve as exit or transit point in going to nearby countries.

Assumed Identity

- Workers leave under another name or an assumed identity. They obtain passports using birth certificates and other documents belonging to other persons, including deceased persons. Minors and many female domestic workers, especially illiterate ones from Mindanao, are usually victimized through this scheme. Illegal recruiters and traffickers prey on the situation where many poor job-seekers have no legal identity as their births were not registered. Non-registration of deaths also contribute to the use of the names of deceased persons in the issuance of fake identify documents.

Student-Worker Scheme

- Workers are recruited and deployed as students under a traineeship program for hotels, hospitals and other business establishments abroad, but eventually land jobs in the host country, without appropriate work permits and under exploitative and/or sub-standard conditions.

- This scheme is adopted to dispense with the usual stringent requirements attendant to legal labour migration. Most of those victimized under this scheme are young people, students about to graduate or who just graduated. As a result, the worker is short-changed of the benefits due to him or her.

Reprocessing, or “repro”, through tie-ups

- Unlicensed recruiters working with licensed agencies to recruit workers. Workers’ documents are processed using the job order of a licensed agency for non-existent work, work different from the job order approved by POEA, or work with a different employer, whether registered or not with the POEA.

Visa Assistance or Immigration Consultancy Scheme

- Entities operating under the guise of consultancy or offering services for visa facilitation are often actually engaged in recruitment and offering placement abroad on immigrant visa. Some also operate through the conduct of orientation seminars which have actually the essential characteristics of recruitment activities.

Irregular Direct Hiring

- Workers are recruited allegedly through direct hiring by the foreign employer without passing through the POEA processing system and deployed either as tourists or through other entry visa schemes.

Non-Visa Country

- Workers are enticed to work in countries that do not require visas, particularly within the ASEAN region. Illegal recruiters skip the official channels by taking advantage of this no visa requirement of some countries. Although a working visa may be issued upon reaching the jobsite, the employment conditions are inferior and exploitative and/or sub-standard as the documents have not passed through the standards of POEA.

Camouflaged Participants / Representatives in Seminars / Sports Events

- Workers are presented as participants in seminars, sports events, entourage in concerts abroad but actually intend to work in the host country.

Mail Order Bride

- Marriage is arranged by brokers between Filipino women and foreigners. The Filipino wife ends up as a domestic helper to her husband and his family under exploitative conditions.

Blind Ads

- Advertisements for overseas employment published in the dailies do not indicate the name of the recruiter but provides a P.O. box to which applications may be submitted. In the past, P.O. box addresses were usually leased by illegal recruiters using fictitious names in order to avoid prosecution. This practice may still be happening in the remote areas or may recur even in the cities.

By Correspondence

- Interested applicants are encouraged to submit the requirements for application through mail together with a seemingly minimal fee.

Internet Scam

- Advertisement and recruitment of workers for overseas employment through the internet which are meant to defraud, traffic or smuggle workers.
- Various internet users have complained of having been victimized by bogus websites that require applicants to immediately remit money for intended visa, airfare and processing fees.

- Sending appointment letters to applicant workers and asking them to send money to travel agencies to arrange their travel requirements.
 - Use of mobile phone or email as a means to contact the alleged employer/agent (scammer) without giving any landline number, or if there is one, it cannot be contacted.
 - Designation of unauthorized third parties or agents, and in some cases alleged immigration officers, to process their work permit applications and visas.
 - Use of scanned recruitment documents such as special power of attorney, recruitment agreement, manpower request, and business or registration papers.
 - Giving fake websites that purportedly contain employer's information and other details which are expectedly incorrect.
3. Highlight that the modus operandi presented are not exhaustive and that the only way to truly be protected from illegal recruiters is to transact only with agencies licensed by the POEA in their authorized place of business or through their authorized special recruitment activity or job fair. Inform the participants that they may check the POEA Official Website to know if the agency they are dealing with is licensed or not (www.poea.gov.ph). Using this website, they may also check if the job order that they are expected to fill is valid or not.
 4. Emphasize that people who are interested in working abroad need to be proactive in ensuring their own safety and welfare while searching for overseas employment. They need to be mindful of their own responsibilities such as knowing what the official requirements are when applying, and knowing which channels and modes of recruitment are considered legal. Further to the information so far provided, explain that the POEA has produced another helpful list that aims to protect prospective OFWs. This list involves ten things that they should not do to avoid illegal recruitment.

10 Don'ts to Avoid Illegal Recruitment

1. Don't apply at agencies or entities not licensed by the POEA, such as consultancy firms, training centres, travel agencies and foundations that promise jobs abroad.
2. Don't deal with licensed agencies without approved job orders.
3. Don't transact with any person who is not an authorized representative of a licensed agency.
4. Don't transact business outside the registered address of the agency. If recruitment is conducted in the province or through jobs fairs, check if the agency has a Special Recruitment Authority (SRA) or Jobs Fair Authority issued by POEA, or ask the local Public Employment Service Office (PESO).
5. Don't pay more than the allowed maximum placement fee. It should not be more than one month salary only. No placement fee for household service workers, seafarers and workers going to countries which prohibit the charging of such fee. However, the applicants shall shoulder the documentation costs such as passport, pre-employment medical exam, trade test, etc.
6. Don't pay placement fee unless you have signed an employment contract. Always demand for an official receipt reflecting the actual amount paid.
7. Don't be fooled by attractive job offers through the internet that require applicants to immediately remit payment for intended visa, airfare and processing costs, which should be shouldered by the employer
8. Don't be enticed by ads or brochures requiring you to reply to a post office (P.O.) box and to enclose payment for application forms and processing of papers.
9. Don't accept overseas jobs using a tourist or visit visa.
10. Don't deal with fixers.

5. End the session by facilitating an open forum among the participants. This forum is intended to let the participants realize for themselves why illegal recruitment is never a right option and always a risky one. Proceed under the premise that a number of victims of illegal recruitment become such willingly in order for them to achieve their dream of obtaining overseas employment, escaping the legal facilities as they are unable to submit the documentary requirements. Using the guide questions below, it is hoped that the participants will be persuaded to use only the legal channels when facilitating their search for overseas employment.

Guide questions for further discussion:

- Do you think there are those who willingly engage illegal recruiters to gain employment abroad? Why do you think they willingly employ the services of illegal recruiters?
- What do you think are the dangers of being recruited illegally?
- Yes or no: illegal recruiters will never victimize anyone close to them?
- If someone close to you offered you a job overseas but through illegal channels, will you accept it? Why or why not?
- What advice would you give someone who you know is willing to employ the services of an illegal recruiter?

Tip! No matter how tense or controversial a particular topic may be, trainers and facilitators should always be respectful of the participants. Never criticize anyone from the group or even people who are not present. Do not lecture excessively. Do not interrupt someone who is speaking. Do not rush.



PART IV.

Understanding Trafficking in Persons

Trafficking: How serious is the problem?

More UNODC Observations on Trafficking

Definition of Trafficking in Persons

Acts of Trafficking in Persons

Acts that Promote Trafficking in Persons

Qualified Trafficking

Violation of Confidentiality

Use of Trafficked Persons

“Vulnerability” Defined

“Forced Labour” Defined

“Child Trafficking” Defined

Case Filing: Against Who?

Case Filing: When?

Who Can File Cases?

Where to File?

Other Salient Features

Penalties

Other Related Laws

Programs and Services for Victims of Trafficking

Guide questions for further discussion

Part IV. UNDERSTANDING TRAFFICKING IN PERSONS

Objectives:

By the end of this module, the participants are expected to:

1. Have an awareness of the state of global trafficking;
2. Understand what trafficking in persons is;
3. Be aware of the legal recourse against people charged with trafficking.

Materials Needed:

- LCD Projector and White Screen
- Power Point Presentation

Preparation:

1. Trafficking in persons is a sensitive matter. Ensure that appropriate language and proper attitude among the participants and yourself are observed when talking about trafficking. This may be done by preparing and knowing the subject matter really well. Avoid inappropriate language and examples when discussing trafficking in persons.

Discussion:

1. Explain that trafficking is a serious problem not only in Asia but all over the world. To illustrate, show them some of the figures concerning trafficking below.

Trafficking: How serious is the problem?

- According to estimates by the UN Global Initiative to Fight Human Trafficking (UN GIFT), nearly 2.5 million people are in forced labour (including sexual exploitation) at any given time as a result of trafficking.¹
- Between 2007 and 2010, victims of 136 different nationalities were detected in 118 countries across the world, and most countries were affected by several trafficking flows. Approximately 460 different trafficking flows were identified between 2007 and 2010.²
- Trafficking for the purpose of sexual exploitation accounts for 58 per cent of all trafficking cases detected globally, while trafficking for forced labour accounts for 36 per cent. The share of detected cases of trafficking for forced labour has doubled over the past four years. Victims trafficked for begging account for about 1.5 per cent of the victims detected globally. Trafficking for the removal of organs has been detected in 16 countries in all regions of the world.³
- The number of convictions for trafficking in persons is in general very low. Notably, of the 132 countries covered, 16 per cent did not record a single conviction between 2007 and 2010. Trafficking is tied with illegal arms trade and considered as the 2nd largest criminal activity next to illegal drugs trade.⁴

¹International Labour Organization, *Forced Labour Statistics Factsheet (2007)*.

²United Nations Office on Drug and Crime, *Global Report on Trafficking in Persons (2012)*.

³*Ibid.*

⁴*Ibid.*

More UNODC Observations on Trafficking

- Women account for 55-60 per cent of all trafficking victims detected globally; women and girls together account for about 75 per cent.
- Twenty-seven per cent of all victims detected globally are children. Of every three child victims, two are girls and one is a boy.
- In general, traffickers tend to be adult males and nationals of the country in which they operate, but more women and foreign nationals are involved in trafficking in persons than in most other crimes.
- Women traffickers are often involved in the trafficking of girls and tend to be used for low-ranking activities that have a higher risk of detection.
- Trafficking for sexual exploitation is more common in Europe, Central Asia and the Americas. Trafficking for forced labour is more frequently detected in Africa and the Middle East, as well as in South and East Asia and the Pacific.
- Between 2007 and 2010, almost half of victims detected worldwide were trafficked across borders within their region of origin. Some 24 per cent were trafficked interregionally (i.e. to a different region).
- The Middle East is the region reporting the greatest proportion of victims trafficked from other regions (70 per cent). Victims from the largest number of origin countries were detected in Western and Central Europe.
- The trafficking flow originating in East Asia remains the most prominent transnational flow globally. East Asian victims were detected in large numbers in many countries worldwide.
- One hundred and thirty-four countries and territories worldwide have criminalized trafficking by means of a specific offence in line with the Trafficking in Persons Protocol.

2. Proceed by giving the definition of trafficking in persons according to Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2003.

Definition of Trafficking in Persons

The recruitment, transport, transfer or harbouring, or receipt of persons with or without consent or knowledge, within or across national borders, by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of the person having control over another person for the purpose of exploitation or the prostitution of others or other forms of sexual exploitation, forced labour, or services, slavery, servitude or the removal or sale of organs.

3. Ask the participants if they have any idea of how traffickers undertake their work. Further elaborate on the definition by explaining the different acts that may be considered as trafficking in persons. You may use the examples given below or provide some of your own.

Acts of Trafficking in Persons

- To recruit, transport, transfer, harbour, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage exploitation.
- Introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under R.A. 6955 (or the Act to declare unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail order basis and other similar practices), any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage

in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage.

- To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or trading them to engage in prostitution, pornography, sexual exploitation, forced labour or slavery, involuntary servitude or debt bondage.
- Undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation.
- Maintain or hire a person to engage in prostitution or pornography.
- Adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage.
- Recruit, hire, adopt, transport or abduct a person by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person.
- Recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Acts that Promote Trafficking in Persons

- Knowingly lease or sub-lease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons.
- Produce, print and issue or distribute un-issued, tampered or fake counselling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons.

- Advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet of any brochure, flyer or any propaganda materials that promote trafficking in persons.
- Assist in the conduct of misrepresentation or fraud for the purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons.
- Facilitate, assist entry or exit of persons at the airports, seaports and territorial boundaries.
- Confiscate, conceal, destroy passport and other travel documents of trafficked persons.
- Knowingly benefit from, financial or otherwise, the labour or services of a trafficked person.

Qualified Trafficking

- When the trafficked person is a child.
- Adoption is effected through RA 8043 for the purpose of trafficking.
- When crime is committed by a syndicate or in large scale.
- When the offender is an ascendant, parent, sibling, guardian, or a person who exercises authority over a trafficked person or when offense is committed by a public officer or employee.
- When the trafficked person is recruited to engage in prostitution with any member of the military.
- When the offender is a member of the military or law enforcement agencies.

- When the trafficked person dies, becomes insane, suffers mutilation or is afflicted with HIV/AIDS.

Violation of Confidentiality

- The name and personal circumstances of the trafficked persons or of the accused or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.
- In cases when prosecution or trial is conducted behind closed doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer or director of a film in case of movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons.

Use of Trafficked Persons

- R.A. 9208 punishes any person who buys or engages services of a trafficked person for prostitution

4. Inform the participants that since trafficking is such a multi-faceted and multi-dimensional crime, it may be committed through different acts, by different means and through different purposes. Clarify that any of these may be committed through any of the items indicated in the table below.

Trafficking Acts, Means and Purpose

Acts	Means	Exploitative Purposes
<ul style="list-style-type: none"> • Recruitment • Transportation • Transfer • Harboring • Receipt of person; with or without the victim's consent or knowledge 	<ul style="list-style-type: none"> • Threat or Force or Coercion • Abduction • Fraud or Deception • Abuse of power or position • Taking advantage of vulnerability • Giving or receiving of payments or benefits to achieve consent of person having control over another person 	<ul style="list-style-type: none"> • Prostitution or other forms of sexual exploitation • Forced labour or services • Slavery • Servitude • Removal or sale of organs

5. You may proceed by elaborating on the definition of certain concepts and terms that are crucial in understanding the nature of human trafficking. Some of these include vulnerability, forced labour, and child trafficking.

“Vulnerability” Defined

- “Any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.” (UNODC)
- Some conditions/factors: minority, gender, poverty, social and cultural exclusion, access to education, war and conflict, demand, and so on
- “A condition resulting from how individuals negatively experience the complex interaction of social cultural, economic, political and environmental factors that create the context for their communities.” (UNODC)

“Forced Labour” Defined

- As defined by R.A. 9208, forced labour refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

Indicators of forced labour

- Physical violence including sexual violence
- Restriction of freedom of movements
- Threats
- Denial of basic needs such as food, sleep or rest
- Debt or other forms of debt bondage
- Withholding of wage or non-payment thereof
- Retention of identity/ travel documents

“Child Trafficking” Defined

- According to R.A. 9208, child trafficking involves the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall also be considered as trafficking in persons even if it does not involve any of the means set forth in the law.
- Further, child refers to a person below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself/herself from abuse, exploitation, or discrimination because of a physical or mental disability or condition.

6. Tell the participants that the Government has put in place a comprehensive set of laws to ensure that parties engaged in trafficking in persons be put under the rule of justice.

Case Filing: Against Who?

- Any person, natural or juridical, who commits any offence under R.A. 9208 may be punished for trafficking acts.
- If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime, or who shall have knowingly permitted or failed to prevent its commission.

Case Filing: When?

- Cases for trafficking acts can be filed up to 10 years after they are committed.
- If trafficking is committed by a syndicate or on a large scale, cases can be filed up to 20 years after the act.
- The “prescriptive period” is counted from the day the trafficked person is delivered or released from the condition of bondage.

Who Can File Cases?

- The trafficked person;
- The trafficked person’s:
 - o Parents
 - o Spouse
 - o Siblings
 - o Children
 - o Legal guardian
- Anyone who has personal knowledge of the commission of an offense under RA 9208

Where to File?

The case can be filed where:

- The offense was committed;
- Any of its element occurred; or
- The trafficked person actually resides at the time of the commission of the offense.

Other Salient Features

- Confidentiality for victim and accused all through out investigation and trial
- Exemption from payment of filing fees in institution of a separate civil action
- Institution & implementation of programs by the government thru DSWD, DOLE, DOJ, NCRFW, BI, PNP, POEA, DILG, LGUs
- Legal protection to trafficked persons—trafficked persons considered as victims and shall not be penalized for crimes directly related to the acts of trafficking or in obedience to the order made by the trafficker.
- Preferential entitlement to the Witness Protection Program
- Confiscation and forfeiture of the proceeds and instruments derived from trafficking in persons:
 - o shall be ordered by the court;
 - o shall accrue to a trust fund to be administered and managed by the council.

7. Explain that each act considered as constituting trafficking has a corresponding penalty. The penalties for such acts have been stipulated under R.A. 9208.

Penalties

Act	Penalty
Acts of Trafficking in Persons (Sec. 4)	20 years imprisonment and a fine of P1 to 2 million
Qualified Trafficking in Persons (Sec. 6)	Life imprisonment and a fine of P2 to 5 million
Acts that Promote Trafficking in Persons (Sec. 5)	15 years imprisonment and a fine of P500,000 to 1 million
Violation of confidentiality	6 years imprisonment and a fine of P 500,000 to 1 million
Use of trafficked Persons (Sec. 11)	1st offense: 6 months community service and a fine of P50,000 subsequent offenses: 1 year imprisonment and a fine of P100,000

8. Share with the participants other laws in effect in the Philippines that provide protection against trafficking.

Other Related Laws

- Special Protection of Filipino Children against Abuse Exploitation and Discrimination (RA 6710)
- Migrant Workers and Overseas Filipino Act (RA 8042 as amended)
- Mail Order Bride Law (RA 6955)
- Inter-county Adoption Act of 1995 (RA 8043)
- Philippine Passport Act of 1996 (RA 8239)
- Organ Donation Act of 1991 (RA 7170)
- Anti-Violence Against Women and Their Children Act of 2004 (RA 9262)

9. Explain that more than prosecuting the suspects engaged in trafficking, support for victims of trafficking may be carried out in other ways.

Programs and Services for Victims of Trafficking

- Emergency Shelter or Appropriate Housing
- Counselling
- Legal Assistance under RA 8042
- Medical and Psychological Services
- Livelihood and Skills Training
- Educational Assistance to Trafficked Children
- Repatriation of Trafficked Persons
- All forms of assistance necessary regardless of immigration status in the host country

10. Conclude the session by engaging the participants in a brief discussion using the suggested questions below.

Guide questions for further discussion:

- Do you think human trafficking exists in your community? How?
- How will you describe human trafficking to someone who is hearing about it for the first time?
- What economic and social conditions in the country do you think promotes human trafficking?
- What factors increase the vulnerability of people to trafficking? How may these be averted?
- According to reports in the Philippines, from January 2010 to March 2011, there have been 26 convictions involving 28

traffickers; this number serves as an increase from the 47 convictions involving 51 traffickers from the years 2003 to 2011. Is this a good sign or a bad sign?

- What can you encourage people to do in order to prevent human trafficking?

***Tip!** When discussing sensitive issues such as trafficking, it is important to set people at ease. Do not put people on the spot to share information that they may not be comfortable in sharing, or they may regret sharing later. Avoid building false expectations of confidentiality.*



PART V.

Understanding Irregular Migration

Case Studies

Why do people end up in an irregular migration status?

Philippine Situationer

Who are the migrants in irregular situations?

The Dangers of Irregular Migration

Irregular Migration & Illegal Recruitment

Irregular Migration & Trafficking in Persons

Framework in Addressing Irregular Migration

Three Pillars of Philippine Foreign Policy

Addressing Irregular Migration: The Challenges

What Needs to be Done by Origin Countries

What Needs to be Done by Destination Countries

Core Message of Migrant Counsellors

Part V. UNDERSTANDING IRREGULAR MIGRATION

Objectives:

By the end of this presentation, the participants are expected to:

1. Understand what it means for a migrant to be in an irregular situation;
2. Be aware of the risks and challenges faced by migrants in irregular situations;
3. Differentiate irregular migration from illegal recruitment and trafficking in persons;
4. Learn about the different responses in addressing irregular migration.

Materials Needed:

- LCD Projector and White Screen
- Power Point Presentation
- Sound system
- Audio-visual material “Ikaw, handa ka na ba?” produced by ILO and POEA, a file is supplied in the enclosed disc

Preparation:

1. As a video presentation is required for this module, ensure that the video file supplied in this manual (see enclosed DVD) is compatible with your laptop or video disc player. Test the disc prior to beginning the module.
2. Test the audio level of the video and make sure that it will be audible to all those in the room.

Discussion:

1. Begin the session by narrating one or both of the following scenarios to your audience. Engage them in a brief discussion about their thoughts on the situation. This could also be an opportunity to gather how much your audience knows about the subject. Feel free to use the suggested questions to elicit responses.

Case Studies**Scenario #1: Liezel**

Liezel is a 26-year old BS Nursing graduate from the province. She has taken the board exam three times and has failed all of them. She has high hopes of landing a job abroad but could not do so unless she passes the exam. She is then referred by her auntie to a recruitment agency that promises to send graduates who have failed the exam to Canada as nurses in small hospitals.

What do you think will happen to Liezel?

Do you think Liezel would end up as a nurse in Canada?

Scenario #2: Jennifer

Jennifer is a pretty HRM graduate from Manila. She responded to an ad from a newspaper promising of a job at a hotel in Singapore. After submitting very minimal requirements to the recruitment agency, she is then provided by the recruitment agency a passport with her own picture but bears a different name.

What do you think will happen to Jennifer?

Do you think Jennifer would really get a job in a hotel in Singapore?

2. Proceed by explaining that Liezel and Jennifer may end up as migrants in irregular situations. Explain to the participants that irregular migration refers to migration that occurs outside the rules and procedures guiding the orderly international movement of people. Emphasize that people involved in irregular migration are referred to as migrants in an irregular situation or migrants in an illegal situation; people should refrain from calling them “illegal migrants”, “illegal aliens”, or “illegal immigrants”.

- Continue to engage the participants in a brief discussion by asking them why they think people migrate irregularly? Some of their responses may include some of the items below (point out that the first two reasons involve migrants being misled or fooled into irregular situations; while the next three are intentionally committed by the migrant.)

Why do people end up in an irregular migration status?

- Victims of trafficking, human smuggling or illegal recruitment
- Lack of information
- Engaged the facilitation of unauthorized agents due to urgency of a hiring opportunity
- Perceived saving on costs
- Willing and daring to hurdle restrictions to market entry against all odds

- Explain that irregular migration is an increasingly common and troubling phenomenon. To illustrate, share some of the figures below with them.

Philippine Situationer

- 2011: An estimate of 1,074,972 or 10% of the stock number of overseas Filipinos of million are in an irregular situation

Top 10 Hosts to Irregular Filipino Migrants

1. Malaysia	447,590	6. United Kingdom	25,000
2. United States of America	260,335	7. Saudi Arabia	20,000
3. Singapore	49,400	8. United Arab Emirates	19,760
4. France	41,415	9. Syria	13,600
5. Italy	34,820	10. Qatar	13,000

5. Explain that there are different ways in which a migrant may be placed in an irregular situation, this may happen to frontier workers who are tempted to work outside the borders of their designated countries of employment; to runaway migrants who try to flee abusive employers; to migrants who “overstay”, meaning they stayed beyond their allowable period of stay in the host country; or to migrants who enter the host country under spousal arrangements but are under a sham marriage. Explain that migrants in any of the following situations may be considered as migrants in irregular situations.

Who are the migrants in irregular situations?

Those who...

- Obtained employment without appropriate visa and work permit;
- Overstayed beyond expiry date of visa;
- Ran away from employers to escape abuses & got employed with another employer without attending to legal visa sponsorship requirements;
- Lured to work abroad by a former irregular migrant who used an illegal route to reach the host country and ended up in a regular status through amnesty & regularization program;
- Are willing to take risks to migrate for work under any immigration status;
- Willingly cooperate with illegal recruiters to obtain employment abroad;
- Ran away to escape wars and conflicts, ending up in another territory without proper documents;
- Neglect to attend to obtaining legal documents when such documents are lost, expired or found spurious;
- Were illegally recruited and/or trafficked for forced labour and/or sexual exploitation.

6. Ask the participants what they think may happen to a migrant in an irregular situation. Explain that irregular migration is highly discouraged because of the following risks and dangers inherent to using irregular channels when migrating.

The Dangers of Irregular Migration

- Vulnerability to abuse and exploitation
- Basic social services are sometimes withheld
- Imprisonment
- Deportation
- Marginalization
- Restricted mobility
- Inability to transact legally such as remitting earnings through bank channels
- Cannot move on to better employment engagements

7. During the discussion, questions may arise as to how irregular migration is different from illegal recruitment and/or trafficking in persons. Explain that both illegal recruitment and trafficking in persons lead to irregular migration status. To elaborate further, discuss the relationship of irregular migration to the two concepts using the points below.

Irregular Migration & Illegal Recruitment

- Irregular migration may occur without illegal recruitment as in cases previously cited.
- An irregular migrant engaging the services of an illegal recruiter to obtain employment and becomes satisfied is not likely to complain, despite exorbitant fees.
- Consent is more readily established in many cases involving irregular migration

Irregular Migration & Trafficking in Persons

- An irregular migrant is not necessarily trafficked for forced labour, prostitution or sale of organs.
- A trafficked or illegally recruited person often ends up in irregular status.
- Consent is irrelevant in establishing trafficking in persons while consent can be present in irregular migration.

8. Explain that just like illegal recruitment and trafficking in persons, the Government takes the problem of irregular migration seriously. It is important for the participants to also derive a basic understanding of the framework in the handling of irregular migrants in the Philippines. What this emphasizes is that the rights of migrants are a core factor in determining the service response to their situation, whether they are regular or irregular and that there are many parties who are stakeholders in their plight, including NGOs, civil society and the media which often vigilant in making representations for them.

Further, it is important to note that attribution can be made to the success or failure of the development programme of migrant source country like the Philippines to the plight of migrants. If their desperate movement had come about from poverty and other forced situations (such as trafficking, a no-other-option situation), it provides an indication of the need for development interventions. Proceed by explaining the approach of the Government when tackling irregular migration.

Framework in Addressing Irregular Migration

- **Rights-based approach** – basic human & labour rights to information, mobility, employment, safety, health, state protection for fair labour practices, access to justice system, voice in public policy, and so on
- **Multi-sector participation** – migrant, family, government, industry, employers, NGOs, civil society, and so on
- **Mainstreaming migration in development** – individual, household, community, national, regional

9. It is important to also share with the participants that migration is managed by the country's Foreign Service as it is included in the Department of Foreign Affairs' three pillars of foreign policy.

Three Pillars of Philippine Foreign Policy

1. National Security
2. Economic Diplomacy
3. Protection and Promotion of the Welfare of Filipinos Abroad

This means that issues surrounding the conditions of Overseas Filipinos, regular or irregular, have significant bearing to concerns on political/national security, economic relations and labour relations between the Philippines and the host countries. The execution of Flor Contemplacion in 1995 is a classic example of how the case of one individual OFW can lead to a national crisis and a temporary dent on bilateral relations.

10. Inform the participants addressing irregular migration continues to be a challenge due to the multiplicity of factors aggravating the situation.

Addressing Irregular Migration: The Challenges

- Irregular migrants' (IM) immigration status, lack of record as to their identity and whereabouts make them vulnerable.
- A significant number of IM consented into their situation.
- Some countries playing host to IMs are immigration-restrictive regimes suffering labour shortages.
- Some host countries are unable to address recruitment malpractices & abuses against migrants in the workplace.
- Some host countries show a checkered history of tolerance-crackdown-amnesty-regularization.
- Facilitation for irregular migration undertaken by informal brokers including nationals/former IMs themselves from source countries already abroad.
- Prolonged official ban on people movement tend to build backdoor channels.
- Some irregular migrants work productively, feel happy & contented, subsequently regularized and their experiences become an example to future IMs.
- Irregular migration is often being confused with illegal recruitment & trafficking.

11. Nevertheless, it is important to highlight that the fight against irregular migration continues. Explain that the Government, in partnership with local partners and their counterparts abroad are working together to make sure that prospective migrants are encouraged to make use of legal channels when they are going abroad.

What Needs to be Done by Origin Countries

- Values formation reorientation
- Include irregular migration module in pre-employment & pre-departure seminars
- Information campaign and awareness-building
- Strengthen labour market information system
- Strengthen migration counselling services of PESOs, NGOs, academe, local government
- Provide alternative employment, livelihood, skills training
- Arrest illegal recruitment and trafficking in persons activities

What Needs to be Done by Destination Countries

- Police the facilitation market/arrest illegal recruitment
- Conclude bilateral agreements with implementing guidelines promoting legal migration schemes, defining responses against employer abuses to migrants
- Review deployment bans & work out terms of lifting bilaterally agreed upon

12. Explain that the following are the core messages intended for prospective migrants during counselling sessions.

Core Message of Migrant Counsellors

- Vulnerability is worse among irregular migrants.
- Facilitators of irregular migration among overseas Filipinos are committing illegal recruitment under Philippine law.
- Legal options must be exhausted, including amnesty and regularization, voluntary OWWA membership, and so on.

- Rights come with responsibility.
- Sense of career and vocation is suppressed by irregular migrant status

13. **Video Showing.** To conclude this session, play the video presentation “Ikaw, handa ka na ba?” While this 20-minute video is intended for household workers, its lessons may be applicable when discussing the dangers of irregular migration. While it aims to provide practical information for Filipino job seekers looking for employment as domestic helpers abroad, it also intends to inform the public of the perils of illegal recruitment and human trafficking. Experiences of women victims of human trafficking are captured via on-camera testimonies and dramatization to re-enact their ordeals.

VIDEO SHOWING:



IKAW, HANDA KA NA BA?

Tip! Before closing each module, highlight the significant lessons and areas of discussion. Thank the participants for their time and participation. Solicit more questions if there are any. If time permits and if the facilities allow, give time for the distribution and answering of evaluation forms.



ANNEXES

- Annex I** **Mandate of the Philippine Overseas
Employment Administration**

- Annex II** **A Brief History of Labour Migration in the
Philippines & the Overseas Employment Program**

- Annex III** **The Role of Public Employment Service Office
in the Overseas Employment Program**

- Annex IV** **Sample PEOS Programmes**

- Annex V** **Working Abroad: A Preparation Checklist**

- Annex VI** **POEA Directory**

Annex I. MANDATE OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION

Salient Points

- Regulate private sector participation in the recruitment and placement of workers by setting up a licensing and registration system
- Formulate and implement a system for promoting and monitoring the overseas employment of OFWs taking into consideration their welfare and the domestic manpower requirements
- Regulate and manage overseas employment from the pre-employment stage, securing the best possible employment terms and conditions for OFWs
- Set minimum employment standards and educate migrant workers of their rights and provide mechanism to redress violations of such rights
- Implement anti-illegal recruitment and anti-trafficking in persons programs and strategies, in partnership with local government units, law enforcement agencies, non-government organizations, academe, faith-based/ professional groups, among others
- Provide Comprehensive Pre-Employment Orientation Seminars (PEOS) that will discuss topics such as prevention of illegal recruitment and gender-sensitivity
- Pursue vigorously bilateral agreement with receiving countries for better protection and welfare of OFWs

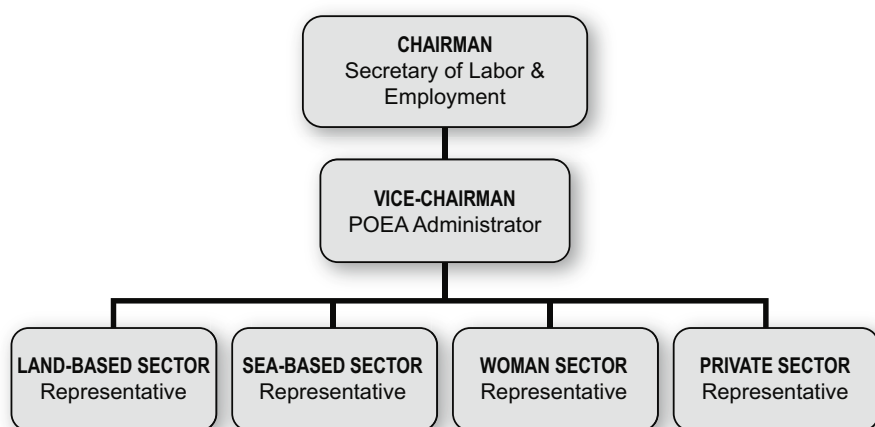
Vision

Excellence in governance for world-class Filipino migrant workers

Mission

POEA connects to the world, and in partnership with all stakeholders, facilitates the generation and preservation of decent jobs for Filipino migrant workers, promotes their protection and advocates their smooth reintegration into Philippine society.

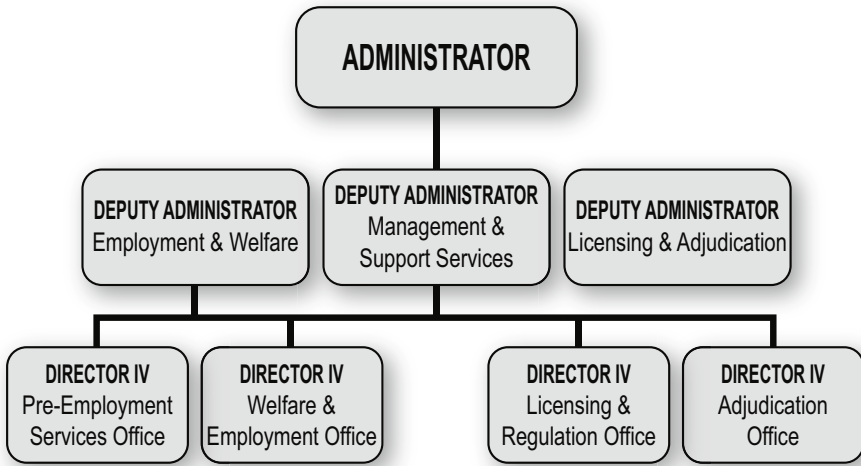
POEA Governing Board



Policy-making body of the POEA

- Secretary of Labor and Employment as Chair
- POEA Administrator as Vice-Chair
- Tripartite body with
 - o private recruitment sector
 - o women sector
 - o land-based sector
 - o sea-based sector

POEA Directorate



- Implements the policies approved by the Board
- The Administrator heads the body
- 3 Deputy Administrators (Employment and Welfare, Licensing and Adjudication, and Management & Support Services)
- 4 Office Directors (Pre-Employment Services, Licensing and Regulation, Adjudication, and Welfare and Employment)

POEA Clientele

- Overseas Filipino Workers (OFWs)
- Licensed Recruitment and Manning Agencies
- Foreign Employers/Principals
- Applicant–Workers/Would-be Applicant Workers
- Others : NGOs, Media, General Public

POEA Offices

Licensing and Regulation Office

- Licensing of agencies
- Evaluation and monitoring of advertisements for overseas jobs
- Issuance of Special Recruitment Authority (SRA) and Letter of Acknowledgement (LOA)
- Assistance to victims of illegal recruitment
- Surveillance and entrapment of illegal recruiters
- Closure of establishments engaged in illegal recruitment activities
- Assistance in prosecution of illegal recruitment cases
- Airport assistance to OFWs
- Alternative dispute settlement through conciliation and mediation
- Pre-employment orientation seminar

Pre-Employment Services Office

- Accreditation of principals
- Verification / approval of job orders
- Processing of employment contracts
- Issuance of exit permits/ Overseas Employment Certificates (OEC)
- Development of employment standards and wage guidelines
- Market research and promotion

Welfare and Employment Office

- Manpower registry
- In-house placement / government placement (SRO-MOH, EPS-Korea, JPEPA, Special Hiring for Taiwan)
- Jobs Skills mapping
- Jobs Fairs

Adjudication Office

- Adjudication of cases
- Legal research
- Watch listing of erring OFWs and employers
- Repatriation assistance

Excerpts from the POEA Rules and Regulations

Sec. 6. Jurisdiction of the POEA

The POEA shall exercise original and exclusive jurisdiction to hear and decide:

- a. all pre-employment/recruitment violation cases which are administrative in character, involving or arising out of violations of Rules and Regulations relating to licensing and registration, including refund of fees collected from the workers or violation of the conditions for issuance of license or authority to recruit workers; and
- b. disciplinary action cases and other special cases, which are administrative in character, involving employers, principals, contracting partners and OFWs processed by the POEA.

Sec. 7. Venue

Pre-employment/recruitment violation cases may be filed with the POEA Adjudication Office or at any DOLE/POEA regional office of the place where the complainant applied or was recruited, at the option of the complainant. The office where the complaint was first filed shall take cognizance of the case.

Disciplinary action cases and other special cases shall be filed with the POEA Adjudication Office.

Sec. 8. Who may file

Any aggrieved person may file a complaint in writing and under oath for violation of the Labor Code and the POEA Rules and Regulations and other issuances. For this purpose, an aggrieved person is one who is prejudiced by the commission of a violation or any of the grounds for disciplinary actions provided in the POEA Rules and Regulations.

However, the Administration, on its own initiative, may conduct proceedings based on reports of violations or any of the grounds for disciplinary actions provided in the POEA Rules and Regulations and other issuances on overseas employment, subject to preliminary evaluation.

Sec. 9. Prescriptive Period

All pre-employment/recruitment violation and disciplinary action cases shall be barred if not commenced or filed with the Administration within three (3) years after such cause of action accrued.

Sec. 10. Imposition of Administrative Penalty

For pre-employment/recruitment violation cases, the Administrator, in the exercise of adjudicatory power, may impose the penalty of reprimand, suspension, or cancellation or revocation of license.

Where the penalty of suspension is imposed, the Administrator shall, in appropriate cases, allow the lifting of suspension of erring recruitment/manning agencies upon the payment of fine of Fifty Thousand Pesos (Php50,000.00) for every month of suspension.

For disciplinary action cases against employers, the Administrator may impose disqualification from the overseas employment program. For disciplinary action cases against workers, the Administrator may likewise impose suspension or disqualification.

Annex II. A BRIEF HISTORY OF LABOUR MIGRATION IN THE PHILIPPINES & THE OVERSEAS EMPLOYMENT PROGRAM

A Brief History

- First Wave of Labour Migration – 1920s
 - o agricultural workers to United States (Hawaii Plantations)
 - o settlement migration
- Second Wave of Labour Migration – 1950s to 1960s
 - o contract migration on a small and informal scale
 - o outflow of professionals and non-professionals to US and neighboring Asian countries
- Third Wave of Labour Migration – 1960s to 1970s
 - o 1960s – active and systematic migration for temporary work in construction and service related jobs (Pacific and South East Asia)
 - o 1970s – exodus to blue collar jobs in the Middle East

Evolution of Policy

- 1970s – Overseas Employment Program was formally launched (Labor Code of the Philippines, 1974)
 - o A stop gap strategy or palliative to a recessionary economy confronted with high unemployment rate, tight balance of payment, and slow overall development process.
- 1980s – Creation of Philippine Overseas Employment Administration (Executive order No. 797, May 1, 1982)
- 1990s – Overseas Employment viewed as socio-economic phenomenon

- o Legitimate option available to Filipinos
- o Labour migration management paradigm
- o Renewed accent on welfare protection (Flor Contemplacion / Maricris Sioson cases)
- o RA 8042 or Migrant Workers and Overseas Filipinos Act of 1995
- 2000s - Reinforced regulatory functions of POEA
 - o Improving the standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress
 - o The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders and other similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare.

Laws on Overseas Employment

Presidential Decree No. 442 (November 1, 1974)	Labor Code of the Philippines, as Amended
Executive Order No. 797 (May 1, 1982)	Original Law Creating POEA
Executive Order No. 247 (December 8, 1987)	Reorganization and Strengthening of POEA Functions
Republic Act 8042 (June 7, 1995)	Migrant Workers and Overseas Filipinos Act
Republic Act 9422 (April 10, 2007)	Strengthening the Regulatory Functions of POEA
Republic Act 10022 (March 8, 2010)	Further Improving the Standard of Protection and promotion of the Welfare of Migrant Workers

Overseas Employment Policies

Below are the salient points of Republic Act 8042, also known as the Migrant Workers Act of 1995, as amended by RA 10022:

- A. Uphold the dignity of its citizens, particularly the Filipino migrant workers (Sec. 1(a), Rule I, IRR)
- B. Provide adequate and timely social, economic and legal services (Sec. 1(b), Rule I, IRR)
- C. Apply gender sensitive criteria in the formulation and implementation of policies and programs (Sec. 1(d), Rule I, IRR)
- D. Protect and safeguard adequately all Filipino migrant workers whether regular/documented or irregular/undocumented (Sec. 1(e), Rule I, IRR);
- E. Participate in the democratic decision-making and be represented in the institutions (Sec. 1(f), Rule I, IRR)
- F. Deploy only skilled Filipino workers (Sec. 1(g), Rule I, IRR)
- G. Cooperate with NGOs, trade unions, workers associations, stakeholders as partners in the protection and promotion of welfare of migrant workers (Sec. 1(h), Rule I, IRR)
- H. Allow the deployment only in countries where the rights of migrant workers are protected (Sec. 1, Rule III, IRR)
- I. Render free government fees and other administrative costs of recruitment, introduction, placement, and assistance to migrant workers (Sec. 4, Rule XVII, IRR)

Annex III. THE ROLE OF PUBLIC EMPLOYMENT SERVICE OFFICE IN THE OVERSEAS EMPLOYMENT PROGRAM

Functions of the PESO

RA 8759, PESO Act	DO7, Series of 2000
<ul style="list-style-type: none"> • FACILITATE the exchange of labour market information • DEVELOP and ADMINISTER testing and evaluation for job selection, training and counselling • PROVIDE persons with entrepreneurship qualities access • UNDERTAKE employability enhancement trainings/seminar • PROVIDE counselling • CONDUCT pre-employment counselling/orientation • PROVIDE reintegration assistance services to returning OFWs 	<ul style="list-style-type: none"> • Provide REFERRAL and PLACEMENT services • REFER jobseekers • INSTITUTE MEASURES that recruitment and placement are in accordance with law • CONDUCT pre-employment counselling/orientation • CONDUCT orientation and training to jobseekers on rules and regulations on anti-illegal recruitment • PROVIDE reintegration assistance services to returning OFWs

RA 8759 (PESO Act) and DO 7, Series of 2000

- Provide REFERRAL and PLACEMENT service/ REFER Jobseekers
 - o Jobs Fair
 - o Extent of Referral Service
- Institute MEASURES that recruitment and placement are in accordance with law.
 - o Special Recruitment Authority (SRA)

- Granted to an agency to conduct recruitment outside its registered business address
- Valid only within the date(s) and period(s) specified, unless extended, modified or revoked
- Exemptions:
 - = If agencies are invited by the PESO in jobs fair / other recruitment activities
 - = If recruitment will be conducted in PESO
- o Letter of Authority/Acknowledgement (LOA)
 - Granted to employer / principal of agency who will participate in the recruitment activities
 - In lieu of work permit
- Supervise recruitment activities conducted by recruitment agencies outside its registered office

Important Policies

- Direct hiring of Filipino workers for overseas employment by foreign principals or employers is strictly prohibited.
- The authority of the foreign principals or employers to engage in recruitment activities is inseparable from the license of the recruitment agency.
- The presence of licensed recruitment agencies is required whenever principals or employers engage in recruitment activities whether inside or outside the agency's registered office.

RA 8759 (PESO Act) & DO 7, Series of 2000

- Conduct pre-employment counselling and orientations
 - o Information Dissemination

- o Display of information & education materials in conspicuous places
- o Organize Pre-Employment Orientation Seminars
- o CONDUCT orientation and training to jobseekers on the rules and regulations on anti-illegal recruitment
- o Organize AIR-TIP Campaign Seminars
- o Illegal Recruitment and Trafficking Complaint Help Desk and Referral System
- o PROVIDE reintegration assistance services to returning OFWs
- o National Reintegration Center for OFWs (NRCO)

ROLE OF LGUs UNDER R.A. 10022

RULE XII

Section 1. Role in Anti-Illegal and the Overseas Employment Program.

In the fight against illegal recruitment, the local government units (LGUs) and the Department of the Interior and Local Government (DILG), in partnership with the POEA, other concerned government agencies, and non-government organizations advocating the rights and welfare of OFWs, shall take a proactive stance by being primarily responsible for the dissemination of information to their constituents on all aspects of overseas employment. To carry out this task, the following shall be undertaken by the LGUs:

- a) Launch an aggressive campaign against illegal recruitment. They shall provide legal assistance to victims of illegal recruitment and, when necessary, coordinate with appropriate government agencies regarding the arrest and/or prosecution of illegal recruiters. They shall report any illegal recruitment activity to the POEA for appropriate action;
- b) Provide a venue for the POEA, other government agencies, NGOs, and trained LGU personnel to conduct Pre-Employment Orientation Seminars (PEOS) to their constituents on a regular basis;
- c) Establish OFW help desks or kiosks in their localities with the objective of providing current information to their constituents on all the processes

and aspects of overseas employment. Such desks or kiosks shall, as far as practicable, be fully computerized and shall be linked to the database of all concerned government agencies, particularly the POEA for its updated lists of overseas job orders and licensed agencies in good standing; and

- d) Establish and maintain a database pertaining to a master list of OFWs residing in their respective localities, classified according to occupation, job category, civil status, gender, by country or state of destination, including visa classification, name, address, and contact number of the employer.

Illegal Recruitment-Free LGUs Campaign

Assumptions

- Alarming incidence of illegal recruitment in the National Capital Region and key provinces/cities/ municipalities, particularly in the countryside
- Due to limited resources, POEA recognizes the need to enter into partnerships with LGUs, other government agencies and NGOs to bring programs and services to the grassroots level.

Objectives

- Expand the network of POEA in its campaign against illegal recruitment at the grassroots level;
- Strengthen the institutions that provide support through continuing technical assistance such as training, information materials, resource persons, etc.;
- Sustain LGU participation in the campaign through mechanisms that will motivate partners such as recognition and awards, semi-annual consultative meetings, periodic reporting and evaluation.

Implementing Strategies

- Forging of formal Memorandum of Understanding (MOU) with LGU executives, NGOs, faith-based groups, civic organizations, and other private entities

- Continued conduct of capability enhancement trainings for PESO Managers and Pre-Employment Orientation Seminar (PEOS) at the local levels to:
 - o help increase the awareness of prospective overseas workers on the physical, emotional, social and financial demands of overseas employment; and
 - o empower them to make intelligent and well-thought of decisions.
- Dissemination of information against illegal recruitment such as posters, brochures, audio-visuals, etc.
- Incentives and rewards system
- Sustained monitoring and evaluation'

Added Roles in the Partnership

- Assist in documenting the complaints, preparing the affidavits for illegal recruitment victims and shall refer the same to POEA's Legal Assistance Division, Anti-Illegal Recruitment Branch, or to any appropriate law enforcement agencies.
- Establish strong linkages with other law enforcement agencies for coordination and referral of illegal recruitment and other related cases, such as the Philippine National Police-Criminal Investigation Detection Group (PNP-CIDG), National Bureau of Investigation (NBI), and the Department of Justice (DOJ).

Annex IV. SAMPLE PEOS PROGRAMMES

PEOS Programme for the General Public

TOPIC ALLOTMENT	TIME DESCRIPTION	CONTENT
Program Orientation	10 minutes	Brief on the over-all picture of the Overseas Employment Program Why PEOS? Seminar House Rules
Part I Modules A and B	45 minutes	Value and process-based discussion on the realities of working abroad The LIPAD Framework Challenges, Risks and Motivations in Working Abroad
Part I Modules C, D, E, and/or F	60 minutes	Legal Modes of Recruitment and Mobilization of Filipino Migrant Workers Abroad Standard Employment Contract for OFWs The OFW Code of Discipline HIV/AIDS
Part II	30 minutes	Assessing Labour Market Opportunities
Part III, IV, and/or V	45 minutes	Understanding Illegal Recruitment Understanding Trafficking in Persons Understanding Irregular Migration
Session Recap, Evaluation, Distribution of PEOS Certificate of Attendance		

PEOS Programme for the Vulnerable Skills

TOPIC	OBJECTIVES	CONTENT	METHODOLOGY	TIME
Overview of the program	<p>To set the minds of the participants on what to expect from the seminar.</p> <p>To orient the participants on the flow of the seminar as well as the activities to be undertaken throughout the three-hour orientation.</p>	<p>Objectives</p> <p>Activities and Expectations</p>	Mini lecture	10 minutes
Handa Ka Ba?	To enhance the awareness of prospective OFWs on the harsh realities of overseas employment	<p>A 23-minute AVP showing the sad stories and experiences of household workers, their ordeals of abuses and maltreatment.</p> <p>Testimonials on the harsh realities of the market particularly on the vulnerable groups that would cover the social, emotional, cultural and legal difficulties, among others.</p>	<p>Video presentation</p> <p>Testimonial</p> <p>Panel discussion</p> <p>Open forum</p>	1 hour and 30 minutes

Annex V. WORKING ABROAD: A PREPARATION CHECKLIST

	FILIPINO	ENGLISH
	Working Abroad: A Preparation Checklist	Working Abroad: A Preparation Checklist
	<p>Upang maging maayos ang paghahanda sa pagtatrabaho sa ibang bansa, sundin ang mga sumusunod na paalala at pagsikapang tuparin ang mga hakbang at dokumentong nakalahad sa checklist na ito. Para sa karagdagang impormasyon, tumawag sa POEA: (02) 722-1144/55 o bumisita sa www.poea.gov.ph</p>	<p>Are you looking into overseas employment? Follow these steps to help you ensure that you are on your way to a safe and legal employment abroad. For more information, please call POEA at (02) 722-1144 / 55 or visit www.poea.gov.ph</p>
1	<p>Dumalo sa:</p> <ul style="list-style-type: none"> • Pre-Employment Orientation Seminar (PEOS) na lib्रेng ibinigay ng DOLE, POEA, PESO at ng mga partner NGOs • Overseas employment counseling sessions na ginaganap sa iba't ibang kolehiyo at sa mga munisipyo 	<p>Participate in:</p> <ul style="list-style-type: none"> • Pre-Employment Orientation Seminars (PEOS). The PEOS is conducted for free by DOLE, POEA, PESO and other partner NGOs • Overseas employment counseling sessions held in different colleges and offices of local government units
2	<p>Magtanong at humingi ng payo sa pamilya, kamag-anak, o kaibigan na may sapat na kaalaman sa pangingibang-bayan</p>	<p>Ask for advice on working abroad from family members and friends especially those who have overseas employment experience.</p>
3	<p>Tiyakin na may sapat na pera na magagamit sa paglalakad ng mga papeles</p>	<p>Make sure you have enough money to process all your documents and papers.</p>

	FILIPINO	ENGLISH
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4	<p>Gumawa ng bio-data o résumé na may detalye ng nakaraan at kasalukuyang trabaho, edukasyon at training, kasama ang mga certifications.</p> <p>Dokumentong kailangan: Résumé</p>	<p>Prepare your bio-data or résumé which indicates your past and present work experience, education and training, and applicable certifications.</p> <p>Required documents: Résumé</p>
5	<p>Ihanda ang mga orihinal na kopya ng mga sumusunod:</p> <ul style="list-style-type: none"> • Passport • NBI Clearance • Birth certificate • High school/college diploma • Certificates of employment • Transcript of records • Technical/Vocational (TechVoc) course certificates • Board certificate (if applicable) • Advanced education certificates • Marriage certificate • 2x2 Pictures 	<p>Obtain original copies of the following:</p> <ul style="list-style-type: none"> • Passport • NBI Clearance • Birth certificate • High school/college diploma • Certificates of employment • Transcript of records • Technical/Vocational (TechVoc) course certificates • Board certificate (if applicable) • Advanced education certificates • Marriage certificate • 2x2 Pictures
6	<p>Bisitahin ang website ng POEA (www.poea.gov.ph) o tumungo sa pinakamalapit nitong tanggapan upang:</p> <ul style="list-style-type: none"> • Makakuha ng tamang impormasyon hinggil sa proseso ng pagpaparehistro at mga kailangang dokumento • Malaman ang mga trabahong maaaring aplayan 	<p>Visit POEA's website (www.poea.gov.ph) or go to their nearest office in order to:</p> <ul style="list-style-type: none"> • Obtain correct and latest information on registration procedures and other necessary documents • Learn about jobs you may apply for

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7	<p>Maghanap ng job vacancies sa pamamagitan ng mga:</p> <ul style="list-style-type: none"> • Classified ads sa mga dyaryo • Anunsyo mula sa munisipyo o Public Employment Service Office (PESO), opisina ng DOLE o licensed recruitment agencies • Website (ng POEA at ng mga licensed recruitment agencies) • Public service announcements sa telebisyon o radio <p>Dokumentong kailangan: Job advertisements at listahan ng mga vacancies at qualifications</p>	<p>Search for job vacancies through:</p> <ul style="list-style-type: none"> • Classified ads in newspapers • Announcements from your local government units, Public Employment Service Office (PESO), DOLE office or licensed recruitment agencies • Website (of POEA and/or licensed recruitment agencies) • Public service announcements in TV or radio <p>You need: Job advertisements and list of vacancies and qualifications</p>
8	<p>I-verify sa POEA, sa pamamagitan ng telepono o website, kung:</p> <ul style="list-style-type: none"> • Accredited ang employer • Licensed ang recruitment agency (hindi dapat suspendido o kanselado ang lisensya) • Approved ang job order 	<p>Verify with POEA, either through phone or their website, if:</p> <ul style="list-style-type: none"> • Employer is accredited • Recruitment agency is licensed (license should not be suspended nor cancelled) • Job order is approved
9	<p>Mag-apply sa alin man sa mga sumusunod kung nakakatiyak na sa uri ng trabahong nais pasukin:</p> <ul style="list-style-type: none"> • Licensed recruitment agency • POEA Home Office – Manpower Registry Division 	<p>Submit your application to any of the following once you have determined the job you want to apply for:</p> <ul style="list-style-type: none"> • Licensed recruitment agency • POEA Home Office – Manpower Registry Division

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	<ul style="list-style-type: none"> • POEA Regional o Provincial Office <p>Maaari din mag-apply sa POEA o sa mga licensed recruitment agencies sa pamamagitan ng internet o on-line application.</p>	<ul style="list-style-type: none"> • POEA Regional o Provincial Office <p>You may submit your application on-line to POEA or any licensed recruitment agency</p>
10	<p>Dumalo sa mga briefing at screening procedures na magbibigay liwanag sa mga susunod:</p> <ul style="list-style-type: none"> • Application procedures • Foreign employer/company • Country or place of work 	<p>Attend briefing and/or screening sessions to learn more about:</p> <ul style="list-style-type: none"> • Application procedures • Foreign employer/company • Country or place of work
11	<p>Sumailalim sa mga pagsusulit na itinakda, tulad ng:</p> <ul style="list-style-type: none"> • Qualifying Exam • Practical Exam • Interview 	<p>Take the required tests such as:</p> <ul style="list-style-type: none"> • Qualifying Exam • Practical Exam • Interview
12	<p>I-submit ang lahat ng mga dokumento diretso sa POEA o sa licensed recruitment agency kung saan nakita ang vacancy notice.</p>	<p>Submit all the required documents directly to POEA or the licensed recruitment agency where you are applying</p>
13	<p>Sumailalim sa medical exam kung natanggap sa in-applyan na trabaho. Kabilang ang mga sumusunod sa basic medical exam:</p> <ul style="list-style-type: none"> • Urinalysis • Stool analysis • Blood pressure test • Vision test • Blood chemistry test • Chest X-ray • General physical exam 	<p>Undergo a medical examination if your job application is accepted. A basic medical exam may include:</p> <ul style="list-style-type: none"> • Urinalysis • Stool analysis • Blood pressure test • Vision test • Blood chemistry test • Chest X-ray • General physical exam

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	<p>Madalas pinapakuha ng electrocardiogram (ECG) test ang mga nasa edad 40 pataas. Naghahanap ang mga kumpanya sa mga piling bansa ng mga test para sa hepatitis, HIV/AIDS, at iba pa.</p> <p>Dokumentong kailangan: Medical certificate</p>	<p>Applicants who are 40 years old and above may be required to take an electrocardiogram (ECG) test. Some companies and countries require tests for hepatitis, and HIV/AIDS, among others.</p> <p>Required documents: Medical certificate</p>
14	<p>Kumuha ng Trade Test sa isang TESDA-accredited testing center, kung kinakailangan.</p> <p>Dokumentong kailangan: Trade test certificate</p>	<p>Obtain a trade test certificate from a TESDA-accredited testing center, if necessary.</p> <p>Required document: Trade test certificate</p>
15	<p>Pumirma ng Employment Contract kung malinaw na sa iyo at sang-ayon ka sa mga mga nilalaman nito.</p> <p>Dokumentong kailangan: Employment contract</p>	<p>Sign the employment contract if everything is clear and you agree with all the provisions.</p> <p>Required document: Employment contract</p>
16	<p>Maybagayad ng nakatakdang Placement Fee, kung kinakailangan. Humingi ng kaukulang resibo base sa aktwal na halagang ibinayad.</p> <p>Dokumentong kailangan: Official receipt</p>	<p>Pay the placement fee, if required. Demand for an official receipt based on the actual amount paid.</p> <p>Required document: Official receipt</p>
17	<p>Mag-fill out ng Visa Application Form at i-submit ang Pasaporte para sa Visa Processing. Siguraduhin na mayroong nararapat ng Work Visa o</p>	<p>Fill-out the visa application form and submit your passport for visa processing to the embassy of the country where you are to work. Ensure that you will obtain</p>

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	<p>katumbas na visa equivalent.</p> <p>Dokumentong kailangan: Passport with Visa stamp</p>	<p>the appropriate work visa or visa equivalent.</p> <p>Required document: Passport with visa stamp</p>
18	<p>Dumalo sa Pre-Departure Orientation Seminar (PDOS) sa OWWA o sa recruitment agency at sa iba pang accredited service provider.</p> <p>Dokumentong kailangan: PDOS Certificate</p>	<p>Attend the Pre-Departure Orientation Seminar (PDOS) given by OWWA or the licensed recruitment agency, or other accredited service providers.</p> <p>Required document: PDOS Certificate</p>
19	<p>Tiyakin na hawak ang mga importanteng dokumento bago umalis patungo sa bansang pagtatrabahuhan. Mag-iwan ng mga kopya sa iyong pamilya.</p> <p>Dokumentong kailangan:</p> <ul style="list-style-type: none"> • Overseas Employment Certificate (OEC) • Passport with Visa • Employment Contract • PDOS Certificate • Plane Ticket • Certificate of Coverage for Mandatory Insurance 	<p>Gather all your important application and travel documents. Leave copies of the documents with your family.</p> <p>Copies of the following are needed:</p> <ul style="list-style-type: none"> • Overseas employment certificate (OEC) • Passport with visa • Employment contract • PDOS certificate • Plane ticket • Certificate of coverage for mandatory insurance
20	<p>Kunin at isulat ang mahahalagang impormasyon tungkol sa mga tao o ahensya na maaaring makatulong sa iyo abroad:</p> <ul style="list-style-type: none"> • Foreign Employer 	<p>Acquire all the information about people and agencies that can assist you abroad in times of distress:</p> <ul style="list-style-type: none"> • Foreign Employer

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	<ul style="list-style-type: none"> • Recruitment Agency • Philippine Embassy • Labor Attaché • Welfare Officer • NGOs • Mga kamag-anak • Mga kaibigan sa trabaho • Filipino Workers Resource Center <p>Kabilang sa impormasyong kukunin ang office address, telephone number, mobile number e-mail address, at iba pa.</p>	<ul style="list-style-type: none"> • Recruitment Agency • Philippine Embassy • Labor Attaché • Welfare Officer • NGOs • Mga kamag-anak • Mga kaibigan sa trabaho • Filipino Workers Resource Center <p>The information should include the names, office address, telephone number, mobile number, e-mail address, and others.</p>
21	<p>Ihanda ang bagahe at mga gamit na dadalhin kabilang ang mga:</p> <ul style="list-style-type: none"> • Damit na akma sa klima ng bansang pupuntahan • Sapat na pocket money • Medisina at medical prescription certificate • Cellphone na roaming capable at may sapat na load • Emergency medical information (kabilang ang blood type, allergies, special sicknesses, persons to contact in case of emergence, at iba pa) <p>Pagdating sa airport, huwag tumanggap ng kahit anong</p>	<p>Prepare your luggage and all the other items you need to bring, days before your departure:</p> <ul style="list-style-type: none"> • Clothes that match the climate of your destination country • Enough pocket money • Medicines and prescriptions • Roaming-capable mobile phone and with call and text credits • Emergency medical information (including blood type, allergies, special sicknesses, persons to contact in case of emergencies, etc.) <p>At the airport, do not accept packages from strangers. Never</p>

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	<p>padala mula sa kung sino-sino. Huwag din iiwan basta-basta ang mga maleta upang makaiwas sa iba't ibang modus ng smugglers at iba pang masasamang loob.</p> <p>Hinanda ang checklist na ito sa pagtutulongan ng Philippine Overseas Employment Administration (POEA) at International Organization for Migration (IOM). Ito ay inimprenta sa ilalim ng Joint Programme Alternatives to Migration: Decent Jobs for Filipino Youth sa tulong ng Government of Spain sa pamamagitan ng MDG Achievement Fund (MDG-F).</p>	<p>leave your luggage unattended to avoid being scammed.</p> <p>This checklist was prepared by the Philippine Overseas Employment Administration (POEA) and the International Organization for Migration (IOM). It was printed under the Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth with the assistance of the Government of Spain through the MDG Achievement Fund (MDG-F).</p>

Annex VI. POEA DIRECTORY

National Capital Region

POEA Home Office

EDSA corner Ortigas Avenue, Mandaluyong City

(02) 722-1144

(02) 722-1155

www.poea.gov.ph

Luzon

POEA Regional Center for Luzon

2nd Floor, LZK-Zambrano Building, Quezon Avenue

City of San Fernando, La Union

(072) 242-5608 (telefax)

(072) 700-4236

poea_rcl@yahoo.com.ph

POEA Satellite Office – Region II

13 Dalan na Pagayayya

Regional Government Center

Tuguegarao City

(078) 844-3076 (telefax)

poea_so2@yahoo.com

POEA Regional Ext. Unit-CAR

Benitez Court Compound

Magsaysay Avenue, Baguio City

(074) 445-4209 (telefax)

(074) 442-9478

poea_reu_car@yahoo.com

POEA Satellite Office – Region III

One-stop Clark Processing for OFW

Claro M. Recto, Clark, Angeles City, Pampanga

(045) 893 4152

poea_region3@yahoo.com

POEA Satellite Office – Region IV

No. 4 Penthouse, Hectan Commercial Center
Chipeco Avenue, Barangay Halang Calamba City
(049) 834-7974 (telefax)
(049) 502-2798
poea_calamba@yahoo.com

POEA Satellite Office No. V

3rd Floor, ANST Building
Washington Drive, Legaspi City
(052) 480-0144
poealegaspi@yahoo.com

Visayas**POEA Regional Center for Visayas**

Ground Floor, DOLE-RO7 Building A
General Maxilom Avenue corner Gorordo Avenue
Cebu City
(032) 412-0040/42
poea7@yahoo.com

POEA Regional Ext. Unit – Region VI

2nd Floor, S. C. Divinagracia Building
Quezon Street, Iloilo City
(033) 336-8611
poea_iloilo@yahoo.com

POEA Satellite Office

2nd Floor, Old City Hall
Araneta-Luzuriaga Street, Bacolod City
(034) 434-7391 (telefax)
poea.bacolod@yahoo.com

POEA Satellite Office

DOLE Compound, Trece Martirez, Tacloban City
(053) 321-7134 (telefax)
poea_tacloban08@yahoo.com

Mindanao

POEA Regional Center for Mindanao

2nd Floor, AMYA II Building
Quimpo Boulevard corner Tulip Drive
Ecoland, Davao City
(082) 297-7429 (telefax)
(082) 297-7428, (082) 297-7650
poearcm@yahoo.com

POEA Regional Ext. Unit – Region IX

Unit 3, Doña Pura Building, Metrogate Corp.
Veterans Avenue, Zamboanga City
(062) 992-5523
poea_zam@yahoo.com

POEA Regional Ext. Unit – Region X

Ground Floor Trinidad Building
Corrales Avenue, Cagayan de Oro City
(08822) 724-824 (telefax)
(08822) 729-465
poea_reu10@yahoo.com

Satellite Office- CARAGA

Door 2, Nimfa Tiu Building II
JP Rosales Avenue
Butuan City
(085) 342-6178/7584
(085) 225-5989

POEA Satellite Office – Tawi-Tawi

Initiative for Tawi-Tawi Area Development Foundation Bldg.
Old Housing Project, Tubig Boh
Bongao, Tawi Tawi
(0906) 341-6142

This disc contains the following tools to aid the users of this manual:

- Audio-visual materials
- Power Point presentations

This disc has been formatted for use on a personal computer. Video files can be played on the standard media player installed on your computer.

About The MDG Achievement Fund

MDG Achievement Fund (MDG-F) supports innovative programs and policies at the country level for the replication and scaling up of models that should help accelerate the achievement of the Millennium Development Goals.

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