

# Overseas Filipino Workers (OFW) The Modern-day Heroes

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**Abstract:** The article identifies striking the right balance between achieving financial stability and maximizing services to beneficiaries as OWWA's main challenge. While OFW membership fees comprise the bulk of OWWA's income, the agency directs over half of its annual budget to operational costs. Meanwhile, conservative fund allotment for welfare services ranging from repatriation assistance to life and disability insurance to loan and scholarship programs limits the agency's capacity to deliver benefits on a meaningful scale.

**Keywords:** OFW, OWWA, POEA, Assistance to nationals.

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## I. INTRODUCTION

Every Filipino knows how our "kababayans" abroad suffer various ordeals in a foreign land. The Overseas Filipino Workers have manifold reasons why they have to work abroad. They risk their lives for the sake of their family, so that they could send their children to schools and private Universities. They are searching for a greener pasture, and basically they leave the Philippines due to financial reasons.

This article wishes to review how the Philippine Government can protect the migrant workers abroad by examining the policies, functions and challenges of its mechanism for providing welfare services to all the overseas workers.

Before each Filipino can go abroad, he/she needs to apply for a Philippine passport. The Department of Foreign Affairs through its consular offices has exerted all its efforts to facilitate the passports applications through the thirty six (36) sites all over the Country. It is now very easy to apply for a passport.

It is important to note that the Philippine Foreign Policy Republic Act No. 7157, otherwise known as "Philippine Foreign Service Act of 1991", gives mandate to the Department of Foreign Affairs to implement the three (3) pillars of the Philippine Foreign Policy, as follows:

1. Preservation and enhancement of national security
2. Promotion and attainment of economic security
3. *Protection of the rights and promotion of the welfare and interest of Filipinos overseas.*

This article wishes to provide an overview of the Philippines' deliberate policy of labor export and the emigration trends of Overseas Filipino workers (OFWs) since the mid-1970s and outlines the purpose and organizational structure of OWWA, a membership-driven welfare fund that stations Philippine government agents at regional offices abroad in order to provide services and benefits to OFWs, for whom OWWA membership is a mandatory requirement for going abroad through official channels.

The article identifies striking the right balance between achieving financial stability and maximizing services to beneficiaries as OWWA's main challenge. While OFW membership fees comprise the bulk of OWWA's income, the agency directs over half of its annual budget to operational costs. Meanwhile, conservative fund allotment for welfare services ranging from repatriation assistance to life and disability insurance to loan and scholarship programs limits the agency's capacity to deliver benefits on a meaningful scale.

The Philippine Government can play a major role in protecting their migrant workers abroad through an institutionalized welfare fund. The Philippine experience highlights the importance of developing state capacity to effectively deliver services, ensuring accountability to and representation of migrant workers, and creating meaningful partnerships within as well as beyond a state's borders.

## II. DISCUSSION

### *Emigration from the Philippines*

For more than three decades, the Philippine government has adopted a deliberate policy of labor export. High unemployment rates, especially among the highly educated, and political instability are the main push factors. With increasing pull factors from major industrial countries that are suffering from labor shortages, the Philippine government's labor-export system allows and encourages Filipinos to benefit from these opportunities.

Today, the Philippines is the largest organized labor exporting country in the world. Although a substantial proportion of the Filipinos abroad are permanent emigrants (most of whom settle in the Americas), the majority of overseas Filipinos are contract or temporary workers, officially called overseas Filipino workers or OFWs. Seafarers make up a significant proportion of Countries of origin can play a major role in protecting their migrant workers abroad through an institutionalized welfare fund.

OFWs with almost a quarter of a million deployed annually, and they compose 30 percent of all seafarers in the world. Celebrated nationally as "modern-day heroes," the remittances from this huge Diaspora have emerged as a major source of the country's foreign exchange inflows, averaging 8.9 percent of gross national product (GNP) over the last five years and over 23 percent of export earnings.

According to the Central Bank of the Philippines, remittances in 2006 reached US\$12.8 billion and are projected to approach the US\$15 billion mark in 2007. Although government policy initially focused on exporting professionals, OFW occupations abroad have diversified over time to include factory workers, construction workers, and service workers, such as care givers and domestic helpers. Professionals are still the third-largest group of OFWs; that category includes nurses, teachers and engineers.

The Institutionalization of Labor Export In 1974, President Ferdinand Marcos issued a presidential decree creating three government institutions within the Ministry of Labor to facilitate the export of workers: the Overseas Employment Development Board (OEDB), the Bureau of Employment Services (BES), and the National Seamen Board (NSB).

As overseas employment became more significant, the Philippine government was not able to meet the increasing demands for processing and recruiting workers. The growing need for more private-sector participation led the government to merge these three agencies into the Philippine Overseas Employment Administration (POEA) in 1982. POEA's sole purpose is to manage the recruitment and deployment of Filipinos for overseas contract work abroad. Through POEA, the government encourages the "responsible" participation of the private sector. POEA licenses all private recruitment agencies and plays a major role as "regulator" by informing potential overseas workers of agencies that have issued false contracts or have not complied with rules during the deployment process.

In other words, POEA ensures that private recruitment agencies and employers in destination countries do not cheat potential and current overseas workers. The other reason for restructuring government institutions in 1982 was to mitigate the risks involved in migration, such as exploitation and abuse. A 1977 White Paper by the Ministry of Labor and Employment recommended that the government focus on protecting and promoting the welfare and rights of OFWs rather than focus solely on recruiting and placing them. In response, the government created the Welfare Fund Administration (WFA) in 1980, which later became the Overseas Workers Welfare Administration (OWWA), an independent financial agency that manages the welfare fund of overseas workers and provides services to its contributing members like insurance and loans.

OWWA is essentially a single trust fund pooled from the mandatory US\$25 membership contributions of foreign employers, land-based and sea-based workers, investment and interest income on these funds, and income from other sources. Categorized as a quasigovernmental entity, it is entirely self-funded and receives no budget allocation from the national government. The Need for a Welfare Fund As a result of state involvement and an increase in Filipino emigration, major political issues arose around reports of the maltreatment, illegal recruitment, and even POEA ensures

that private recruitment agencies and employers in destination countries do not cheat potential and current overseas workers. Insight deaths of OFWs. Between 1987 and 1991, a total of 23 Senate bills and 32 House bills were filed in the Philippine Congress in an attempt to investigate several mysterious OFW deaths. In addition, the government has needed to conduct large-scale repatriations from the Middle East due to political events in the region.

During the 1991 Gulf War, the government brought home about 30,000 Filipinos from Iraq and Kuwait. The repatriation highlighted problems in coordination, lack of reliable data on the Filipinos in the region, and the inadequate number of government personnel abroad. The repatriation also strained relations between government officials and the workers they were trying to repatriate. These developments reached a defining moment in 1995.

Flor Contemplacion, a Filipina domestic worker in Singapore, was charged with murdering another domestic worker, Delia Maga, and the child of Maga's employer. After being drugged and administered electric shocks, Contemplacion, who spoke little English, was reportedly coerced into a confession without a lawyer present. She was later put to death despite the Philippine president's direct appeal to the government of Singapore.

This incident sparked protests in the Philippines that challenged the state's labor-export policy. A grenade exploded outside of the Singapore Airlines office in Metro Manila following the news of Contemplacion's death, and mass demonstrations also took place at the Embassy of Singapore in Manila and at the departments of Foreign Affairs (DFA) and Labor and Employment (DOLE).

The Philippines downgraded its diplomatic relations with Singapore, the secretaries of DFA and DOLE resigned, and the deployment of domestic helpers to Singapore was temporarily halted. The perceived injustice surrounding Contemplacion's death heightened the sentiments of an increasingly uneasy society after more than two decades of large-scale temporary emigration. A 42-year-old mother of four and sole provider for her family, Contemplacion came to symbolize the sacrifices of Filipino migrants — the “modern-day heroes” willing to risk even death to provide for their families back home.

As Joaquin Gonzales, an expert on Philippine studies, noted in his book, *Philippine Labour Migration: Critical Dimensions of Public Policy*, Contemplacion's death “heightened long-standing debates in the Philippines and exposed the lack of adequate government attention to the plight of Filipino overseas contract workers, not just in Singapore but in all the labor-receiving countries.”

Indeed, Contemplacion's case was not an exception. According to DOLE, between 1996 and 2001, the bodies of about 1,224 Contemplacion came to symbolize the sacrifices of Filipino migrants — the “modern-day heroes” willing to risk even death to provide for their families back home. Eight (8) OFWs were repatriated. All of these OFWs were said to have died of “unknown or mysterious circumstances.” Congressional hearings on this issue, held in 2001, revealed that many of the bodies, particularly those of domestic workers employed in Taiwan and Hong Kong, “bore bruises and deep cuts.” In some cases, autopsy examinations discovered that internal organs were missing, possibly sold for transplants to unknown beneficiaries. Other negative reports about treatment of OFWs also spread throughout the Philippine media. Illegal recruitment for positions as prostitutes or “comfort women” became another politicized issue.

Another highly publicized case was that of Maricris Sioson, a performing artist who died in Japan in 1991 under suspicious circumstances. In Hong Kong, Japan, Taiwan, and Singapore, many Filipina women were and are still brought to work as “hostesses” at bars. Philippine government statistics from 1994 show that women are more likely to be victims due to the nature of their work. The 1995 “Magna Carta” These events in the early 1990s resulted in the most significant reorganization to date of the Philippines' labor-export policy, namely the Migrant Workers and Overseas Filipino Act of 1995. The so-called Magna Carta responded directly to the Contemplacion case. The law called for government to promote the welfare of migrant workers and place their protection above all else.

While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the Philippine government does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated.

The Philippine government put in place many programs to protect and represent Filipino migrants. The Magna Carta created an Office of the Legal Assistant for Migrant Workers Affairs (OLAMWA) within the Department of Foreign

Affairs (DFA) to take responsibility “for the provision and coordination of all legal assistance services to be provided to Filipino migrant workers as well as overseas Filipinos in distress.

Nevertheless, OWWA remains the main agency for protecting Filipinos while abroad due to its much larger scope of responsibilities, which extend beyond the provision of legal assistance.

### ***The Organization of OWWA***

OWWA is an international operation organized by a migrant-sending government. This entails a complex organizational structure that includes a board of trustees, a secretariat, and regional and international offices. The Board of Trustees OWWA’s board of trustees is a tripartite body with the DOLE secretary as chair and 12 members representing government, management, and OFWs. The president of the Philippines appoints all board members. The board is broadly representative of a cross-section of government agencies, including the Departments of Foreign Affairs, Finance, and Budget. OFWs are allotted sea-based, land-based, and women’s sector representatives. An overwhelming majority of board members are not OWWA members, a major source of civil society and OFW criticism. The board plans and implements policies and programs, crafts the rules and regulations, oversees fund sources, and creates yearly appropriations for the Secretariat, OWWA’s administrative arm. Unlike other Philippine government agencies that administer trust funds, OWWA has no charter. This setup allows for more flexibility but may also allow the board to exercise blanket and unregulated authority.

As a permanent government agency, changes to OWWA’s operations can only be made through legislation. The OWWA Secretariat, headed by an administrator, manages day-to-day operations in the Philippines and abroad. Of its staff of 580, only about 100 employees are stationed at its main office in Manila. The rest are stationed at regional offices within the Philippines (about 300 employees) or based in countries with particularly large numbers of temporary workers (about 180 employees).

The OWWA administrator recommends welfare officers, whom the DOLE secretary nominates and whom the President of the Philippines appoints. The welfare officers abroad work together with the labor attachés and the ambassadors or consuls-general to assist Filipino migrant workers. They are usually attached to Philippine embassies and consulates. Indeed, the government considers OWWA staff abroad to be part of its unified team in that country, with the ambassador as the leader.

### ***How to be an OWWA Member?***

Membership in OWWA, which is mandatory for migrants going abroad through official channels, may be obtained in two ways: by enrollment upon processing of a contract at POEA or by voluntary registration of a would-be member at a job site overseas.

Membership is valid until the OFW’s employment contract expires. For voluntary members who register at a job site, membership does not exceed two years. Ideally, the employer and/or agency pays the \$US25 membership fee, a practice that some critics say rarely happens in reality. OWWA Board of Trustees Source: Overseas Workers Welfare Administration.

DOLE secretary and chairman POEA administrator OWWA administrator and vice chairman DOLE undersecretary DFA undersecretary DBM assistant secretary DOF undersecretary Labor sector representative Management sector representative OFW sea-based representative OFW land-based representative OFW women’s sector representative.

Filipinos resource centers Philippine Overseas Labor Offices (POLOs) Foreign Service personnel Labor attachés Welfare officers OWWA Board Secretariat International offices Headquarters Regional offices Department of Labor and Employment (DOLE). Others may be unsatisfied with the services OWWA provides, and some may simply find renewal a difficult or time consuming process.

### ***Handling Dual Tasks***

Achieving Fund Stability while Providing Services The right balance between achieving fund stability and providing much-needed services to its beneficiaries is central to operating any welfare fund successfully. Looking at OWWA data reveals that the balance has tilted more toward achieving fund stability. OWWA may be spending less on services now so more is available for future services to future members. At the same time, however, it may also mean OWWA is simply underinvesting in services.

Amassing funds serves two purposes although these purposes are not explicitly part of OWWA's policy framework. Interviews with current and former OWWA officials confirmed that one goal is to achieve enough of a surplus that the interest income alone will support OWWA's annual operating budget.

A second purpose, according to administrator Roque, is to reach 10 billion pesos (US\$200 million), the amount OWWA would need to repatriate all or most OFWS from the Middle East in a worst-case scenario. While both goals may make sense, they have compromised OWWA's past and present ability to fund welfare services. Yet, this save first-spend-later strategy has been critical to achieving financial stability — a crucial component of OWWA's survival and legitimacy.

This strategy is compatible with OWWA's role as a contingency fund for large-scale repatriation should the need arise. Moreover, the accumulation of assets now also appears to be a cautious and perhaps an easier strategy given the difficulties in extending services, such as loans and education grants, in an efficient and effective manner. Protecting Overseas Workers on a Budget In the last five years, OWWA's income averaged 1.9 billion pesos (US\$38 million) per year.

Membership fees comprise the great majority of this income (73 percent) while the rest is from investments and other income. The right balance between achieving fund stability and providing much needed services to its beneficiaries is central to operating any welfare fund successfully. As investment managers, LBP and DBP are authorized to invest/reinvest funds in government securities, such as treasury bills and bonds, the servicing and repayment of which the government fully guarantees for a maximum term of five years.

Administrative and operating costs comprised 55 percent of expenditures, while the rest was spent on programs and projects. OWWA officially recognized this problem when its board introduced a cap on operational costs at 50 percent of total expenditures. OWWA Services and Benefits OWWA members can access a wide range of benefits, including life and disability insurance, loans, education subsidies, training, and other forms of social services and family welfare assistance.

OWWA poured more resources into some benefits — such as repatriation, other forms of onsite assistance, and insurance — while spending less on others, such as loans, education, and training. Repatriation Program and Workers Protection.

The repatriation program, which the OWWA administrator calls the backbone of the agency, facilitates the immediate repatriation of distressed and physically ill contract workers, as well as the remains of those who die while working abroad. In both planned and forced return, OWWA negotiates with employers/brokers and other host-country authorities; facilitates documentary requirements for issuance of exit visas, clearances, monetary claims, and medical or police reports; and coordinates with Philippine embassies and DFA for other necessary administrative actions and airport assistance.

For instance, the government negotiated the release of 700 OFWs jailed in Saudi Arabia, mostly for cultural offenses like carrying a Bible or drinking alcohol. OWWA is instructed by law to maintain, among other programs, an Emergency Repatriation Fund to evacuate OFWs in case of wars, disasters, or epidemics. The 1995 act allotted a seed amount of 100 million pesos (US\$2 million) to comply with this law. During the war in Lebanon in July 2006, for example, OWWA reserved US\$10 million for the evacuation of Filipino workers.<sup>33</sup> About 6,300 workers were repatriated between July and October 2006, with OWWA eventually spending \$1,200 per returnee.<sup>34</sup> It is not clear how many of the repatriated were OWWA members.

In 2006, OWWA assisted in the repatriation of 10,834 workers from Lebanon and other countries, spending almost 170 million pesos (US\$3.4 million) on airfare. This represented about 13 percent of revenue in 2006. Apart from repatriation, OWWA offers other forms of assistance, services, and programs in its offices abroad, including counseling for distressed workers, paralegal services, and low-key diplomatic initiatives (e.g., negotiations for imprisoned OFWs, mobile welfare services, hospital and prison visits, sports development projects like sport leagues, cultural and recreational activities, and contingency operations during crisis situations). About 600,000 members, or 62 percent of all members in 2006 (both within the Philippines and overseas), received various kinds of assistance or services.

Embassies and consulates abroad provide legal assistance for overseas Filipinos in distress. OLAMWA coordinates all legal assistance services for Filipino migrant workers. The Philippine Congress created a legal assistance fund of 100 million pesos, partly sourced from OWWA, to pay for foreign lawyers, bail bonds, court fees, and other litigation expenses.

Another expensive item in OWWA's services budget is insurance claims. OWWA provides members with life and personal accident insurance while abroad. The coverage includes 100,000 pesos for natural death and 200,000 pesos for accidental death; a burial benefit of 20,000 pesos is also provided.

OWWA charges an additional 900 pesos per year for health insurance. As a rider to the life insurance, OWWA also offers monetary assistance to workers who suffer work-related injuries, illness, and disabilities during employment abroad. The benefit ranges from 2,000 pesos to 50,000 pesos and up to 100,000 pesos in case of permanent disability.

Despite this increase, the most current figure is still noticeably small relative to the total membership, and much less relative to the total stock of OFWs. According to Roque, many OFWs have private insurance. Former DOLE Secretary Patricia Santo-Tomas also notes that contract workers are relatively healthier than the general population because of the rigorous medical examinations required before leaving.

Further, the insurance benefits are "one size fits all," and the lump-sum benefits are low relative to OFW earnings. Loan Products To prevent illegal recruiters and loan sharks from preying on overseas workers and their families, OWWA, in coordination with government financial institutions, is mandated by law to extend loans to overseas workers. OWWA offers three kinds of loans:

1. Predeparture loans (PDL) are offered to help defray the cost of predeparture requirements, including medical examinations, subsistence allowance, clothing, and pocket money.
2. Family assistance loans (FAL) are for emergency purposes or family needs. The maximum loan amount is set at 40,000 pesos, payable in six months to a year and with a 9 percent annual interest deducted in advance. This benefit is limited to members who have at least six months remaining in their employment contract.
3. Livelihood loans are offered to improve access to entrepreneurial development opportunities upon return. In a joint undertaking with the National Livelihood Support Fund (NLSF), the OWWA-NLSF Livelihood Development Program offers collateral-based loans of up to 200,000 pesos per qualified borrower at a 9 percent annual interest rate. Partnerships with five or fewer members are entitled to a maximum loan of 1 million pesos, with 200,000 pesos for each member.

Borrowers with no collateral can obtain loans of up to 50,000 pesos. In 2004, OWWA started the Groceria Project, an interest-free, loan-assistance package extended in the form of goods worth 50,000 pesos per qualified groups of OFWs and their families. One recurring problem with all these loan programs has been low repayment rates. PDL and FAL loans have a repayment rate of 29 percent. Indeed, only 137 PDLs and 543 FALs were approved in 2006 before OWWA suspended lending pending further evaluation.

Similarly, as early as the late 1980s, OWWA introduced livelihood lending programs without much success. For instance, although the first livelihood program introduced in 1987 generated employment for about 3,600 workers, it suffered from very low repayment rates and was suspended by 1995. A year later, the same program was repackaged, this time with a higher loan ceiling and entrepreneurship training.

Like its predecessor, this program, which funded over 430 enterprises in eight years, was plagued by repayment problems and was eventually replaced in 2004 by the OWWA-NLSF Livelihood Development 17 Insight One recurring problem with all these loan programs has been low repayment rates. In 2006, OWWA-NLSF funded 198 projects costing 34 million pesos.

Reasons behind the low repayment rates are not clear since the government has not evaluated many of these programs. Administrator Roque, some non-governmental organization (NGO) leaders, and the media have surmised that overseas workers sometimes perceive the loan programs as dole-outs rather than subsidized loans, resulting in low repayment rates.

Scholarships and Trainings OWWA also provides four kinds of scholarship grants and training opportunities for members and, in some cases, their dependents. The Education for Development Scholarship Program (EDSP) provides grants of 60,000 pesos per year to deserving and qualified dependents attending college-degree courses with curriculums of five years or less. The Skills-for Employment Scholarship Program (SESP) pays for one-year technical and six-month vocational courses reflecting the technical skill requirements of overseas jobs.

A separate program caters to seafarers. The Seafarer's Upgrading Program (SUP) aims to develop the expertise of Filipino seafarers in accordance with technological advancements and international maritime standards. Financial assistance ranges from 1,200 pesos to 7,500 pesos per course. In partnership with Microsoft Philippines, the Tulay (Bridge)

Education Program offers training and access to computer technology so that families can communicate through the Internet. Tulay takes part in Microsoft's Unlimited Potential (UP), a global initiative aimed at providing technology and skills for underserved individuals. Aside from Internet and e-mail use, OWWA members and their families living near Community Technology Learning Centers (CTLC) can also take courses in basic computer applications, such as Word, PowerPoint, and Excel. Mandatory predeparture orientation seminars (PDOS) help build skill sets and familiarize would-be migrants with the culture and practices of their host countries.

Apart from PDOS, few OFWs benefit from scholarships and training-related programs. For instance, only 0.95 percent of seafarers 18 deployed in 2006 availed themselves of SUP while the 1,981 SESP scholars represented about 0.2 percent of total membership. Unlike the other programs, EDSP is competitive and highly selective.

### *Protecting OFWs (Lessons and Cautions)*

In cash-strapped developing countries, operating a welfare fund that migrants or their employers finance offers a potentially efficient and feasible solution to sharing the cost of protection. However, the Philippine experience shows the challenges involved in making a welfare fund work.

A welfare fund has to find the right balance of services, create meaningful partnerships, build strong state capacity, and actively involve destination countries.

Ding Bagasao, a prominent Filipino NGO leader and academic, has asked, "Why is OWWA not asking for more than US\$25?" It is not surprising that, despite the rhetoric, OWWA has actually extended secondary services to relatively few OFWs and their families — in most cases meeting only the minimum requirements mandated by law.

Offering secondary services to few beneficiaries only creates undue expectations and dissatisfaction among fund members as well as the general public. Welfare funds should focus not only on critical services, but also those that can be delivered in an effective manner and meaningful scale.

OWWA illustrates that countries need to find the right balance of what aspects of welfare the government can truly deliver, and they need to search for partners in delivering services. can truly deliver, and they need to search for partners in delivering services.

Since private and public institutions can also provide secondary services, welfare funds should delegate these services to such institutions. Partnerships can range from sharing responsibilities to full outsourcing in order to supplement direct capacity.

OWWA has started to take such steps. It outsourced medical insurance to the Philippine Health Insurance Corporation and partnered with NLSF in giving out livelihood loans. It has also outsourced the majority of PDOS to NGOs and members of the private sector.

IOM repatriated almost 67 percent of Filipino returnees. On top of that, OWWA was able to decrease its own repatriation costs by using IOM's discount on airfares. Civil-society organizations, when welfare funds properly engage them, can also play many roles, such as providing services with government help, giving inputs in the policy making process, and assuming critical oversight functions to address accountability and corruption issues.

A welfare fund should explore new mechanisms to build partnerships with civil society. In the Philippines, for instance, organizations like Unlad Kabayan and the Economic Resource Center for Overseas Filipinos (ERCOF) promote social entrepreneurship among returning OFWs and provide services for enterprise development in the Philippines. Organizations like these can offer critical human resources that can effectively provide the secondary services of a welfare fund. Apart from partnerships with civil society and the private sector, coordination with other government agencies and local governments can be critical.

For example, OWWA has signed a memorandum of agreement with the governor of Nueva Vizcaya to establish a migrants' desk in the province. OWWA would train local government personnel in programs and projects relevant to migrant workers and their families. However, partnerships also come with risks, such as poor coordination on resource issues and misunderstandings about expectations. Therefore, welfare funds should enter partnerships with caution. Public-private partnerships must be based on solid understandings of the respective responsibilities, agreed indicators of success, and complete transparency. Otherwise, partnerships may fail and even deplete a fund's balance, which is critical to its continued financial stability.

Although they can potentially augment the state's capacity to deliver services, effective partnerships also require a certain degree of preexisting capacity. In working with partners, governments must have the flexibility to address different needs and expectations of private and nongovernmental organizations, which tend to work on different timetables and have different notions of accountability.

The inflexibility of government bureaucracy can present a major challenge in creating effective partnerships. Despite the risks, exploring new partnerships is worthwhile, particularly because it provides reform choices and allows more room for innovative and unconventional thinking.

Build State Capacity questions about what a welfare fund can and cannot do naturally lead to the critical issue of state capacity. The role of the state, in both the developed and developing world, has changed in many ways, in part as a response to greater economic integration. In many countries, however, particularly in the developing world, the state has yet to develop the capacity to respond to these changes adequately.

The OWWA experience has shown that strong state capacity allows the country to make use of opportunities that labor migration provides and to protect and promote the interests of temporary workers. Therefore, developing countries need to adopt frameworks and tools that permit:

- a. representation and meaningful participation of migrant workers;
- b. political, administrative, and financial transparency and accountability;
- c. the effective use of government employees.

#### ***Migrant Workers' Representation and Participation***

In any welfare fund, it is especially important to strengthen capacities for policy formulation and coordination. A fund should include a wide array of stakeholders, particularly the members themselves. One of the unique aspects of the Philippine case is the dispersal of its estimated 3.8 million temporary workers. Representing their interests and directing the OWWA welfare fund remain major challenges. Although migrants are represented on the OWWA board, they constitute a very small minority.

Further, OWWA does not have a mechanism for voting on major issues or even electing its board members. As already noted, the Philippine president appoints all board members. Although this may be the most feasible setup, given the logistical difficulty of consulting a membership dispersed in over 190 countries, this still raises questions of to whom OWWA should be accountable.

Welfare funds need to consult extensively with different stakeholders, especially the migrants, to find solutions for addressing this type of problem. Possible solutions can range from the simple, such as requiring appointees to be former or current migrants, to the more complex, such as having fund members periodically elect migrant representatives. Apart from increasing the number of migrant board representatives, it is also important for welfare funds to create clear avenues or mechanisms that allow for regular consultation with all fund members. Without such avenues, the extent to which these migrant board members can truly represent all migrants will always be limited. A method of canvassing the needs of migrants and an evaluation system of program performance need to be developed to ensure that welfare funds are effectively used.

For instance, OWWA's plan to facilitate and support the creation of an umbrella of OFW organizations overseas is a step in this direction. Transparency and Accountability Representation of migrants' interests raises questions of transparency in the management and accounting of the welfare fund, a quality critical to a fund's successful operation.

The government running a welfare fund should create mechanisms for periodically informing fund members about the fund's financial standing and the services offered in a given period, and it should provide a way for members to effectively communicate with the fund's board. Operational transparency is even more critical in instances where a fund is accused of corruption and mismanagement of funds.

From 1999 to 2005, the Philippine Commission on Audit's reports on OWWA highlighted millions of pesos in unrecoverable or "doubtful accounts," and nonliquidated cash advances. The largest of these unredeemable investments was the Smokey Mountain Project, a housing development program for the urban poor. In 2005, government auditors noted that the recovery of the 479 million peso (US\$9.6 million) investment in the project is "uncertain."



Without operational transparency, speculation about the welfare fund's financial standing can surface and damage the credibility of fund managers. For instance, during the 2006 war in Lebanon, the Philippine media reported allegations that OWWA did not have the resources available to fund repatriation efforts although the agency's audited accounts clearly indicated otherwise. At the same time, the board's process for making policy decisions also should be transparent. For example, OWWA members and the general public cannot access board meeting minutes. This practice has resulted in a veil of suspicion.

The outsourcing to PHILHEALTH was also reportedly linked to the 2004 presidential campaign. Some migrant groups alleged that the diversion of OWWA funds enabled President Gloria Arroyo to give away PHILHEALTH insurance cards during the campaign period. Whether there is substance to these allegations is difficult to ascertain due to the lack of transparency in the board's decision making process. Another central component of state capacity is the effective use of government employees. Welfare funds should explore approaches that tackle civil-service pay, management structures, career structures, and training.

OWWA has allocated more than half of its annual budget to operational expenses, with about 40 percent going to salaries and other personnel benefits. Some members of civil society have criticized the high operational costs. The international nature of OWWA's operations partly explains its expenses. Although this pattern of spending can be justifiable, welfare funds should still assess whether such spending contributes to human resources that benefit migrants. 4. Involve Destination Countries Legal protection of migrants is challenging, especially in destination societies with value systems and worldviews that differ from those in the origin country.

For instance, the majority of the Philippines' welfare officers are located in the Middle East, partly due to the high number of welfare cases in this region. However, protection of overseas workers should also concern destination countries. Toward this end, countries of destination should consider providing technical and financial assistance in capacity-building projects. They also should consider developing mechanisms to protect the welfare of temporary workers by signing bilateral agreements or memorandums of understanding (MOUs) with countries of origin that explicitly address workers' protection.

Although the Philippines has signed twelve (12) bilateral agreements with destination countries, these MOUs and agreements are merely generalities and guidelines on migrant workers; they do not give bases for enforcing compliance on wages and other terms of employment.

Given that migrant workers provide services critical to the economies of receiving countries, it may be logical and useful for destination countries to give them necessary protection in employment-related matters, such as wages, working hours, contract compliance, and occupational safety. Destination countries can conduct studies or audits of their own national laws to identify and perhaps codify legislation, legal precedents, and practices that may already exist.

Bilateral or regional agreements could go a step further and make it mandatory for a given destination country to provide such legal protection. No major country of destination has ratified the UN Treaty on the Protection of Migrant Workers and their Families.

Consequently, destination countries' national laws remain the best way to enforce and internalize migrant-worker protection. Since this type of protection is a transnational issue that requires transnational solutions, partnerships across borders are critical. Institutions like OWWA have limited powers because they cannot interfere directly with domestic issues in destination countries.

### III. CONCLUSION

Until the economic problem in the country exists, the Filipino would prefer (to mention a few) working abroad as engineers (in KSA), English teachers (in Thailand, Vietnam and China), domestic workers (in Hong Kong, KSA, Italy and UK), entertainers (in Japan, Australia and Malaysia). Protecting overseas workers will gain more attention as temporary migration continues to grow worldwide.

The Philippine experience shows that the protection of overseas workers can be institutionalized through three elements: (1) a mechanism for repatriation, (2) provision of insurance and loans, and (3) education and training.

A membership-driven welfare fund like OWWA can benefit migrants in a number of ways:

First, it allows the government to raise sufficient revenue to finance. Since this type of protection is a transnational issue that requires transnational solutions, partnerships across borders are critical. Without private funding from overseas workers, cash-strapped governments like the Philippines would be hard pressed to allocate sufficient resources from the national budget.

Second, a welfare fund also enables a government to provide critical on-site services, especially repatriation, in emergency situations.

Finally, a welfare fund, if managed effectively, has the potential to financially support activities that can leverage migrant resources for development, such as business entrepreneurship and career development among returning migrants.

The Philippine case shows the importance of tailoring services to the immediate or core needs of overseas workers without overextending the government's capacity. Given that many OFWs work in conflict-prone regions, it makes sense that the Philippines' top priority has been building up the contingency fund for repatriation. The Governments should evaluate where the capacity to deliver services lies.

Welfare funds require effective institutions that allow for transparency as well as a way to represent the views of the dues-paying members themselves. This guarantees that services remain relevant to the needs of beneficiaries. It is a challenge to design a useful way to consult the beneficiaries, given that migrants are typically dispersed to many countries.

In the Philippines, where one in 12 people is a migrant and where everyone has a relationship to migration in one way or another, managing institutions like OWWA can be inherently difficult. OWWA serves a population of 3.8 million, highly mobile temporary workers scattered in over 190 countries, as well as the families left behind — an enormous task that few governments have even attempted systematically. Its experience provides a rich set of lessons and cautions about what is involved in protecting overseas workers. Once its limitations are addressed, OWWA can be a useful template for many developing countries as they face the mounting challenges of protecting workers abroad.

Can the Overseas Filipino Workers (OFW) be really called the Modern-day Heroes?

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