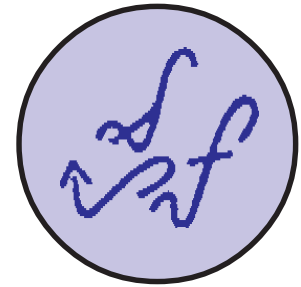


# News Digest

January  
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APMM

Monthly Newsletter of the Asia Pacific Mission for Migrants (APMM)

## Migrant workers score victories in campaigns



Filipinos and Indonesian migrant workers staged separate rallies in front of their respective consulates to protest policies that they both deemed were more for the interest of recruitment agencies and not of migrant workers. Both the Philippines and Indonesian governments withdrew the policies.

### RP gov't suspends ban on direct hiring

Under intense pressure from Filipino groups around the world, the Philippine government through the Philippine Overseas Employment Administration (POEA) was forced to suspend the implementation of the controversial POEA Memorandum Circular 04 issued this year.

The suspension followed from the heels of protest actions conducted by OFWs who viewed the rule as a serious threat to their job security as well as venue for unscrupulous recruitment agencies to exact more money from Filipino migrant workers.

In Hong Kong, the campaign was led by the broad coalition Samahan laban sa Katiwalian ng Recruitment Agencies at Patakarang MC-04 (Coalition Against Illegal Practices of Recruitment Agencies and the MC-04 Policy) or SKRAPMC-04 composed of 86 groups including eight alliances, nine church-based formations, three union chapters and 66 organizations launched on February 3 during the Leaders Kapihan that was

(turn to p. 2)

### Indo consulate cancels order on agency transfer

Facing massive opposition from Indonesian migrant workers in Hong Kong and advocates in Indonesia, the General Consulate of the Republic of Indonesia cancelled last February 17 Circular Letter Number 2258/IA/XII/2007 (Agency Transfer Procedure for Indonesian Migrant Workers) that banned IMWs from changing recruitment agencies within the first two years of her contract.

According to the the Asosiasi Tenaga Kerja Indonesia (ATKI-HK or Association of Indonesian Migrant Workers) and the broader alliance Persatuan BMI Tolak Overcharging (PILAR or the United Indonesians against Overcharging), the move was a victory for the campaign of IMWs against the rule.

"The united efforts of Indonesian migrants in Hong Kong and of our supporters in Indonesia paid off. We claim victory in this fight and pledge to further push our fight for the rights and wellbeing of Indonesian migrants in Hong Kong and elsewhere," said Ani Lestari, ATKI chair and PILAR spokesperson.

(turn to p. 2)

(from p. 1)



OFWs in Italy walked out of a dialogue with embassy officials and also staged a rally against the new rules.

organized by the United Filipinos in Hong Kong (UNIFIL-MIGRANTE HK).

As their name suggests, the coalition called for the immediate scrapping of POEA MC-04 which they perceive as another extortion scheme for the Philippine government and for greater financial gains of unscrupulous recruitment agencies.

Implemented on January 15 this year, the new policy practically bans direct hiring because it requires prospective employers to pay US\$5,000 repatriation bond and US\$3,000 performance bond before hiring

overseas Filipino workers. The group asserted that POEA MC-04 is detrimental to the jobs, services and protection of OFWs.

The rule generated an outcry from OFWs in Europe, Middle East and in Asia-Pacific. Migrant organizations even walked out of a dialogue with the embassy in Italy.

Pressured by protests, the POEA announced the exemptions of Hong Kong, Italy and Canada from the said policy. However, OFWs from said countries were not placated by the move. OFWs in Hong Kong considered the exemptions as lies and misdirection and a mere ploy to pacify the protesters.

On February 10, around a thousand members of SKRAP MC-04 marched from Chater Road in Central to Harcourt Garden in Admiralty to intensify their demand to completely scrap the guidelines.

A unity statement signed by the 86 organization members was submitted to the Philippine Consulate General officials.

On February 14, the government issued the suspension order through POEA MC-01, series of 2008.

Filipino migrant organizations though said that they will continue the campaign and even expand their advocacy to address pressing concerns of OFWs.

SKRAP MC-04 said that they will engage the government on issues such as overcharging of recruitment agencies and trafficking. Service providers for migrants in HK have also started advocacy efforts on overcharging of Filipino migrant workers.#



The broad coalition SKRAP MC-04 in Hong Kong led one of the most vibrant opposition to MC-04.

(from p. 1)



About 2,000 IMWs filled the grounds of the building where the Consulate is located. This was the first biggest protest rally in the area.

The said order was issued by the consulate at the start of this year to supposedly protect IMWs.

However, ATKI and PILAR exposed the scheme as another protection racket of the consulate for abusive and unscrupulous agencies.

“This consulate is notorious for playing deaf and blind to the problems of Indonesian migrants. Not only does it not act on our immediate concerns, it even worsens our situation as what will surely happen with this new rule,” said Lestari said.

Lestari reported that some Indonesians, especially those who have on going cases in the Labor Department and looking for employers, have already been rejected by new agencies when they tried to apply for new job. They were advised by the agency to go back to their first agencies who exploited them.

“The new rule puts many of us at the mercy of recruiters who overcharge, exploit and put us in abusive situations. What kind of government pushes its own people to danger?” Lestari remarked.

PILAR led several actions of IMWs on the issue. Even NGOs providing services for distressed IMWs also issued their position on the circular.

The campaign drew in 2,000 IMWs in a rally PILAR conducted in front of the consulate last February 10.

Lestari declared that they will continue with their major campaigns that include pushing the Indonesian government to act decisively on the serious cases of overcharging of recruitment agencies as well as their demand to allow direct hiring of Indonesian workers.

For a long time, IMWs in Hong Kong have complained against excessive charges of recruiters that has resulted to underpayment of many Indonesian migrants.

“Instead of taking care of this problem, what the government has even done was to institutionalize the monstrous fees agencies charge us,” she remarked.

ATKI and PILAR demanded that the internationally-accepted standard of equivalence to the one month salary as placement fee must be implemented.

The groups declared that they will organize more and bigger actions in the future to push through their demands.#



Thousands of IMWs at Victoria Park listened to the battery of speakers who explained the issue, related concerns of migrants and their demands..

## RP Ambassador admits US\$400 wage is “non-enforceable” in Kuwait

In a dialogue with Migrante-Kuwait on February 1, Philippine Ambassador to Kuwait Endaya admitted that most overseas Filipino workers (OFWs) in Kuwait do not receive the US\$400 (KD120) minimum wage proposed by the Philippine Overseas Employment Administration (POEA). But instead of admitting to their inutility in enforcing this, Ambassador Endaya and other Philippine government officials blame the OFWs in agreeing to a lower pay.

Most Filipinos who work as domestic helpers still get a minimum of KD45 (US\$165) a month while a number of service workers like caregivers and fastfood outlet workers are paid between KD70-85 (US\$256-311) a month.

“Instead of making lame excuses the Philippine government should stop this charade and look into the reality of Kuwait. For how can the RP impose a minimum wage for its migrant workers in Kuwait if there is not even a minimum wage law in this Arab country?” said Gil Lebría, chairperson of Migrante-Kuwait.

According to the group, the situation makes a “mockery” of the POEA Guidelines for the Recruitment and Deployment of Filipino Household Service Workers implemented in March 2007. The said guidelines mandated the US\$400 minimum wage for household service workers and at the same time ordered that applying HSWs must undergo training.

Overseas Filipinos widely protested the guidelines that forced the government to exempt current OFWs. However, many migrant workers still believe that the new rule was useless and should be scrapped.

“What we want are more actions from this government and not lameduck excuses and equally burdening guidelines,” Lebría concluded.

According to POEA data deployment to Kuwait for the past three years have ranged from 17,000 to 19,000.#

## Filipino caregivers in Al Essa Medicare Co. in Kuwait stage brief strike

Nine Filipino caregivers at Al Essa Medicare Co. in Kuwait including two who were earlier terminated staged a brief strike after their company reneged on a compromise agreement forged in the Philippine Labor Office on January 31, 2008. Because, of this the departure of the initial three OFWs to the Philippines had been postponed to February 12.

Philippine Labor Attaché to Kuwait de Jesus was forced to go to the dormitory of the striking workers to settle the matter. He, however, agreed again to let the workers sign another waiver that the workers would not file any other complaints against the company in Kuwait. Earlier the Labor Attaché told the workers to sign such an agreement so that they won't need to stay longer in Kuwait.

Two of the workers namely Josephine Tuburan and Gemma Limsan were terminated by the company for allegedly being the leaders of the complaining workers. Nine other Filipino caregivers have resigned in disgust from the company. They were promised free airfare back home, their remaining salary for the month, a chance to come back to work in Kuwait with other employers and waiving of a penalty of KD250 (US\$915) for breach of contract. The company also promised to provide the remaining workers a copy of their pay slips. There are 53 Filipinos and more than a hundred South Asian caregivers in Al Essa.



*Filipino migrants at the Al Essa Medicare Company showed how the determination and unity of workers can gain victories for OFWs.*

However, the workers informed APM and Migrante-Kuwait that in one of the documents that Al Essa would have provided the Kuwait labor bureau, it was stated that their basic salary is KD120 (US\$439) a month. This is contrary to what they were actually receiving at KD70 (US\$256) a month. They also get a meal allowance of KD10 (US\$37.00).

These caregivers work in homes and hospitals and are considered skilled workers both by the Kuwaiti and Philippine governments. Reportedly, their wards pay their company KD300 (US\$1098) a month for their services. In other words each worker generates 375% or US\$805 of profit for their company.

The workers also did not get back the KD130 (US\$476) deducted from them for their airfare to Kuwait (which the company told the Labor Attaché was for training fees). In addition to this, they still lacked payment for two hours of overtime pay (they were only paid for 10 instead of 12 hours) and for working on their days off and holidays.

However, the caregivers gained some important concessions from the company that showed that unity and determination bring results for worker's rights.

Such lessons, said Migrante-Kuwait, are valuable for the Filipino migrants' movement especially in the face of lack of programs for services and protection of the Philippine government. #



*OFWs in Kuwait also contributed to the international campaign to scrap POEA MC-04 through a signature campaign and other actions.*

## STAND UP FOR YOUR RIGHTS

On January 15, the criminal charges of conspiracy to defraud against the 11 Filipino engineers were dropped. The Department of Justice said they saw no evidence against the workers.

Erickson Bareng, one of the engineers said that they were so happy with the result of the case. According to him, their defense lawyer, Mr. Melville Boase presented very strong arguments during the pre-trial hearings that eventually led to the dropping of the case. However, any action by the HK authorities against the employer was dropped as well.

The Mission for Migrant Workers (HK) Society who assisted the workers said that the 11 engineers were part of the 40 migrant workers recruited in the Philippines to work at Compass Technology Company Limited, a

## HK gov't drops case against 11 Filipino engineers

substrate and flexible circuits manufacturing company in HK. The company obtained visas for them to enter HK on terms of contracts approved by the HK Immigration Department which included a level of salary consistent with that of local HK workers – as it should be under the labor conventions. However, upon arrival here, when they were at the mercy of the employer, the workers were given substitute contracts at half the salary. When they complained, the workers were prosecuted on criminal charges for conspiring with the employer to work for the lower salary.

After the resolution of the case, the engineers shared their reflection that during these four months of “uncertainty”, they experienced lots of sacrifices and pain. While on bail, they were restricted to look for temporary jobs and had to rely on their

savings while continuously providing their families the basic needs. Each one of them suffered tremendous emotional distress up to a point that hopes no longer existed and felt the fear of being put behind bars.

They left their families to work in a foreign land with the hope of providing their families and loved ones a better future. A sacrifice one has to face because of poverty and unemployment in our country.

The 11 engineers are now re-united with their families in the Philippines. However, they still need to return to HK in March, this time to stand as witnesses against one of the company staff who recruited them from the Philippines. #

*(MFMW is the HK partner of APMM)*



## IMA sets founding meet in HK

Preparations for the founding assembly of the International Migrants' Alliance is on full blast.

After years of building unities and gathering strength, grassroots organizations of migrant workers of different nationalities from major regions of the world are set to meet and establish the IMA on June 14 to 17 in Hong Kong.

Convenors of the IMA including the APMM are already in the process of finalizing the drafts of the documents for the assembly. They are expecting more than 100 delegates for the said event. #

*(For those interested to join the IMA or receive information on its founding, please contact the APMM)*

## Indonesian migrants and families hold nat'l confab on migration and IMWs

In the face of the growing forced migration of Indonesians as well as the increasing problems that Indonesian migrant workers (IMWs) face, the Asosiasi Tenaga Kerja Indonesia di Hong Kong (ATKI-HK) and the Institute for National and Democratic Studies (INDIES) co-organized the National Conference on Labor Export Program and the Struggle of Indonesian Migrant Workers.

The conference was held last December 15 to 17 at Salatiga, Central Java, Indonesia.

About 50 participants coming from local migrants' organizations from 30 districts in Indonesia attended the event.

Conference speakers included Syamsul of INDIES who discussed forced migration, the phenomenon of Indonesian labor export program, and the trend of migration in Indonesia before

70's and after, root of causes of migration, the development of capital (destination country), and current national regulation on migration.

Meanwhile, Ade Ahmad talked about the current condition and struggles of IMWs. Kadir, Harsun and Yeyen then shared about the local migrant movement in East Java, Central Java and West Java respectively.

The conference ended with a unity statement from the participants, an approved plan of action and the formation of a working committee for the establishment of the Indonesian Migrant Center or SEKBER. #

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