

RP Gov't Policy on Direct Hiring: An Assault on Migrant Workers' Jobs



A threat to jobs. A tool for further exploitation.

This is the gist of the position paper released by The Mission For Migrant Workers on the new Philippine government policy on direct hiring of Filipino migrant workers.

According to the Mission, the POEA Memorandum Circular No. 4, or the Guidelines on Direct Hiring of Filipino Workers, will pose a serious threat to job opportunities for Filipinos abroad as its provisions will only prove impractical, unnecessary and inconvenient to employers aiming to directly hire Filipino domestic workers.

The additional requirements imposed, it further states, will surely make longer the processing of work contracts. As such, there is high possibility that the provisions will inhibit employers from hiring Filipino workers.

In these times of great need, it is a disservice to a Filipino migrant to be denied of an opportunity to work and sustain the survival of their families. Many migrant workers now are complaining of their situation especially with their low wages and the impacts of the dollar slide to their remittances.

Allowing erring recruitment agencies

The Mission likewise believes that the said guidelines will only further the abuse and exploitation of Filipino workers by unscrupulous recruitment agencies.

The institution has reported receiving numerous cases of abuses by unscrupulous employers and recruitment agencies. The biggest number of these cases is overcharging. Unscrupulous recruitment agencies extort money from OFWs that are way above the legal limit. Under Philippine laws, overcharging is classified as illegal recruitment and is a criminal offense.

Unfortunately, even with the POEA MC-04, overcharging is not effectively addressed but will remain if not worsened.

We never had an experience where recruitment agencies voluntarily provides assistance to OFWs. Instead, they are actually the first to brush

off employment problems of OFWs either by telling abused OFWs to stay put and contend with treatment of employers or, if the contract is pre-terminated and a case against the employer is evident, take the distressed OFW straight to the airport that denies them the chance to seek justice and compensation.

One in the Clamor

The Mission is one with the clamor to scrap the new POEA MC-04. It stands by with genuine and sufficient services and protection for Filipino migrant workers.

The Mission firmly believes that the POEA MC-04 will not work for such ends.

MC-04 Indefinitely Suspended

The Philippine Government recently suspended the Memorandum Circular No. 04, reasoning further deliberation of the said policy.

While we in the Mission welcome this development, a sure victory for OFWs who have resisted it through and through, we remain one with them in the ongoing campaign until the said circular has been revoked.

Migrant Workers Stand Ground against UTC/ Guardforce Macau Ltd.

It is not only in Hong Kong we see migrant workers asserting their rights. We can see them now standing up in Macau.

Recently, 90 migrant workers, majority of which are Filipinos, lodged a complaint against the UTC/ Guardforce Macau Ltd. on the issue of non-payment of day-off and other benefits.

According to the workers, most of them have been working with the said company for more than ten years yet they will only be compensated with long service payment based on the six-month period indicated in their new contract that the management wants the workers to sign.

Last January 21, 2008, 35 of these migrant workers held a press conference and then met with the Macau Labor Affairs Bureau (LAB) to reiterate their demand for a speedy resolution of their case.

Earlier, on September 11, 2007, the 88 overseas Filipino workers and two Burmese workers of UTC/ Guardforce have submitted their complaint to the LAB. Apparently, the resolution of the case is taking really slow as the Macau Labor Law itself, according to LAB, does not cover migrant workers and that long service payment is actually based on the last contract that migrant workers signed.


Despite this, the workers pushed forward with their demands.

This has brought Macau Legislator Anthony Ng Kouk Cheong to assist them and even help them in organizing both the press conference and the meeting with the LAB. The Mission For Migrant Workers and the Asia Pacific Mission for Migrants were there too to assist the workers.

For the past four months, the ninety workers have experienced different forms of harassment from the management to divide the aggrieved workers. The management tried to put them on a stand-by status or transfer them to another post. The workers remain adamant.

One of the clients of UTC/Guardforce, however, stood its ground in support of the security guards and forced the company to retain the workers assigned to their respective posts. Should the UTC not oblige to the demand, the company will not renew its contract with UTC. The company was forced to give in.

The workers attested that they have been asserting their rights to the management and have gained a few concessions. However, it is still a long struggle for them.

Presently, they are in the process of formalizing their association which will include not only migrant workers but locals as well. All these years, they said, it was on their collective strength they relied on in changing their situation. This is something they wish to continue doing. 



WORKERS ASSERT RIGHTS. *Members of the Guardforce brought their issues to the fore as they relayed their situation and their demands in Macau. They are currently advancing their right to a union and is in the process of formalizing their association. Just as well, the right to just wages and other benefits are being negotiated with their respective companies. There has been recent engagement with the Macau Labor Affairs Bureau.*

MACAU Updates

According to TDM news aired on 21st January 2008, the Macao Executive Council has finished the discussion on the new foreign workers' bill where employers are likely to pay a special hiring fee. It will also include a clause where the punishment for hiring illegal worker will increase from 2 years to 3 years and the offender will have to pay 2000 to 10,000 patacas. The bill will also add a regulation allowing the authority to terminate the hiring of foreign workers by local business anytime shall the economic situation change or shall the act of hiring foreign workers will lead to the termination of local workers without reasonable cause or it is against public interest. In addition, the rights of foreign workers will virtually be the same as how the local workers' rights are being protected.



Follow Up on Gigi & Cris

Giving Them a Lending Hand

As the women gather around the small table in the Bethune House for lunch, the noise of clattering plates, laughter and chatter in different languages overtakes the enticing smells coming from the kitchen. Two or three women bring the meal to the table and everyone holds their plate out for rice, vegetables and on a good day, some kind of meat. While the women of the Bethune House shelter share in a common meal of chicken or beef, there are two women who laugh and chatter along with the rest of the women, though their plates contain a different meal. Usually made up of fish and always complete with fresh vegetables, the meals Cris and Gigi eat have to be carefully monitored.

In November's issue of Her Story, Cris and Gigi shared their stories of bravely facing and fighting cancer. Cris has had two operations in the past 4 years for a brain tumor, while Gigi discovered in 2007 that she had breast cancer. Both women are currently undergoing chemotherapy and residing in the Bethune House during their treatments. Because of their intense treatments, both women have to be careful about what they eat. "No chicken or beef. A little pork is okay, but not too much. Nothing fried or greasy and nothing spicy" the women share about their special diets. An emphasis is put on the importance of fresh fruits and vegetables to help their bodies remain strong during chemotherapy. "We drink a lot of tomato juice, too." Cris says. Juice drinks and soy milk are additions

that the two have had to make to their regular intake, items that are not typically on the market list for the Bethune House.

A registered charitable organization in Hong Kong, the Bethune House often relies on the donations of area churches and individuals to help with the high costs of housing and feeding the women in the shelter. The Bethune House has been a grateful recipient of food drives and fund raising events that have helped to assist in the costs of running the shelter. Unfortunately, when special cases like Cris and Gigi come in, there is not

Herstory, continue to next page



Gigi (topmost) and Cris are two cancer patients staying at Bethune House. Despite their illness, they remain strong and continue to help in reaching out to fellow migrants.



These bunkbeds become the home of many residents in Bethune House during their stay in the shelter. Oftentimes, the number of BH residents would rise from 22 to 40 residents. Here, they do not only are given legal assistance; they also learn to help and counsel others.

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always enough extra to help them with their additional medical needs, even as it is related to food. Cris and Gigi have both been very lucky to have supportive employers who helped not only with medical costs, but also additional costs of traveling to doctor's appointments, special foods, medications and other small needs. Cris will be under contract with her current employer for another year. Gigi however, recently finished her contract. With up to three months left in her treatment, Gigi wonders how she will cover her medical costs. "I have already spent my final salary on last month's medical costs, and I still need to save for an air ticket," not to mention special medications she needs such as a cream that helps heal the scars from her recent surgery to remove her cancer which costs \$80 for every tube.

Gigi has faced, and bravely fought, many battles since being diagnosed with breast cancer in September of 2007. After an operation to remove the mass in her left breast, Gigi began 6 cycles of chemotherapy, which will be completed in February. The treatments often leave her weak and ill, but she knows that it is all part of the process of recovery. After her chemotherapy cycles are completed, she will begin a month of radiotherapy. As if the battle against cancer and the struggles of undergoing chemotherapy weren't enough, Gigi also had to face the possibility of being sent back to the

Philippines after her employment contract finished mid January. With only three months left in her treatments, Gigi knew it was vital that she remain where treatments were available, dependable and affordable.

"Here in Hong Kong the treatments are very systematic and the equipment is very high tech. If I were to seek treatment back home, I would have to travel to Manila, which is 18 hours by land, not to mention the additional costs of food and lodging. Here in Hong Kong, I only have to take the mini-bus to Queen Elizabeth Hospital. " Because her contract with her employer was finished, Gigi's visa was set to expire on the 20th of January, a Sunday.

Wanting to finish at least her chemotherapy treatments, Gigi went to the Immigration Department to try to extend her visa. "They didn't want to extend my visa. They said that they had to have a medical certificate from the hospital proving I was sick and saying it was necessary for me to be physically present to receive treatment. I went down there twice with the necessary documents, but I couldn't get the extension I needed. The Immigration Department made an appointment for me to come again on the 21st, which was a Monday, but Mondays are the days that I receive my (chemotherapy) treatments and my schedule is very complicated and it is difficult to travel." Even with all of the documents that they asked Gigi to

present, the most they would give her was a 14 day extension. That meant that in two weeks, Gigi would have to go back to the Immigration Department again and lobby for another extension. Because of Gigi's difficult schedule with her chemotherapy treatments, the Mission sent a volunteer down to the Immigration Department to advocate Gigi's case and ask for a longer extension. The volunteer spoke with the Senior Officer of the Immigration Department and reassured them that Gigi was actually sick and was not seeking to extend her visa to look for a new employer. Only after the persistence of both Gigi and the volunteer did the the Immigration Department grant Gigi a two month extension. Even with the two month visa, Gigi will still have to seek another extension in March, while she is finishing up her radiation therapy. Now that she has the visa, Gigi worries about how she will be able to afford to care for herself and her medical needs in the coming months.

The Mission for Migrant Workers and the Bethune House helped 46 women in the year 2007 facing medical issues. From cancer to pregnancies, these two organizations have sought to offer help in whatever ways possible, through counseling, shelter and monetary offerings when possible. When they run low on resources, the community in Hong Kong has always been there to help out. Countless prayers, food and money donations have been offered to the Bethune House and the Mission over the years, and each one has been counted as a blessing and has made a difference in the lives of the migrant workers who come through those doors every day.

If you are interested in helping Gigi, Cris or any other special cases that we serve, please contact:

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Reflections of the 11 Filipino Engineers

by Erickson Bareng

OUR FAITH,
OUR
STRUGGLE



Dear Everyone,

Prosecuted with any charge by the Hong Kong government especially **conspiracy to defraud** is like a worst nightmare to any OFW. Such was the case that happened to us, the 11 engineers whose only purpose working in a foreign land is to provide our families and loved ones a better future, the best that we could offer them. After working for about 2 to 3 years at Compass Technology Company Ltd., a substrate and flexible circuits manufacturing company located in Shatin, the Immigration Department of

Hong Kong discovered the variation in our actual salary and the contracts submitted to them during the working visa application.

It was sometime in June 2007 that five of our colleagues were presented with **search warrants for false representation to an Immigration Officer** and their flats were searched for any evidences related to this case. After this incident, all of the remaining seventeen engineers, together with the company staff were invited by the Investigation Section of the Immigration Department to provide caution statements. On the analysis of all the related data and information made by the Prosecution Section of the Immigration Department, out of the 22 engineers interviewed, 11 were released while the rest were charged with **conspiracy to defraud** together with the company and one of its Directors.

Another blow in the face was the termination of our jobs upon the expiration of our working visa since the company had stopped renewing our contracts after the case was filed. It was on September 27, 2007 that the nightmare each of us experienced became real, charges were filed and bail for temporary freedom was paid for. Lost, jobless and nowhere to go, we sought the help of Assistance to Nationals of the Consulate of the Philippines through

“Another blow in the face was the termination of our jobs upon the expiration of our working visa since the company had stopped renewing our contracts after the case was filed.”

Vice Consul Val Roque and he immediately responded by endorsing us to a solicitor and a barrister to seek for legal advice. At this time, most of the inputs that we heard were negative information leading to our conviction.

We then sought the help of **Ms. Edwina Santoyo**, of the Mission for Migrant Workers, and she endorsed us to our defence lawyer in the person of **Mr. Melville Boase** of

Boase Cohen and Collins Solicitors and Notaries who in every way was more than willing to help us. We have acquired his services through the Duty Lawyers Scheme Service in the Shatin Magistracy Court. His positive advices and guidance prompted us not to lose hope and be strong for our family. He pointed out that we, the Defendants, relied solely on the representations made by the Company and we were victims of a scheme made by the Company in obtaining our labour at a much lower salary.

Because of very strong points of defence presented by our lawyer during a series of three Pre Trial Reviews, there were lots of considerations on the side of the prosecution with the advice from the Department of Justice that led to the offering of no evidence against us that eventually led to the dropping of the case on 15th January 2008.

During these four months of uncertainty, lots of sacrifices and pains were experienced by us physically and emotionally. Worst of all were the sufferings of our families solely depending on our financial support. While on bail, we were restricted to look for temporary jobs and had to rely from our savings while continuously providing our families basic needs. Each one of us suffered tremendous emotional distress up to a point that hope (almost) no longer exist and felt the fear of being put behind bars.

Through these difficult situations, God showed His great wonders and has become more visible on us by using His instruments to draw us back to Him and regain spiritual growth. Trusting in Him alone has greatly uplifted our values and our

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Indo Government's New Law on Recruitment Agencies Draw Resistance from Migrant Workers

In December 2007, the Indonesian Consulate in Hong Kong in consultation with the Association of Recruitment Agencies in Hong Kong (APPIH), released a new policy in a letter, Order 2258/2007. The policy was implemented on January 1, 2007 and it stipulated that:

1. All Indonesian Migrant Worker (IMW) who want to change employment agencies should inform the Indonesian Consulate in advance and should state the reason for doing so.

2. The Indonesian Consulate in HK will process the change of employment agencies for IMWs who have been working in Hong Kong for less than two years with the same agency, on a case-to-case basis and only if the Consulate finds that the agency had abused the IMW.

3. After an IMW has worked for two years using the same agency and wants to change her agency, the new agency should inform the original agency.

What does this policy mean for Indonesian migrant workers in Hong Kong?

The new order of the Consulate practically binds the Indonesian migrant workers to the mercy of their recruiter for

the first two years of working in Hong Kong. Indonesians, especially those who are first-timers, are already at the mercy of recruiters. Many are overcharged with illegal deductions from their salaries and deprived of their other rights. After the imposition of this policy, they will be even more hard-pressed in asserting their rights and complaining against malpractices of abusive agencies.

The long standing demand of direct hiring for all Indonesian migrant workers has not been granted by the Indonesian government but the Indonesian Consulate is further tightening the hold of agencies over migrant workers. It proves that the Indonesian government, as represented by Indonesian Consulate General, only serves the interests of recruitment agencies.



Furthermore, since the implementation of this order, some Indonesians, especially those who have ongoing cases in the Labor Department and those looking for employers, have already been rejected by new agencies when they tried to apply for new jobs. They were advised by the agencies to go back to their original agencies who had exploited them. Thus, some of them were forced to go back to Indonesia and some decided to go to Macau to look for jobs.

As a progressive alliance, the United Indonesians Against

Overcharging (PILAR), an alliance of 22 Indonesian migrants organizations, has been intensively campaigning to scrap the Order. Rallies held every Sunday and pickets in the weekdays in front of the Indonesian Consulate office in Causeway Bay have gathered hundreds of Indonesian migrants who protest the order as exposing the Indonesian Consulate for being insensitive to their plight.

PILAR strongly criticized the Indonesian Consulate who did not even consult with Indonesian migrant workers who will be severely affected by this

Indo, continue to next page

Nepalese Construction Workers Union- Hong Kong Hold Their First General Assembly

Last December 16, 2007, the Nepalese Construction General Workers Union held their first General Assembly at the YMCA, Yau Ma Tei Kowloon.

The general assembly highlights the accomplishment of the union for the past months and elects their new Executive Committee.

From the Assembly their concern on the employment contract and the wages were the focus of the report. The Union said, that compare to local Chinese, their wages were not the

same considering that they work the same hours. They thought it was discriminatory on the part of the Nepalese workers.

Eman Villanueva from the Asian Migrant Coordinating Body (AMCB) attended the assembly and congratulate the Union. He said that "the formation of your union will help the Nepalese workers to understand more your issues and concern and therefore stand to struggle for your rights, own protection and welfare".

This year (2008), the new set of

officers will focus on the promotion of the Union to the Nepalese Community and invite more workers to join the union.

Nepalese Construction Workers Union-HK is a member of the Hong Kong Construction General Workers Union which is an affiliate of the Hong Kong Confederation of the Trade Union. (HKCTU).

The union was established in August 2007, currently having 150 members coming from different territories in Hong Kong. 🇭🇰



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new policy. This just shows the lack of transparency of the Consulate and underscores its determination in protecting and promoting the interests of recruiters,

Due to the intense and unrelenting pressure by PILAR through their protest actions, the Indonesian Consulate General, Mr. Ferry Adamhar, was forced to invite Indonesian migrants organizations including PILAR representatives for dialogue, on January 27, 2008. However, as it turned out, the

Consulate General did not attend the dialog on that day and sent, instead, his representatives. PILAR's representatives responded to this snub by staging a walk out from the dialogue to join their ongoing protest action outside the Indonesian Consulate led by their colleagues. The protesters have stepped up their demands for the Consulate General to resign if he refuses to scrap the Order 2258.

PILAR is planning a series of actions to have the Order scrapped including petition signing and

gathering supports from organizations and institutions in Hong Kong and Indonesia. A large scale public rally is planned for February 10 with a target of a thousand Indonesian migrant worker participants in Hong Kong.

The Consulate will face the wrath of Indonesian migrant workers for failing to act in their interests. 🇭🇰

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positive outlook towards the true essence of life.

Again, we would like to thank from the bottom of our hearts the following persons and offices that in one way made a big difference to the resolution of this case. They are Mr. Melville Boase, Duty Lawyer Service of Shatin Magistracy Court, Prosecution Division of the Department of Justice, Ms. Edwina Santoyo and All Staff of Mission for Migrant Workers, Vice Consul Val Roque of ATN Section of the Consulate of the Philippines, Consul General Alejandrino Vicente of the Consulate of the Philippines, Labor Attache Romulo Salud and Asst. Labor Attache Nida Labat and Bukas Loob sa Diyos Community of Hong Kong.

May God Bless Us All!! 🇭🇰

Bebot: Helping, Learning Her Story as a Volunteer

Maria Lourdes Burgos Nathan, 57, arrived in mid-2007. Family and friends call her Bebot, and she is a dentist by profession and mother of two.

Just about a couple of months after her arrival, a friend, Isabel "Betty" Escoda, asked if she would like to work as a volunteer for The Mission For Migrant Workers. This is not an area she was familiar with, let alone had any experience on.

Bebot, however, considered it as a challenge and answered, "Yes." Betty referred her to the *Mission*, thus opening a door to meeting and working with people she might not have otherwise met.

"I am interested in learning about the conditions in which tens of thousands of fellow Filipinos work and the problems they experience in their struggle to supporting (their families) back home," said Bebot when she came to the *Mission*.

She had done a different kind of community work back

"Here you need to learn about labor laws, rights of migrant workers, employers maltreating their domestic worker, employment agencies behaving like vultures, and how to deal with them all."

home. As a high school student, she already gave catechism to public school students and street children. Later on, she joined

Daughters of Mary Immaculate as a volunteer dentist at the church clinic when she became a dentist.

The challenge the HK situation has thrown up is entirely different, says Bebot. "Here you need to learn about labor laws, legal rights of migrant workers, employers maltreating their domestic worker, employment agencies behaving like vultures, and how to deal with them all," she said.

She found Mission's role as a service provider not only noble but very essential.

After gaining some direct knowledge of these problems over the past few months from migrant workers who have fallen victim to one or more of them, Bebot thinks that the Philippine government and its agencies concerned with overseas workers need to take a hand and interface with charity services like the Mission in dealing with these issues. Such partnership will help to resolve many of the problems that our migrant workers face. 📧

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