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An Assessment of the Philippine Overseas Employment Administration's AGENCY PERFORMANCE AWARDS

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**An Assessment of the
Philippine Overseas Employment
Administration's (POEA)
Agency Performance Awards**

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A report submitted by the
Scalabrini Migration Center to the
International Labour Organization Country Office for the Philippines

Maruja M.B. Asis and Stella P. Go

INTERNATIONAL LABOUR ORGANIZATION
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Foreword

The participation of the migration industry is one of the distinctive features of international labour migration in Asia. Across the region, thousands of recruitment and placement agencies operate in countries of origin, which play an important role in matching workers with prospective employers around the world. Labour migration in the region is largely mediated by recruitment agencies, and as such, they have emerged as an important stakeholder in migration.

The Philippines has 1,283 licensed recruitment agencies as of November 2012: 853 for land-based workers and 380 for sea-based workers. Between 2004 and 2010, 86 per cent to 94 per cent of all hires were conducted by recruitment agencies.

A growing recognition of the possible positive role that can be played by recruitment agencies has gradually led to a reconsideration of their involvement. This can be seen in the evolution of the International Labour Organization's standards and conventions in regard to private recruitment agents since 1919. Private agents can help with the difficulties of transit, match employers and skills, provide information about living and working conditions in foreign locations, and assist migrants navigate the myriad of immigration policies involved in moving abroad.

In a report presented at the 85th session of the International Labour Conference in 1997, the ILO wrote that "many of the private employment agencies do not overstep their legal boundaries and contribute to national development". The most recent ILO Convention on the matter, ILO Private Employment Agencies Convention (No.181), offers better protection for migrant workers and an opportunity for the industry to improve its record.

Governments have an important role to play with regard to the implementation of international standards and regulating the industry. But beyond regulations, the recruitment agencies are the main players in ensuring that ethical recruitment practices prevail.

The establishment of the Philippine Overseas Employment Administration (POEA) in 1982 is an important marker in the governance of labour migration and that of the recruitment agencies. Compared with other origin countries, the relatively high degree of institutionalization of labour migration in the Philippines has generally resulted in better conditions for overseas Filipino workers (OFWs).

In supporting recruitment agencies in their quest to deliver ethical recruitment, there is a need to enhance the positive market incentives for recruitment service providers to perform and deliver quality and ethical services. The POEA's agency awards system is a step in this direction.

Every four years, the POEA conducts a performance evaluation of recruitment agencies. However, in partnership with the POEA, the ILO Decent Work Across Borders Project -- a European Union-funded project focussing on the migration of health professionals from the Philippines, India and Viet Nam to selected countries in Europe -- has identified the need to assess the process and impact of this incentive system.

The present report is the result of an excellent collaboration with the Scalabrini Migration Center and its partners. The report is based on thorough investigative methodology, which called upon a wide selection of stakeholders, ranging from migrant workers and recruitment agencies to the government as a regulator. The ILO hopes that the results gained from these consultations and their consequent recommendations will support the Philippines' Department of Labor and Employment and the POEA in their constant quest to provide service to Filipino migrants in the most ethical manner.

Lawrence Jeff Johnson

Director
ILO CO Manila

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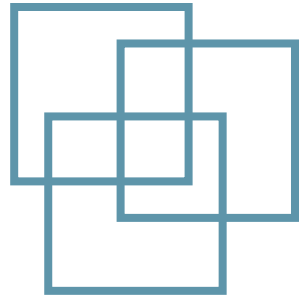
List of acronyms and abbreviations

AIR/TIP	Anti-Illegal Recruitment and Anti-Trafficking in Persons
ALFEA	Association of Licensed Foreign Employment Agencies
APAs	Agency Performance Awards
ASPROE	Association of Professionalism in Overseas Employment, Inc.
CAEP	Continuing Agency Education Programme
CCOFW	Consultative Council for Overseas Filipino Workers
CET	Capability Enhancement Training
CIPi	Certification International of the Philippines, Inc.
CHED	Commission on Higher Education
CP	Colombo Process
CSO	Civil Society Organization
DILG	Department of Local Government
DOLE	Department of Labor and Employment
DWAB	Decent Work Across Borders
FAQ	Frequently Asked Questions
FDG	Focus Group Discussion
FEAs	Foreign Employment Agencies
GFMD	Global Forum on Migration and Development
GPB	Government Placement Branch
HSW	Household Service Worker
ILO	International Labour Organization
IOM	International Organization for Migration
ISO	International Organization for Standardization
KI	Key Informant
LGU	Local Government Unit
LRO	Licensing and Regulation Office
MARINA	Maritime Industry Authority
MOFYA	Model OFW Family of the Year Award
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
NLRC	National Labor Relations Commission
OEC	Overseas Employment Certificate

OEDB	Overseas Employment Development Board
OFW	Overseas Filipino Worker
OLTCC	Overseas Land-based Tripartite Consultative Council
OWWA	Overseas Workers Welfare Administration
PASEI	Philippine Association of Service Exporters, Inc.
PDOS	Pre-departure Orientation Seminars
PEA	Private Employment Agency
PEOS	Pre-employment Orientation Seminar
PESO	Public Employment Service Office
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor and Office
PRA	Private Recruitment Agency
PRC	Professional Regulation Commission
RA	Republic Act
SHARP	Society of Hong Kong Accredited Recruiters of the Philippines
SLBFE	Sri Lanka Bureau of Foreign Employment
SMC	Scalabrini Migration Center
SSS	Social Security System

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EXECUTIVE SUMMARY

Recent discussions on the governance of labour migration have increasingly engaged private recruitment agencies and their role in the migration process, particularly in the promotion and protection of the rights of migrant workers. The Philippines, with its well-established institutional and legal framework, is an active participant in these conversations. The experience of the Philippine Overseas Employment Administration (POEA) in developing various approaches in the regulation of private recruitment agencies is part of the good practices recognized by the international community. The introduction of the Agency Performance Awards in 1984 is an example of a positive approach to balance the restrictive and punitive aspects of regulation. POEA's incentives or awards scheme is a pioneering effort which has inspired similar initiatives in other countries in the region.

This research report is part of the International Labour Organization's (ILOs) Promoting Decent Work Across Borders: A Pilot Project for Migrant Health Professionals and Skilled Workers. The primary aim of the study is to assess the objectives and design of POEA's Agency Performance Awards, its implementation, and its contributions. The specific research objectives are:

1. to review the rationale and design of POEA's award system;
2. to examine the implementation of the award system (criteria, stakeholders represented in the selection of awardees, process of implementation, profile of awardees);
3. to probe how different stakeholders – key government agencies, recruitment agencies (awardees and non-awardees), migrants, trade unions, civil society organizations – view the relevance and usefulness of the award system, its implementation and their perceptions of its contributions; and
4. to derive recommendations to improve the design and implementation of the award system.

This research is largely qualitative and exploratory, drawing information from a review of documents and existing data and the conduct of key informant (KI) interviews and focus group discussions (FGDs) with 40 stakeholders and 27 migrant workers. Most of the data collection was undertaken in August and September 2013. The stakeholders represented the following sectors: the 2009 awardees among the land-based and sea-based agencies, other recruitment agencies or industry associations; government agencies, trade unions and civil society organizations and international organizations. The migrant workers who participated in four FGDs included land-based workers and seafarers.

Rationale and origins of the POEA's agency performance awards

The POEA's agency performance awards started in 1984, two years after the POEA was established in 1982. Following a pre-test of a Ranking and Rating System of the performance of licensed agencies and entities in 1983, the award system was introduced a year later to recognize the exemplary performance of licensed recruitment agencies.

Implementation of the POEA's agency performance awards

The awards scheme is linked to POEA's evaluation of agency performance in connection with the agencies' license renewal. Since its inception, it was solely

implemented by the POEA, with the Licensing and Regulation Office (LRO) taking the lead. In the last three decades, save for some changes in the frequency of the evaluation period, award categories and the expansion of incentives, many aspects of the award system have remained the same.

Evaluation period

The evaluation started out as a yearly review until 1998; from 1998 to 2002, the evaluation period became every two years; and from 2005, it became every four years.

Award categories

Initially, there was only one award category, i.e., the “Top Performer.” In 1987, a new category was added, the “Hall of Fame,” which was conferred to agencies which had received the Top Performer award for three times; in 1989, the “Award of Distinction” was introduced, which was later renamed to the “Award of Excellence.” The newest category, “Presidential Award of Excellence” was included in the 2005-2009 round of evaluation.

In addition to these major awards, the POEA also confers special citations or awards to agencies that demonstrate exemplary performance on specific aspects, such as agencies which deployed displaced workers or those which extended efforts to provide support to OFWs in times of crisis.

Eligibility, criteria and weight distribution

To qualify for the Agency Performance Awards, licensed agencies must meet three basic requirements:

- no record of cancellation or reversal of cancellation or suspension of license or documentary suspension for failure to comply with POEA rules;
- the number of complainants in pending recruitment violation cases should not exceed one per cent of total deployed workers; and
- they should have deployed at least 1,000 workers during the period under review.

In addition, the three-tiered awards must meet specific conditions:

- for the Top Performer Award, the entry level, an agency must have been operating for at least four years;
- for the Excellence Award, an agency must have been a previous recipient of the Award of Excellence or it must have been a Top Performer Awardee for at least three times; and
- for the Presidential Award, an agency must have received the Excellence Award for at least five times and is among the selected Excellence Awardees for the current evaluation period.

For the evaluation period 2009-2012, the criteria and their corresponding weight distribution are summarized in the table below:

Criteria	Weight distribution (per cent)		
	Top performer	Excellence	Presidential
Deployment	30	30	30
Technical capability	25	30	30
Compliance with laws, welfare programmes and human resource development	25	20	20
Industry leadership	--	15	15
Marketing capability	15	--	--
Social responsibility	5	5	5

The criteria and weight distribution for evaluating the agencies have had minor modifications since 1984. Past and current criteria maintain the centrality of deployment, technical capability of the agency and compliance with POEA rules and regulations.

Incentives

The current package of incentives enjoyed by awardees is largely facilitation of various transactions that agencies conduct with POEA – i.e., renewal of license validity, accreditation of employers/principals and exemptions or waivers in complying with process or documentary requirements. Awardees receive publicity and promotion in POEA publications and the posting of the list of awardees on POEA's website. In the past, when POEA used to undertake marketing missions, awardees had the privilege of joining these trips, which gave them opportunities to boost their business.

The different award categories come with different incentives, with the Presidential awardees enjoying the most benefits. The most important (and most appreciated by the awardees) is the extension of license validity; and it also clearly distinguishes the Presidential awardees from the others. Presidential awardees have the privilege of license validity for three full terms, or 12 years, compared with eight years and four years for the Excellence and Top Performer awardees, respectively. The incentives are privileges accorded to awardees; in the event that they commit violations, these privileges can be withdrawn.

The Evaluation process

The evaluation consists of several pre-qualification steps based on a review of administrative data collected by the different offices of POEA. First, deployment data are reviewed – agencies which have deployed at least 1,000 workers move on to the next step. Second, welfare data are reviewed – agencies which do not have cases where the number of complainants is more than one per cent of total deployed workers are sent questionnaires. Third, agencies must complete the questionnaires within 15 days; interviews and inspections are conducted by POEA to verify or collect more information. Fourth, the LRO collates relevant documents, scores and ranks agencies which submitted the questionnaires. Fifth, the Technical Working Group deliberates on the short-listed candidates and comes up with the list of awardees. The sixth and final step, the POEA Directorate reviews the recommendations of the Technical Working Group and makes the final decision on the awardees.

The awardees

Between 1984 and 2009, a total of 19 agency performance awards were organized. Three decades into the establishment of the incentive system, a total of 179 agencies (108 land-based and 71 sea-based) have received an award.

Views and perspectives of stakeholders

Except for the awardees, few know about the POEA's Agency Performance Awards. The migrant workers were the least informed among the participants. The most common perception is that the awards are mostly about deployment. In principle, many support the idea of conferring awards to agencies.

For the awardees, the award is meaningful and it is appreciated because it means that they have maintained the quality of their services. The award has also contributed to better business. However, a few awardees have wondered why some agencies were given an award, as they believed that some of the awardees had committed some basic violations. Most awardees were also satisfied with the incentives although there were also varying views.

In terms of impact on the recruitment industry, some awardees felt that the awards are an inspiration for those in the industry to do well. However, non-awardees as well as some awardees were of the opinion that the awards have not had much impact on the industry since awardees are few in number and they have had no spill over effect for the rest of the industry. They said that awardees have not shown industry leadership. By and large, the perception is that the awards only contribute to the prestige of individual awardees.

Most of the experiences with recruitment agencies shared by land-based and sea-based workers were not positive. Among the sea-based workers, the prevailing sentiment was that the recruitment agencies were more concerned with the principals or employers than the workers. Migrant workers would like to participate in the selection process for the agency awards, although they are not sure of the best mechanism to do so. Using social media and consultations in the Philippine embassies were among the suggested modalities.

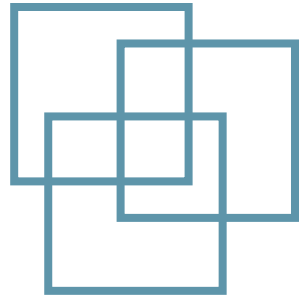
Overall, the consensus is to continue the award system and to improve it by re-thinking the following aspects: review the objectives of the award system; review the criteria and the weight distribution; consider different awards categories; include other stakeholders in the evaluation process; and to shorten the interval between evaluation periods.

Conclusions and key recommendations

On the whole, the study found support for the incentive scheme as part of POEA's governance of the recruitment industry – but some steps are called for to enhance the understanding, credibility, relevance and positive impact of the scheme.

In the short run, POEA needs to invest in information dissemination to promote a better understanding of the award system. Although it has been in place since 1984, only a few participants have a good grasp of what the award system is about. The most common (mis)perception is that the awards are given out to agencies that deploy the most number of workers. Unbeknownst to many, the evaluation carried out by POEA is an evidence-based process that considers deployment as well as other criteria in evaluating agency performance. POEA also needs to provide opportunities for dialogue between the awardees and the rest of the industry to build a culture of good practices and ethical recruitment.

In the long-run, POEA will have to address fundamental issues to effectively link the award system with the larger goals of the overseas employment programme. In view of changes in the dynamic of labour migration and its governance, the strengthening of the award system will have to start with a review of its objectives. When it was launched in 1984, the goal was to give recognition to agencies which demonstrate exemplary performance. Deployment was an important indicator of performance and was germane to POEA's mandate. Three decades later, it is important to define what the awards are for and to examine how the awards are contributing to the thrusts of the government's overseas employment programme. Once the objectives have been defined, the fine-tuning of the criteria and the identification of relevant award categories will follow. While compliance with laws, rules and regulations and welfare programmes had always been part of the criteria in evaluating agency performance, this aspect can be operationalized more concretely. Particularly for land-based agencies, the study recommends that non-charging of placement fees be part of the criteria. The participation of various stakeholders in the governance of labour migration also calls for the opening up of the evaluation of agencies to include other stakeholders. The participation of representatives of civil society organizations, trade unions, and academe will contribute to the credibility of the award system. Migrants' voices are not heard in the evaluation of agency performance. There is a need to develop mechanisms to make room for migrants' assessment of their agencies. It is hoped that the views, observations and suggestions of the different stakeholders, as outlined by the study, will provide the basis for a more participatory and meaningful award system.



1. INTRODUCTION

One of the enduring features of international labour migration in Asia is the participation of private recruitment agencies or private employment agencies which play a role in matching workers and employers across borders.¹ The unceasing demand for foreign workers in destination countries, which commenced since the 1970s, created a space for recruitment agencies to continue their business, and in turn, the latter contributed to furthering labour migration (IOM, 2011: 47). The involvement of recruitment agencies, however, introduced unscrupulous players who inflicted abuses against migrant workers. With the growing number of recruitment agencies and job applicants, labour migration became a buyers' market, i.e., employers gained an advantage because of the hyper-competitive environment (*see also* Martin, 2005; Banulescu-Bogdan, 2013). When organized labour migration started in the region in the 1970s, workers did not have to pay

¹ The Philippine Overseas Employment Administration (POEA) defines "private employment agency" as referring to "any person, partnership or corporation engaged in the recruitment or placement of workers for a fee, which is charged, directly or indirectly, from the workers or employers or both" (POEA, 2002:3). In the Philippine context, the term "manning agency" is a private recruitment agency which is engaged in the recruitment or placement of seafarers for maritime employment. The report uses the term private employment agency or private recruitment agency as referring to agencies operating in both sectors, but retains the term manning agency when it is used by original sources or documents.

for recruitment or placement fees to land a job as these costs were shouldered by employers. After sometime, competition set in as more countries joined the ranks of sending countries and as recruitment agencies proliferated – both in the origin and destination countries. In the process, recruitment agencies operating in the destination countries started selling job placements, and the costs were then passed on to aspiring workers.² Rising placement costs contributed to migrants becoming vulnerable. Migrants and their families may have to borrow money to meet the placement fee, or migrants may be forced to bear difficult conditions so they can repay their debts. Indebtedness, thus, eats into the earnings and remittances of workers.³ In other cases, aspiring workers incur debts only to find themselves illegally recruited or stranded overseas or abused in the workplace. Until quite recently, government-to-government discussions on labour migration have been minimal or lacking, thereby leaving the working and living conditions of migrant workers in the hands of recruitment agencies and employers. Altogether, these conditions breed many irregularities against migrant workers, rendering them vulnerable to various risks and abuses, a situation described as “benign neglect” of migrant workers’ rights (Asis, 2005a).

The labour migration experience of the Philippines mirrors the trends described above. When the country started to send workers to the Gulf region in the 1970s, initially, the recruitment and placement of workers with foreign employers were performed by the Overseas Employment Development Board (OEDB) under the then Ministry of Labor and Employment. As the demand for Filipino workers increased, the government allowed private recruitment agencies to undertake the recruitment and placement of workers. More recruitment agencies and more aspiring workers joined the fray as job opportunities in the Gulf countries grew and later, as more destination countries also sought Filipino workers. With the growing number of players, irregularities set in, notably increasing recruitment

² The practice of selling job placements came about because of the oversupply of aspiring workers vis-à-vis job openings. Recruitment agencies in the destination countries saw a business opportunity in selling job openings to recruitment agencies in the origin countries; the highest bidders get the jobs.

³ The issue of how Vietnamese migrant workers fall into indebtedness and the impact on their families is discussed in Belanger et al. (2011) and Lan and Yeoh (2010).

costs, illegal recruitment, contract substitution, abuses against workers and deteriorating working and living conditions. Due to the growing precariousness of overseas employment, the government attempted to keep recruitment agencies out of the picture in the latter part of the 1970s, but this was resisted by the recruitment agencies. Moreover, it lacked the capacity to meet the relentless demand for Filipino workers. As a result, the government allowed the participation of recruitment agencies under regulated conditions.⁴

The differences between an unregulated vs. regulated context of labour migration are shown in Figures 1 and 2a, respectively. In the former, the state is not actively involved in regulating recruitment agencies, such as India's approach. In this set-up, recruitment agencies serve as the node between migrant workers and employers, with minimal state regulation. Another form of unregulated migration is the direct hiring of migrant workers by employers, without the mediation of recruitment agencies. In the latter, the state is very much present, setting rules and regulations vis-à-vis recruitment agencies, migrant workers and employers (as depicted by the broken lines). In the case of the Philippines, migration takes place in a regulated context. As outlined in Figure 2a, the movement of migrant workers (as presented by the thick arrow) is through recruiters. There is also some movement of workers through the state, but the magnitude of state-mediated migration is smaller (as depicted by the thin arrow). A second variant of regulated migration context (Figure 2b) configures migration taking place without the mediation of recruitment agencies. Bilateral agreements between the country of origin and the country of destination (wide dotted arrows) determine the number and type of workers to be hired, based on the requirements of employers and the availability of workers (thin dotted arrows). Currently, this is the case of labour migration from the Philippines to South Korea as well as the 2013 agreement between the Philippines and Germany on nurse recruitment (see thin, continuous arrows) – a small number of migrant workers are involved under this government-to-government arrangement.

⁴ The Philippines deploys land-based and sea-based workers and agencies dealing with the recruitment and placement of these workers have specific terms. Recruitment agencies refer to those dealing with the former, while manning agencies refers to those which recruit the latter. The report adopts the terms private recruitment agencies or recruiters or employment agencies to refer to both land-based and sea-based agencies. Unless other-wise specified, these terms refer to licensed agencies.

Figure 1. Unregulated labour migration

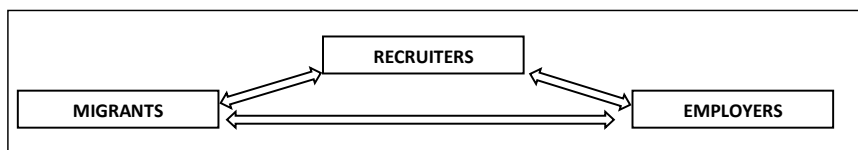


Figure 2a. Regulated labour migration

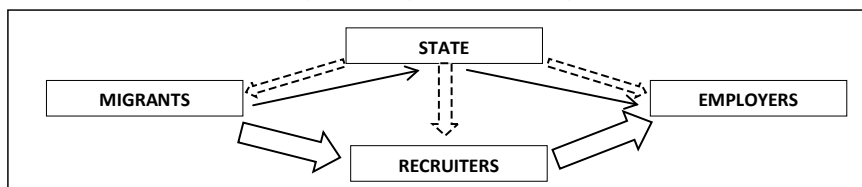
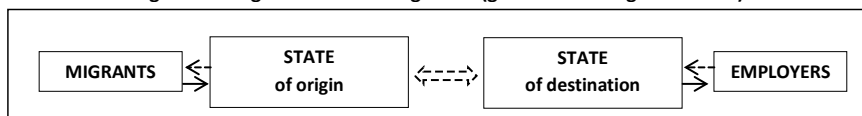


Figure 2b. Regulated labour migration (government to government)



The POEA is the primary agency mandated to ensure the safe and orderly migration of Filipino workers.⁵ An attached agency of the Department of Labor and Employment (DOLE), the POEA has four core functions: industry regulation, employment facilitation, workers' protection, and general services and support. In regulating the recruitment industry, the POEA is tasked to perform the following:

- issue a license to private recruitment agencies to engage in overseas recruitment;
- hear and arbitrate complaints and cases filed against recruitment agencies, foreign principals⁶ and employers and Overseas Filipino Workers (OFWs) for reported violations of POEA rules and regulations (except for money claims, which are handled by the National Labor Relations Commission [NLRC]);

⁵ A detailed discussion of the institutions involved in international migration is discussed in the *Country Migration Report: The Philippines* (IOM and SMC, 2013:168-178).

⁶ A principal "shall refer to a foreign person, partnership or corporation hiring Filipino workers through a licensed agency" (POEA, 2002:3).

- implement a system of incentives and penalty for private sector participants;
- set minimum labour standards;
- monitor overseas job advertisements;
- supervise the government's programme on anti-illegal recruitment; and
- impose disciplinary actions on erring employers and workers/seafarers.⁷

The 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers and the 2003 POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers were developed to manage and govern the recruitment in the land-based and sea-based sectors, respectively. Among others, the rules require conditions, such as:

- To obtain a license, applicants must comply with POEA requirements including paid-up/capitalization of at least Php2 million, proof of financial capacity, and proof of marketing capacity.⁸
- For land-based workers, POEA allows licensed recruitment agencies to charge a fee for their services, but with a ceiling – i.e., the placement fee should not exceed the equivalent of the migrant worker's monthly salary – except in destination countries which do not allow the charging of fees. Since the 2006 Household Service Workers reform package, recruitment agencies are not allowed to charge placement fees for domestic workers. For sea-based workers, applicants do not pay a placement fee as this is covered by the foreign employer or principal.
- Recruitment agencies assume joint and solidary liability with the principal/ employer for all claims and liabilities which may arise in connection with the implementation of the contract

⁷ For details on the other core functions, see <http://www.poea.gov.ph/html/aboutus.html>.

⁸ For details, see http://www.poea.gov.ph/agency/chklist_issuance.pdf. Part 2 of the report also explains what financial and marketing capacity entail.

The recruitment industry resisted the rules and regulations which they saw as further tightening an already regulated environment.⁹ The rules and regulations, however, are not all proscriptions and sanctions: they make it difficult for new entrants in the recruitment industry to obtain a license; they facilitate the operations of licensed agencies; and they provide for an easy exit for errant agencies – these features are summed up by POEA as “difficult to enter-easy to operate-easy to go.” Moreover, as mentioned earlier, the POEA also offers incentives to commendable agencies. The Agency Performance Awards (APA) introduced by the POEA is part of the positive approaches in governing the recruitment sector. The pioneering effort of the POEA to establish the APA has been recognized by the ILO as a good practice (ILO, 2006). The APA inspired similar schemes launched by other origin countries – Pakistan, Viet Nam and Sri Lanka also have an awards or incentives system for recruitment agencies. Except for the Philippines and Sri Lanka, information about the awards system for recruitment agencies in the few countries where it is implemented is not available. It is also interesting to note that while this approach is considered as a good practice or innovative practice by the ILO, there seems to be a dearth of information on the actual contributions and impacts of incentives on the governance of migration.

1.1 Objectives of the Study

Thus far, except for the initial study undertaken by Go (2007), an external assessment of the award system has not been done. The present study builds on Go’s work by tracing the history of the award system, consulting with different stakeholders, and using a mixed-methods approach in collecting information. The general objective of the study is to assess the objectives and design of POEA’s Agency Performance Awards, its implementation, and its contributions to the governance of the recruitment industry. This overall goal was translated into the following research objectives:

⁹ The Administrator’s Report in the 2002 POEA Annual Report mentions that the land-based recruitment industry put up a fight through media campaigns, lobbying in Congress, and filing legal suits to stop its implementation. The lifting of the Temporary Restraining Order on 22 May 2002 by the Supreme Court allowed the implementation of the rules and regulations (POEA, 2002b).

- to review the rationale and design of POEA's award system;
- to examine the implementation of the award system (criteria, stakeholders represented in the selection of awardees, process of implementation, profile of awardees);
- to probe how different stakeholders – key government agencies, recruitment agencies (awardees and non-awardees), migrants, trade unions, civil society organizations – view the relevance and usefulness of the award system, its implementation, and their perceptions of its contributions; and
- to derive recommendations to improve the design and implementation of the award system.

1.2 Methodology

The research is largely qualitative and exploratory drawing information from the review of documents and data and the conduct of key informant (KI) interviews and focus group discussions (FGDs) with selected stakeholders (see Annex 1 for the guide questions). The findings of the study were presented at a validation workshop held on 16 October 2013. Some 50 attendees representing government, the private recruitment sector, non-governmental organizations (NGOs), professional organizations and trade unions participated in the event. The discussions and recommendations from the validation workshop are incorporated in the report.

Most of the data collection activities were carried out in the months of August and September 2013, although some initial interviews were completed in July. Table 1 summarizes the breakdown of the 40 stakeholders and 27 migrant workers who participated in the research as KI interviewees or FGD participants. The stakeholders represented the following sectors: the 2009 awardees among the land-based and sea-based agencies; other recruitment agencies or industry associations; government agencies; trade unions; and civil society organizations and international organizations. The migrant workers who participated in the four FGDs included OFWs who were applying to work abroad for the first time, those who were preparing to leave for abroad (including both first timers and former migrants), and those who have returned to the Philippines (including those who

TABLE 1
Key Informant Interviewees and FGD Participants

	KIs (number of interviewees)	FGD (number of participants)
<i>Total stakeholders: 40</i>	27	13
Agency-awardees	12	
	(5 land-based; 7 sea-based)	
Non-awardees:	7	5
agencies and industry association	(4 land-based; (3 sea-based)	(land-based)
Government	5	
Trade unions	2	
Civil society and international organization	1	8
<i>Total migrant workers: 27</i>		27
Mixed group, OFWs	-	7
Household service workers	-	6
Seafarers-1	-	6
Seafarers-2	-	8

wish to work abroad again if given the opportunity). Additional background details about the KIs and FGD participants are presented in Annexes 2 and 3. Except for one KI, the rest of the informants and FGD participants agreed to have the interview or FGD recorded.

The awardee-informants were selected from the list of the 2009 awardees. The research team randomly selected at least one awardee per category (Presidential, Excellence and Top Performer) for each sector, i.e., land-based and sea-based. For each award category, a number was assigned to all the awardees and the selection was made with the use of the table of random numbers. In case of refusal or no response after several follow-up, replacements were selected from the remaining awardees on the list, using the table of random numbers to select the agency. To increase the chances of securing an interview, at least three potential replacements were selected and all those who agreed were interviewed. As such, the study ended up with more than the minimum number of informants.

The team contacted non-awardees to know the views of the rest of the private recruitment industry. The team attempted to involve industry associations in the hopes of casting a larger net to include more participants. For the land-based

agencies, an FGD was conducted with selected members and the secretariat of the Philippine Association of Service Exporters, Inc. (PASEI). For the sea-based sector, the industry associations contacted did not respond positively to the request for a meeting, hence, the research team sent letters to randomly selected recruitment agencies. In all, six persons representing agencies which did not receive awards in the land-based and sea-based sectors agreed to an interview. In the interviews with the agencies, the research team emphasized that the study was independent of the POEA's on-going agency evaluation covering the period 2009-2012. Perhaps, the on-going assessment has encouraged or discouraged agencies to participate in the study.

The KIs representing the government were mostly from the POEA and OWWA. Since the award system is solely implemented by the POEA, the data collection was focused on POEA officials and personnel involved with the award system.¹⁰

Two KI interviews were completed in order to collect the views of trade unions. Several trade union organizations were contacted, but unfortunately, the response was not that positive. For the views of civil society organizations, an FGD was conducted with several member-organizations of the Philippine Migrants Rights Watch. In view of the International Organization for Migration's initiatives involving recruitment agencies, one of the KI interviewees represented the organization.

The FGDs with migrant workers were made possible with the cooperation of the following organizations/agencies: the Scalabrini Center for People on the Move helped in organizing the FGD with OFWs of varying skill levels (mixed group); Pagoda and Stella Maris, seafarers' dormitories, provided support in recruiting seafarer-participants; and the National Reintegration Center for OFWs recruited and hosted the FGD with domestic workers who were participating in the pre-departure orientation seminar.

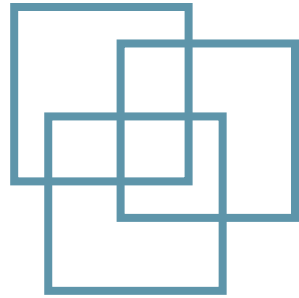
In presenting the results of the study, the names of KIs and participants are withheld to protect their identity. The sectors they represent – awardees, non-awardees,

¹⁰ Initial conversations with officials from other government agencies indicated that they did not know much about the Agency Performance Awards, hence, interviews with them were not pursued.

OFW, government, civil society organizations (CSOs), international organizations, trade unions and workers' organization – are mentioned to appreciate how their social location may shape their views and perspectives.

1.3 Organization of the report

Before turning to the study's findings, a review of the literature, emerging discourses and data on recruitment agencies in the global and Philippine contexts are presented. Following this background discussion, the rest of the report is organized according to the objectives of the research: the origins of the award system, the implementation and profile of awardees, the perspectives and views of migration stakeholders, highlights from the validation workshop and conclusions.



2. BACKGROUNDER ON RECRUITMENT AGENCIES

2.1 Recruitment agencies as facilitators

In the constellation of migration stakeholders, private recruitment agencies are considered as part of the private sector, along with employers. They are known by various names – private employment agencies, middlemen, intermediaries, or brokers.¹¹ In the Philippines, recruitment agencies which deal with the recruitment and placement of seafarers and sea-based workers are known as manning agencies. They operate at various levels (from local to transnational), with different degrees of organization or structure (from informal to highly organized), and with various legal statuses (from unlicensed to licensed). While the sector has received considerable policy and advocacy attention, in comparison, it has received rela-

¹¹ Martin (2005) employs the term “merchants of labour” to refer to “the public and private agents which move people across borders.” The migration literature also refers to the migration industry, which includes but are not limited to recruitment agencies. The range of actors and institutions of the migration industry in different regions is featured in the edited volume, *The Migration Industry and the Commercialization of Migration* (Gammeltoft-Hansen and Sorensen, eds., 2013). In their introductory overview, Gammeltoft-Hansen and Sorensen stressed that the migration industry operates not only to facilitate but also to control migration.

tively less research attention, not for lack of interest on the part of researchers, but because of the inaccessibility of recruiters to researchers.

A special issue of *Pacific Affairs* features selected papers from the 2010 conference on migration brokers in Asia organized by the Asia Research Institute. According to Lindquist, Xiang and Yeoh (2012), the infrastructure of migration, i.e., how mobility is made possible and organized, particularly in the recruitment process, has been relatively neglected even if brokers are present in mediating different types of migration: labour migration, marriage migration and student migration. In the Asian context, brokers play a key role in facilitating migration, particularly in recruitment and providing assistance with documentation requirements. They observe the tendency of other stakeholders (academics, NGOs, policy-makers) to demonize formal brokers in much the same way as informal brokers in debates concerning transnational migration. As states move towards more regulation of migration, there is also the tendency to regard formal brokers and informal brokers as a dichotomy. Research in Indonesia reveals that the two are more part of a continuum rather than polar opposites – on the ground, formal brokers and informal brokers work with each other.

2.2 Recruitment agencies in global and regional contexts

At the global level, the Private Employment Agencies Convention, 1997 (No. 181), which entered into force on 10 May 2000, draws attention to the need to regulate this sector. Convention No. 181 defines a private recruitment agency as “any natural or legal person, independent of the public authorities, which provides one or more of the following labor market services:

- (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;
- (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred

to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks; and

- (c) other services relating to job seeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment" (Article 1, C. 181).

According to Article 7.1 of the convention, "Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers." Article 7.2, however, qualifies that, "In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies." In the Philippines, where recruitment agencies are regulated, the government allows the charging of placement fees, but with a ceiling – the equivalent of one month's salary. As mentioned earlier, the 2006 Household Service Workers reform package does not allow agencies to charge a placement fee for domestic workers. Although the convention has entered into force, it is limited by the fact that so far, only 28 countries have ratified it; except for Japan, other countries in Asia are not a party to the convention.¹²

A notable development in recent discussions on labour migration is the attention given to engaging private recruitment agencies in the conversations. The Global Forum on Migration and Development (GFMD) has sought to engage the private sector (which includes employers and recruitment agencies) in the multi-stakeholder reflection on migration and development. Initially, the private sector was included as one of the civil society stakeholders, but was later considered

¹² See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312326:NO (accessed on 4 November 2013). The States Parties are: Albania, Algeria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Ethiopia, Fiji, Finland, Georgia, Hungary, Israel, Italy, Japan, Lithuania, Moldova, Republic of, Morocco, Netherlands, Panama, Poland, Portugal, Serbia, Slovakia, Spain, Suriname, The former Yugoslav Republic of Macedonia, Uruguay and Zambia. C189 is in force in these countries, except in Serbia and Zambia.

as a distinct stakeholder group which requires a dedicated consultative system (GFMD, 2013). The need to engage the private sector was reiterated at the Second GFMD Thematic Meeting on Recruitment, Labour Migration and Diaspora on 11-13 September 2013, Geneva. In his opening statement, the Swedish GFMD Chair Jan Knutsson noted the high transaction costs borne by migrants and employers, particularly low skilled migrants who are vulnerable to abuse and exploitation by unscrupulous intermediaries, recruiters or employers. He highlighted recruitment as one area of concern and “the need to reduce the role of middle-men in the process, such as abusive recruitment agencies” (Knutsson, 2013:3).

The emergence of international labour migration in Asia appears to coincide with the creation of institutions and measures to regulate the recruitment industry. The Colombo Process countries,¹³ which include a number of origin countries, regulate private agencies through a licensing process that requires an agency to obtain authorization before it can operate. The office or department dedicated to regulating recruitment agencies was established as early as the 1970s (1976 in Bangladesh) or as recent as 2007 (as is the case for Afghanistan, Nepal and Viet Nam) (IOM, 2011:47).

In addition to the traditional and core focus on the regulation of the recruitment industry, the potential of private recruitment agencies to be self-regulating has been considered. On 3-4 April 2008, IOM organized a conference-workshop in Manila to explore the potential of private recruitment agencies in Asia to pursue a commitment to ethical practices. Promoting ethical practices in the recruitment industry is also opportune in light of the rise of unauthorized migration, including human trafficking in Asia. The discussions of the representatives of employment agencies in nine Asian countries (Bangladesh, China, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam) resulted in the identification of the vision, mission and core values of an envisaged association, factors that hinder recruitment agencies in practicing ethical recruitment, drafting a Commitment

¹³ The Colombo Process (CP) is a Regional Consultative Process which started in 2005 under the aegis of the International Organization for Migration. It is distinctive because its members are origin countries, although in later years, some destination countries participated in the discussions as observers. The CP countries are: Afghanistan, Bangladesh, China, India, Indonesia, the Philippines, Nepal, Pakistan, Sri Lanka, Thailand and Viet Nam (IOM, 2011:11).

to Action in Pursuit Ethical Recruitment, and the formation of a regional association. Participants unanimously agreed that “the recruitment industry continues to struggle for good public image” (IOM, 2008:12). In view of this, they proposed that instead of recruiters, they would prefer to be called Overseas Employment Service Providers, a label which will also reflect provision of services other than recruitment. The participants identified over-regulation and under-regulation of labour migration in some countries as the primary reason that hinders practicing ethical recruitment. In their view, “the struggle for ethical practices is most seriously challenged by the abuses committed by foreign employers and manpower brokers in many host countries. There is a dire need to institutionalize a system of sharing information on abusive employers and manpower brokers” (IOM, 2008:13). They have taken note of the incentive programs for well-performing recruiters, employers and workers which are in place in some countries (Philippines, China and Bangladesh) which they said should be sustained and should be replicated. They named the incentive program as a primary factor in encouraging the practice of ethical recruitment. The workshop concluded with the signing of the founding chartered members of the Alliance of Asian Associations of Overseas Employment Service Providers of the Commitment to Action in Pursuit of Ethical Recruitment. The regional alliance adopted the vision of “a well-respected, credible, ethical organization helping to provide gainful overseas employment to people to improve their lives,” tasked with the mission “of connecting human resources in Asia to the world and contributing to the development of the origin and destination countries,” and adhering to the core values of “professionalism, quality, service to humanity, integrity, trust, honesty, passion and fairness” (IOM, 2008:37).¹⁴

A workshop dedicated to the recruitment of workers for overseas employment was held in Dubai, United Arab Emirates on 18-19 January 2011. The workshop aimed to promote transparent and fair practices through improved legislation and regulatory measures and actions (bilateral and multilateral) that would encourage compliance of private employment agencies. The discussions specifically on regulations and incentives recognize the importance of the compatibility between the two. Compliance is enhanced if recruiter incentives align with regulations. The

¹⁴ The alliance had difficulty in operationalizing the organization and to carry out what it aspired to accomplish (interview with Ricardo Casco, 18 July 2013).

willingness of workers to pay for jobs poses difficulties in monitoring recruitment fee violations. Until the ideal situation is reached, i.e., where workers refuse to pay, some policy options to encourage compliance with placement fee regulations are: (a) rewarding employers and recruiters who comply with regulations – examples of rewards are charging them lower fees or granting them priority access to government-provided services; (b) stepping up enforcement against violators; and (c) increasing bilateral and regional collaboration to identify and close loopholes in detecting and deterring violations. The cooperation and concerted actions between countries of origin and countries of destination in the regulation of agencies and cooperative enforcement of regulations was suggested as a way forward (MOL-UAE, 2011).

It is interesting to note how incentives are figuring in various fora as a means to enhancing compliance with regulations. The ILO Multilateral Framework on the Governance of Labour Migration also considers the use of incentives to reward recruiters for good performance as a good practice to further an orderly and equitable process of migration, citing the Philippine scheme as an example (ILO, 2006). China, Bangladesh, Pakistan, Viet Nam and Sri Lanka are other countries where incentives have also been introduced. Other than the study on the Philippines (Go, 2007) and some information about Sri Lanka's scheme, few details are available about the incentive schemes in other countries.

In the case of Sri Lanka, the incentive scheme was introduced by the Sri Lanka Bureau of Foreign Employment (SLBFE) in 2009. The introduction of the incentive scheme was accompanied by the implementation of a grading system, in keeping with the objectives of the Sri Lanka Bureau of Foreign Employment Act No.21 of 1985. Articles 15a and 15b stipulate that the Bureau shall 'assist and support foreign employment agencies in their growth and development' in which the grading system is aimed at "(a) formulating a mechanism that will pave the way for growth and development of foreign employment agencies within the legal framework of the Bureau; (b) to recognize and appreciate FEAs [foreign employment agencies] with high performances; (c) to encourage the agencies to follow good practices, and (d) assisting to gauge their own rate of performances at national level." The grading system rates agencies from 1 to 5 stars and the certificate is valid for two years. The incentives given to agencies depend on their ratings. The agencies

welcomed the grading system and support it; the award winner use the grading for their publicity and mentions it in their advertisements.¹⁵ Another likely reason why SLBFE was able to push through with the grading system might be due to the fact that the Association of Licensed Foreign Employment Agencies (ALFEA) is under its supervision, unlike in the Philippines where industry associations are independent of the POEA.¹⁶

2.3 The recruitment industry and labour migration in the Philippines

As of 12 November 2013, there were a total of 1,266 licensed agencies (866 land-based; 400 sea-based). Over the years, the number of recruitment agencies has more or less hovered around 1,200.¹⁷ The Philippines is an example where private recruitment agencies have contributed to propelling the country's ascent as a major source of workers and talents for the global labour market. When the country started to participate in labour migration, it started with 36,305 processed contracts in 1975; decades later, by 2012, the number of deployed workers soared to 1,802,031 (IOM and SMC, 2013:59).

Since they became a significant partner in labour migration in the late 1970s, recruitment agencies have come to dominate in the hiring of Filipinos for overseas employment. Of the three modes of recruitment – through the Government Placement Branch (GPB) of the POEA, through agencies, or through name hires or direct hiring – agency hires have the largest share, as shown in Table 2. Although

¹⁵ Email communication (22 August 2013) with Mr. L.K. Ruhunage, Independent Consultant, former Additional General Manager, SLBFE. For further details about the grading system, see http://applications.slbfe.lk/feb/la_grading/la_main.asp.

¹⁶ The SLBFE Act No. 21 of 1985 (Part VIII) provides for the establishment of ALFEA, see <http://www.alfea.org/constitution.php>.

¹⁷ Whether this number is too many or just right is debatable. Although specific to the deployment of domestic workers to Jordan, one of the factors contributing to the many problems of Filipino (and Sri Lankan) domestic workers in that destination is the large numbers of competing recruitment agencies. One of the recommendations to address the problems is to reduce the number of recruitment agencies involved in the deployment of domestic workers (Agunias, 2011).

TABLE 2
Annual Deployment of OFWs by Type of Hiring, 2004-2010

Year	GPB	Agency hire	Name hire	Others	Total
2004	5 469	263 310	14 133	-	284 912
2005	9 953	259 572	16 560	3 624	289 981
2006	11 346	279 354	21 300	5 680	317 680
2007	8 625	272 517	31 210	908	313 260
2008	4 102	347 000	25 263	608	376 973
2009	3 192	326 156	19 660	707	349 715
2010	6 519	322 198	13 249	-	341 966

Note: Totals for 2004 and 2005 do not add up correctly.

Source: Table 19 in IOM and SMC (2013:65).

the share of hiring through the GPB is minimal, recruitment agencies are critical of the government's participation in the recruitment of workers and consider this as a conflict of interest (i.e., the government as regulator and as recruiter at the same time).

2.4 Managing private sector participation in overseas employment¹⁸

As mentioned earlier, the revised Rules and Regulations Governing the Recruitment and Employment of Land-based Workers in 2002 have been summed as comprising "difficult to enter-easy to operate-easy to go" measures. To ensure compliance and to prevent or curb possible violations by private recruitment and manning agencies, as well as foreign employers, POEA has developed various measures that may be classified as preventive, facilitative, remedial or punitive and positive (Table 3).

Although many of the specific measures have been in place since the 1980s, the revised rules and regulations governing the recruitment and employment of land-based workers in 2002, and subsequently, those governing the recruitment and employment of seafarers in 2003, resulted in significant changes in regulating the recruitment industry. The changes are outlined below for the first three measures,

¹⁸ This section updates data from an earlier study by Go (2007, pp. 2-8).

TABLE 3
Current Policy Measures to Manage Overseas Employment in the Philippines

<p>Preventive</p> <p><i>Regulation of private sector participation</i></p> <p>Eligibility criteria to obtain a license to operate a recruitment or manning agency (including capitalization, proof of financial capacity and marketing capability, escrow deposit and surety bond)</p> <p><i>Regulation of participation of foreign principals and employers</i></p> <p>Verification of recruitment documents of foreign principals, including employment contracts of Filipino workers</p> <p>Registration and accreditation of foreign principals, employers and projects after verification</p> <p><i>Information and education campaign against illegal recruitment</i></p> <p>Pre-employment Orientation Seminars (PEOS)</p> <p>Anti-Illegal Recruitment and Anti-Trafficking in Persons (AIR/TIP) Seminars</p> <p>Capability Enhancement Training (CET) on Overseas Employment Training</p> <p>Development of Air/TIP posters, FAQ flyers, training manual, power point and audio-visual presentations</p> <p><i>Illegal recruitment free local government units (LGUs) campaign</i></p> <p><i>Continuing agency education programme (CAEP)</i></p>
<p>Facilitative</p> <p><i>Streamlining of POEA systems and procedures (including the use of electronic technology in service delivery) to shorten process cycle time and reduce bureaucratic red tape</i></p>
<p>Remedial/Punitive</p> <p><i>Regulation of private sector participation</i></p> <p>Administrative sanctions for recruitment violations by licensed agencies (suspension, cancellation of license)</p> <p>Prosecution of illegal recruiters</p> <p>Voluntary conciliation</p> <p>Regular inspection of licensed recruitment agencies</p> <p>Surveillance of suspected illegal recruiters</p> <p>Arrests and closures of establishments</p> <p><i>Regulation of participation of foreign principals and employers</i></p> <p>Disciplinary action against foreign employers (suspension and disqualification)</p> <p><i>Disciplinary action against erring workers</i></p>
<p>Positive</p> <p><i>Awards (with accompanying incentive packages) to outstanding recruitment and manning agencies</i></p> <p><i>Awards to exemplary foreign principals and employers</i></p> <p><i>Awards to outstanding and exemplary overseas Filipino workers</i></p>

Sources: POEA Annual Reports, Various Years; POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Workers, 2002; POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers, 2003

while the positive measures, particularly the Agency Performance Awards, are discussed in the rest of the report.

Preventive measures

With the revised rules and regulations, more stringent requirements were placed upon employment agencies seeking a license to operate. These made it more difficult for private recruitment and manning agencies with no capability to respond to the needs of the deployed workers to obtain a license to participate in the overseas employment program. Significant among these are the amendments increasing the following:

- capitalization requirement for private recruitment and manning agencies seeking a license to operate from one million pesos to two million pesos;
- escrow deposit from 200,000 pesos to 1 million pesos;
- savings account deposit of 250,000 pesos to 500,000 pesos;
- surety bond from 50,000 pesos to 100,000 pesos; and
- license fee from 30,000 pesos to 50,000 pesos.

Table 4 shows that with the implementation of the new licensing criteria in 2002, the number of new applicants declined markedly from 346 in 2001 to 145 in 2002 and 94 in 2003. Although the number has fluctuated over the years, what is evident is that since the new rules were implemented, the number of new applications has remained markedly lower than the 2001 figure. Consequently, with the exception of 2006, the number of new licenses issued each year has remained below 100 since 2003. The heavier financial requirement for licensing has resulted in a natural selection process among potential participants in the overseas employment program. It is significant to note, however, that the issuance rate for new licenses has been fairly high over the years – well above 50 per cent in most cases, with the exception of 2005 and 2011. This seems to indicate that, by and large, a majority of recruitment agencies are able to comply with the new licensing criteria.

The participation of foreign principals and employers is also regulated by POEA. Foreign principals and employers must course their manpower requirements through POEA-licensed private recruitment or manning agencies in the Philippines. Once they have identified a licensed Philippine employment agency that will source their

TABLE 4
Status of Applications for New Agency Licenses

Licensing Data	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total applications handled	461	366	195	240	204	206	171	139	102	82	130	176
<i>Pending at the beginning</i>	115	221	101	52	81	33	54	26	31	19	8	13
Land-based	97	202	87	43	79	32	53	22	18	19	8	12
Sea-based	18	19	14	9	2	1	1	4	13	0	0	1
New applications filed	346	145	94	188	123	173	117	113	71	63	122	163
Land-based	318	111	82	172	107	153	105	96	58	47	102	142
Sea-based	28	34	12	16	16	20	12	17	13	16	20	21
Total new licenses issued	187	181	85	92	76	116	83	80	71	40	50	55
Land-based	172	150	71	86	68	103	73	68	56	24	40	42
Sea-based	15	31	14	6	8	13	10	12	15	16	10	13
Issuance rate*	77.9	68.3	59.4	57.9	44.4	76.3	57.2	74.1	85.5	54.1	42.7	
Total new applications denied/returned	53	84	58	67	95	27	***	***	12	21	67	75
Land-based	41	76	55	50	86	20	***	***	11	20	58	67
Sea-based	12	8	3	17	9	7	***	***	1	1	9	8
Denial rate**	22.1	31.7	40.6	42.1	55.6	17.8			14.5	28.4	57.3	
Total applications pending at the end	221	101	52	81	33	54	26	31	19	8	13	***
Land-based	202	87	43	79	32	53	22	18	19	8	12	***
Sea-based	19	14	9	2	1	1	4	13	0	0	1	***

Notes: * Issuance rate = Total New Licenses Issued/(Total Applications Handled-Total Applications Pending at the End) x 100
 ** Denial rate = Total New Application Denied/Returned (Total Applications Handled - Total Applications Pending at the End) x 100
 *** No data available

Source: Licensing Branch, Philippine Overseas Employment Administration

manpower needs, they are required to submit recruitment documents (including the employment contracts of Filipino workers) for verification by the Philippine Overseas Labor Office (POLO) at the Philippine embassy or consulate. The existence of the company or project and the need for Filipino workers will be verified by the POLO. Foreign principals or employers of land-based workers must also be registered or accredited to a licensed Philippine recruitment agency. Foreign principals who act as direct employers may be registered or accredited to more than one licensed Philippine recruitment agency while foreign principals who are licensed to act as foreign placement agencies may be registered or accredited to a maximum of only two Philippine agencies.

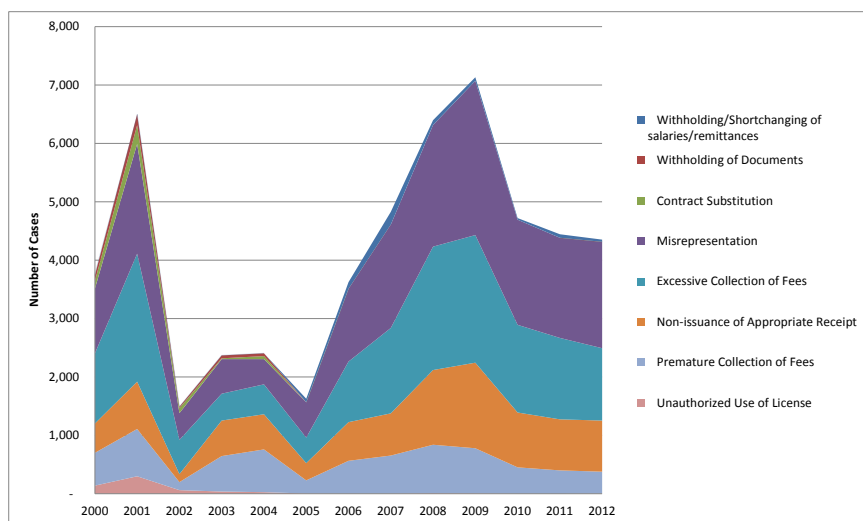
Remedial/Punitive measures

Under the new rules and regulations, stiffer administrative sanctions were instituted for violations committed by employment agencies. Stricter enforcement of the rules and regulations was designed to more easily weed out recruitment violators through the imposition of penalties, including suspension and the cancellation of licenses.

Violations are classified into serious, less serious and light violations. Under the 2002 rules, serious offenses, such as the overcharging of placement fees and misrepresentation by the agency to obtain a license or its renewal are punishable by the immediate cancellation of the agency's license at the first offense.

For the less serious violations, such as premature collection of fees, collection of fees from a worker without issuing a receipt or contract substitution, the agency's license is cancelled only on the third offense; however, the first two offenses are punishable by a suspension of two to six months and six months to one year, respectively. Light violations, on the other hand, result in the cancellation of the license only on the 4th offense. Light offenses include failure to deploy a worker within the prescribed period without a valid reason, inducing or attempting to induce an employed worker to transfer from or leave his/her current employment. The agency is given a reprimand on the first offense. The second offense is punishable by a suspension of one to three months while the third offense is meted a three to six month suspension.

FIGURE 3
Common Recruitment Violations, 2000-2012



Sources: POEA Adjudication Office (for 2000-2004 data); POEA Welfare and Employment Office (for 2005-2012 data).

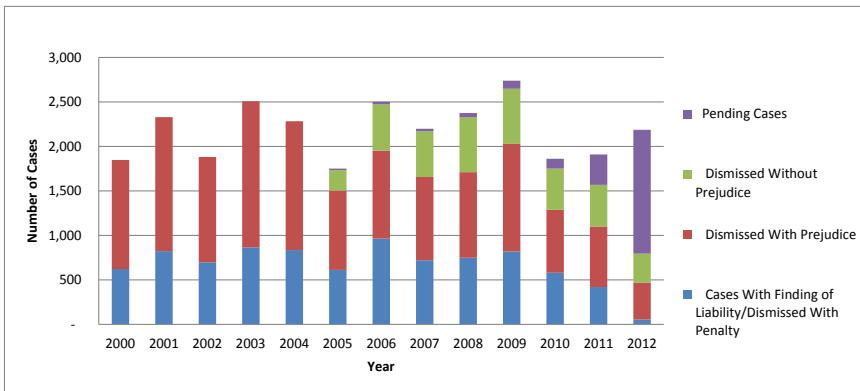
The dramatic decline in 2002 of the number of the most common types of recruitment violations filed against the employment agencies, including the serious violations, such as excessive collection of placement fees and misrepresentation¹⁹ attests to the immediate deterrent effect of the stiffer penalties imposed (Figure 3). However, the deterrent effect appears temporary as the number of less serious offenses filed (e.g., premature collection of fees and non-issuance of a receipt) and serious offenses (e.g., misrepresentation and excessive collection of fees) rose markedly again in from 2005-2009.²⁰

What the data seem to indicate is that perhaps, more than just the severity of the penalties, the certainty of punishment may be the more important deterrent for

¹⁹ Misrepresentation includes, among others, misrepresentation for the purpose of securing or renewing a license or the employment of land-based workers or seafarers.

²⁰ The decline in 2010 may be due to the intensification of the Illegal Recruitment-Free LGUs Campaign since it was started in 2006 (see discussion on page 18).

FIGURE 4
Status of Docketed Recruitment Violation Cases, 2001-2012



Source: POEA Welfare and Employment Office.

erring agencies. The fact that a majority of the total number of cases filed against private employment agencies over the years have been dismissed with prejudice²¹ due either to desistance or non-appearance of complainants themselves or the lack of substantial evidence may lead violators to believe that they can get away with their wrongdoing (Figure 4).

Moreover, the implementation of the process of voluntary conciliation has led to an increasing number of cases submitted for voluntary conciliation since 2002 (Figure 5 and Table 5). A majority of these have led to the amicable settlement of a majority of cases that allowed the private agencies that have transgressed the rules to get away with a lighter penalty. While this is so, the process of voluntary conciliation is the preferred mode of dispute settlement because it avoids the long, litigious court process that has led to the pile-up of cases and delays in their disposition. The process has led to some monetary compensation for a majority of the overseas Filipino workers who went into voluntary conciliation since 2009; however, the average amount received per complainant has been largely small

²¹ In a case dismissed with prejudice, the complainant's legal rights have been determined and lost and the case can no longer be filed again; whereas a case dismissed without prejudice (as in the case of the court's lack of jurisdiction) does not waive the legal rights of the complainant and can be filed again at a later time.

FIGURE 5
Number of Conciliation Cases Handled and Their Outcomes, 2002-2012

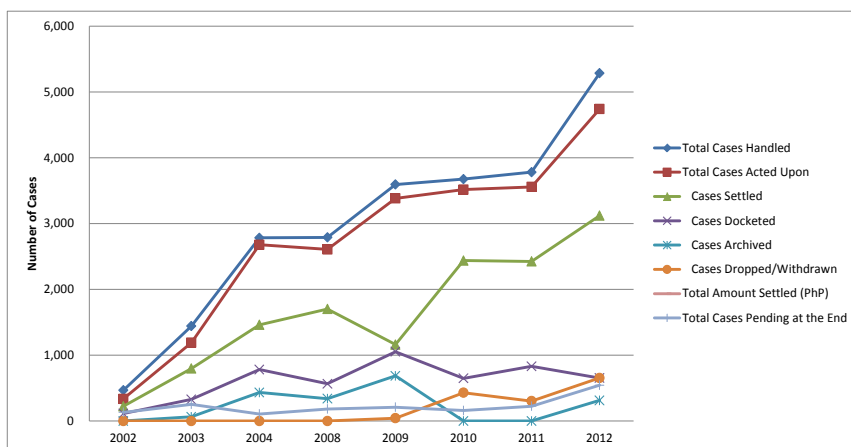


TABLE 5
Number of Conciliation Cases Handled and Their Outcomes, 2002-2012

	2002	2003	2004	2008
Total cases handled	467	1 442	2 784	2 790
Total cases acted upon	336	1 189	2 678	2 607
Cases settled	223	797	1 462	1 702
Cases docketed	113	328	782	566
Cases archived	0	64	434	339
Cases dropped/withdrawn	0	0	0	0
Total amount settled (Php)	14 940 258	48 524 966	39 039 198	59 633 669
Total cases pending at the end	131	253	106	183
	2009	2010	2011	2012
Total cases handled	3 593	3 675	3 781	5 284
Total cases acted upon	3 383	3 516	3 557	4 740
Cases settled	1 162	2 438	2 424	3 120
Cases docketed	1 052	648	831	653
Cases archived	686	0	0	313
Cases dropped/withdrawn	43	430	302	654
Total amount settled (Php)	60 657 976	82 314 354	500	341 554
Total cases pending at the end	210	159	224	544

Source: Conciliation Group, POEA Welfare and Employment Office

TABLE 6
Monetary Settlement and Average Amount Settled in Voluntary Conciliation
(Philippine Pesos)

	2008	2009	2010	2011	2012
Total amount settled	39 039 198	59 633 669	60 657 976	82 314 354	500 341 554
Average amount received per capita	27 905	21 521	26 535	26 804	15 5193
Number of complainants benefited	1 399	2 771	2 286	3 071	3 224
Percent of complainants benefited	39.2	56.6	52.3	60.7	54.3
Total number of complainants	3 566	4,897	4 370	5 059	5 933

Source: Conciliation Group, Welfare and Employment Office, POEA

(Table 6). It is also significant to note that a significant proportion of the complainants received no monetary compensation whatsoever.

What is more difficult to monitor and regulate are the activities of the illegal recruitment agencies and individuals. Consequently, government, together with the private sector, NGOs and the local government units, has adopted a multi-pronged approach to the problem. An intensified campaign against illegal recruitment has been implemented that includes surveillance operations, legal assistance to victims of illegal recruitment and an integrated tri-media²² information and education campaign.

The Pre-Employment Orientation Seminars (PEOS)²³ conducted in various parts of the country is an important component of the information and education cam-

²² Tri-media include radio, television and newspapers.

²³ Pre-employment orientation seminars (PEOS), which provide information on labour and employment conditions, migration realities and other information on overseas employment are conducted in schools and in the regions through POEA and DOLE regional offices as well as through the Public Employment Service Offices (PESOs) of the LGUs. They are also conducted prior to or during job fairs and during regular in-house PEOS at POEA. Unlike the pre-departure orientation seminars (PDOS) which departing OFWs must attend, PEOS is not mandatory.

paign of government to empower potential OFWs to make intelligent decisions relating to overseas employment. It includes modules on anti-illegal recruitment and is participated in by a wide audience. In 2012 alone, a total of 921 seminars were conducted with an audience of 170,374 people.²⁴ In contrast, a total of 840 seminars were conducted in 2005 that had a total audience of only 63,330 people (Go, 2007).

Anti-Illegal Recruitment/Trafficking in Persons (AIR/TIP) seminars are also conducted at the grassroots level. These seminars inform participants, which include law enforcers, state prosecutors and barangay officials, on the laws on illegal recruitment (Republic Act or RA 10022) and trafficking in persons (RA 9208 and its expanded version, RA 10364), and the modus operandi of illegal recruiters.

A nationwide trainers' training program on the overseas employment programme known as the Capability Enhancement Training (CET), is conducted among programme partners from different government and non-government organizations, including media and the academe, to ensure a wider reach at the grassroots level through the multiplier effect of the training.

Moreover, information materials in the form of posters, FAQ flyers, training manuals and power-point and audio-visual presentations on overseas employment are developed as supplementary materials handed out during the various seminars. According to POEA, a total of 93,137 copies of information and education materials were distributed across the country from January to September 2013 alone. In addition, the list of licensed recruitment and manning agencies are posted in the POEA website and is updated on a regular basis.

Surveillance operations against suspected illegal recruitment operators are also undertaken yearly. However, these have met with limited success over the years. These have led to the closure of only a few illegal recruitment establishments and the arrest and conviction of even few individuals (Go, 2007). In 2010, only six out of 215 dubious establishments put under surveillance were closed and only 12 suspected illegal recruiters were arrested (POEA, 2010).

²⁴ Taken from the 2012 Year-End Accomplishment Report of the POEA Anti-Illegal Recruitment Branch.

As part of its preventive measures against illegal recruitment, the Illegal Recruitment-Free LGUs Campaign was launched in 2006. Partnerships are forged through a Memorandum of Understanding (MOU) with local government units and other entities such as the academe, NGOs, faith-based groups and the private sector²⁵ to help in the campaign against illegal recruitment and trafficking in persons.

The MOU with LGUs include three salient features: an information campaign against illegal recruitment and human trafficking, the establishment of an OFW Desk, and corrective or law enforcement measures against illegal recruiters.

In 2006, MOUs were signed with only seven LGUs in Metro Manila. In 2012, 90 additional MOUs were forged with 12 LGUs, seven academic institutions and one NGO. As of September 2013, POEA reports that a total of 477 towns and cities have already adopted the campaign to make LGUs free from illegal recruitment and human trafficking (*Watchman Daily Journal*, 2013).²⁶

Facilitative measures

To make it easy for all licensed agencies to operate, to reduce overcrowding in POEA and to minimize human intervention and the potential for graft and corruption, the E-Link Project for OFWs,²⁷ was launched in 2001. This led to the design and development of an electronic hub for contract processing which consisted initially of the electronic submission (e-Submit) system for employment contracts and other documents of workers. This was followed by the e-Receipt, the e-Verification and the e-Payment systems.

²⁵ In 2009, POEA entered into an agreement where ShoeMart (SM) initially pledged to put up SM Balikbayan Centers in 31 of its branches all over the country that will serve as one-stop shops featuring products and services for OFWs and their families, including Globe Telecom's anti-illegal recruitment campaign for POEA's public education programme as well as Globe products and services for the overseas Filipino community.

²⁶ *Watchman Daily Journal* (2013), "MOU on illegal recruiters inked," 5 October. Available at <http://www.watchmendaily.com/news/mou-illegal-recruiters-inked/>.

²⁷ The Electronic Commerce Act of 2000 led to the creation of the Electronic Government (e-Gov) Fund to finance government computerization programs, one of which was the POEA e-Link Project for OFWs.

The e-Receipt system issues a single receipt to three payment transactions (POEA processing fee, Overseas Workers Welfare Administration (OWWA) membership and PhilHealth contribution). The e-Verification system links POEA to its regional centers in the country and the Philippine embassies/consulates and allows these offices to know instantly if an employer is accredited or not or is in the POEA watch list or blacklist. The e-Payment system, on the other hand, allows recruitment and manning agencies to pay the processing fees via the internet through the POEA's partner banks such as the Development Bank of the Philippines and Land Bank of the Philippines. PhilHealth contributions and OWWA membership fees can also be paid through the internet.

On 24 April 2002, POEA obtained its International Organization for Standardization (ISO) 9001:2000,²⁸ Quality Management System certification for its overseas employment facilitation services for both land-based and sea-based processing as well as the processing of household service workers, its general administrative processes and support services. Valid for three years, the certification to ISO 9001:2000 was renewed in 2005 for another three years.

On 27 November 2012, it obtained ISO 9001:2008 certification for 37 of its processes, which include documentation of workers, registration of applicants, provision of public information and assistance, verification and certification of OFW records, provision of legal assistance, licensing of recruitment agencies, and issuance of special recruitment authority, registration/accreditation of foreign principals and employers and general administrative support services. These processes cover services to OFWs, licensed recruitment agencies and employers, general administrative and support services, and general procedure. The certification was awarded by Certification International of the Philippines, Inc. (CIPi) and is valid for three years from 8 October 2012 to 7 October 2015.

²⁸ ISO 9001:2000, which has been revised by ISO 9001:2008, provides criteria and certification for a quality management system. Being ISO-certified means that POEA has a framework to manage its services and to ensure continuous improvement in all aspects of the services it provides to achieve greater effectiveness and efficiency as well as sustained customer satisfaction. It is externally assessed on an ongoing basis to ensure that the best practices are maintained. An organization like POEA applies for the registration of its products or services and undergoes a two-stage audit before it is granted ISO certification. Surveillance audits are also conducted on a bi-annual or annual basis to ensure that the certified quality management system is in compliance and demonstrates continuous improvement in terms of its systems, products/services and resource management.

TABLE 7
Agency Participation in the Electronic System
and Number of Workers' Employment Contracts Processed

Year	Number of participating agencies in electronic system (e-submission and e-receipt)	Landbased	Seabased	Number of workers' employment contracts processed	Landbased	Seabased
2003	43	43	-	588 776	301 432	287 344
2004	134	110	24	702 935	401 467	301 468
2005	283	239	44	754 039	447 742	306 297
2006	850	726	124	1 221 417	866 090	355 327
2007	1 042	884	158	1 306 678	916 471	389 607
2008	1 027	867	160	1 464 295	1 005 538	389 607
2009	1 005	841	164	1 479 070	1 043 555	435 515
2010	1 021	840	181	1 644 439	1 205 734	438 705
2011	1 070	881	189	1 850 463	1 384 094	738 705
2012	1 058	865	193	2 083 223	1 629 867	453 356

The implementation of the electronic system began in 2003 with the participation of 43 land-based agencies. The number of participants almost tripled to 110 in 2004 and expanded further to 239 member agencies in 2005 and 726 in 2006. By 2012, almost all the land-based recruitment agencies participate in the electronic system. The sea-based agencies followed suit in 2004 with 24 member agencies and in 2005, the number increased to 44 and tripled to 124 in 2006 (Table 7).

Through the process of continuous improvement, the process cycle time for the various transactions involving land-based workers and seafarers has been cut down considerably. Consequently, it has resulted in the increase of the number of employment contracts processed as well as the number of foreign principals or employers accredited or registered.

The potential of e-technology in reducing, if not totally eliminating bureaucratic red tape, reducing graft and corruption and other recruitment violations is evident. Paperless transactions that afford greater transparency and deliver services faster,

better, and with the least cost will eliminate the need for intermediaries as well as the opportunity for anomalies to flourish.

2.5 Promoting ethical recruitment and practices

In 2010, POEA introduced the Continuing Agency Education Programme (CAEP) for the officers and staff of licensed land-based and sea-based agencies; this is a requirement for the renewal of license. The program is intended “as an important intervention to further professionalize and improve the technical capabilities and moral values of the officers and staff to better manage and operate the agency and ensure the deployment of secured and gainfully employed workers”. The seminar covers the following topics: Overview of the Overseas Employment Programme, Ethical Recruitment and Best Recruitment Practices, Values Formation and Spiritual Upliftment, Corporate Social Responsibility, and Special and Current Concerns Affecting the Operation of Licensed Agencies (POEA Memorandum Circular No. 03, Series of 2010).²⁹

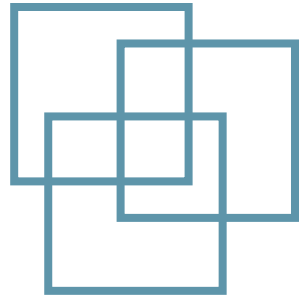
As a sector, recruitment agencies have established associations (some associations have been formed along specific lines, e.g., skills or destination-specific) and federations or umbrella organizations to advance their interests. In recent years, the issues of ethical recruitment and good practices have also entered into the discussions of the recruitment sector. In an industry where overcharging of placement fees is widespread (Asis, 2005b; Battistella and Asis, 2011),³⁰ the Association of Professionalism in Overseas Employment, Inc. (ASPROE) is an exception because of its long standing practice of not charging placement fees. Some observers have commented that ASPROE members can do so because they deploy professional workers. The Filipino Migrant Workers’ Group, an association of OFWs, also runs an agency which does not charge placement fees (Interview with Engr. Francisco

²⁹ For details see Memorandum Circular 03, Series of 2010 (<http://www.poea.gov.ph/mcs/MC%202010/MC-03.pdf>). Some amendments were introduced in 2012; the rationale for CAP has not changed (http://www.poea.gov.ph/mcs/mc%202012/mc_15_2012.pdf).

³⁰ Overcharging of placement fees is more of an issue in the land-based sector; seafarers do not pay a placement fee.

Aguilar, 2 August 2013). The 51-members of the Society of Hong Kong Accredited Recruiters of the Philippines (SHARP) are committed to a policy on no placement-fee.³¹ Steps towards raising awareness and action on ethical recruitment received a boost with the adoption of the Code of Ethics by 23 land-based agencies and five maritime associations on Migrant Workers Day in June 2012. POEA Administrator Hans Leo Cacdac said the “land-based group committed to observe what is best for the workers and to uphold the highest principle of ethics and integrity while the manning sector stressed its adherence to the rule of law and to maintain the dignity and good reputation of the Philippine manning industry” (Dinglasan, 2012).

³¹ See http://sharp-inc.org/ContentPub/content_memberdirectory. This is in adherence to the government’s no placement fee policy in the deployment of domestic workers or household service workers, which is part of the reform package of 2006. According to a study on domestic worker protection, this policy is often violated (Battistella and Asis, 2011).



3. RATIONALE AND ORIGINS OF THE POEA'S AGENCY PERFORMANCE AWARDS

The POEA Agency Performance Awards started in 1984, the second decade of the country's international labour migration experience.³² The introduction of the award system in 1984 came at an interesting juncture of organized and state-led labour migration: temporary overseas employment programme was continuing, more Filipinos were keen to work abroad, the number of recruitment agencies was increasing, reports of violations against migrant workers were on the rise, and the institutionalization of migration-related state agencies was advancing. It is interesting to note that the award system was introduced just two years after the POEA was established in 1982. The creation of the POEA marks the integration of foreign employment services into one agency. Previously, the functions were carried out by three offices under the Ministry of Labor and Employment – the Bureau of Employment Services, the Overseas Employment Development Board

³² The POEA also introduced the *Bagong Bayani* (New Hero) awards for outstanding OFWs in 1984 and later it also conferred awards to outstanding employers. The former was transferred from POEA to the Bagong Bayani Foundation, Inc. (see <http://www.bbfi.com.ph/>) while the latter was conducted by the Marketing Office of POEA twice, in 2002 and 2005.

and the National Seamen Board. The POEA's annual report for 1982 noted the three key areas of responsibility of the agency: market development, licensing and regulation, and adjudication processes (POEA, 1982:1, 3). By the time the POEA came into existence in 1982, there were more than a thousand licensed agencies compared with 19 in 1972 (POEA, 1984:10). The same year also saw the breaching of the 300,000 mark of deployment (Message of POEA Chair Patricia Sto. Tomas in POEA, 1982:2).

The award system originated in connection with POEA's evaluation of recruitment agencies undertaken by the agency's Licensing and Regulation Office. In 1983, POEA pre-tested a Ranking and Rating System, "a scheme aimed at upgrading and professionalizing the overseas employment and contracting industry through evaluation of the performance of licensed agencies and entities" (POEA, 1983: 13). The pre-test used the manning agencies as the core group and the plan was to employ the results of the exercise as "the basis for an expanded evaluation instrument eventually is meant to be used for the granting of incentives for the performing agencies" (POEA, 1983:13). Furthermore, it was expected that "[w]hen fully implemented, all licensed agencies and entities will be ranked and rated according to their performance. In the end, it is hoped that the ranking and rating system could also be used to rationalize the industry and enhance a healthier state of competition among agencies of comparable capabilities" (POEA, 1983:13).

Following the pre-test in 1983, the 1984 POEA Annual Report refers to the establishment of "a combination of incentive and punitive policies to spur the professionalization of the industry." "Under this scheme, performance under internally set criteria is rewarded with liberalized procedures in all aspects of POEA operations while offenses, like recruitment violations, are dealt with severely" (POEA, 1984: 10). The award system materialized, starting in 1984, and has been in place since then. The envisioned ratings system, on the other hand, had not taken off, largely because of the objection of the agencies, according to government KI interviewees (this is confirmed by the reactions of agency respondents to the idea as discussed in a later section). Nonetheless, the ratings system has not been abandoned. This is mentioned in the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers and the 2003 POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers, where the

envisaged ratings system is mentioned as a basis for the granting of incentives to outstanding agencies.³³ Both documents refer to the award and incentive system as a way of recognizing the “exemplary performance” of recruitment agencies:

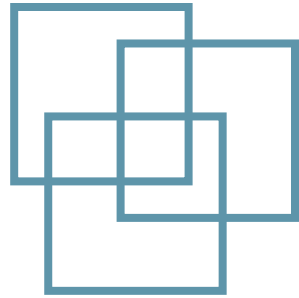
- “Section 24. Classification, Ranking and Incentives. The Administration shall undertake the classification and ranking of agencies. In recognition of their exemplary performance (underscoring provided), the Administration shall issue guidelines for entitlement of agencies to schemes for incentives and rewards such as extension of validity of license, express processing and in-house documentation. “(Rule II, Issuance of License, POEA Rules and Regulations -Land-based Workers).
- “Section 23. Classification, Ranking and Incentives. The Administration shall undertake the classification and ranking of agencies. In recognition of their exemplary performance (underscoring provided), the Administration shall issue guidelines for entitlement of agencies to schemes for incentives and rewards such as extension of validity of the license, express processing and in-house documentation.” (Rule II, Issuance of License, POEA Rules and Regulations – Seafarers).

In the keynote address of POEA Administrator Rosalinda Baldoz to the Regional Conference Workshop, “Organizing the Association of Employment Agencies in Asia – Moving Forward to Action on Ethical Recruitment,” April 3-4, 2008, Manila, she referred to the reward and incentive system as part of the POEA’s regulation of recruitment agencies: “We continue to have a licensing system that requires proof of financial security for the workers, marketing capability and capitalization, professional competence of the recruiters, a system of ensuring that they are not subject to criminal cases (we require police clearances); we have a policy that governs the collection of service fee and placement fee from the workers; a system of penalty that combines a reward and incentive system [underscoring provided]; and also a continuing programme on agency education” (Baldoz, 2008:7). She further explained that “ . . . the system of penalties that we have is balanced by a

³³ The POEA Rules and Regulations were under review at the time of the study; the section on Classification, Ranking and Incentives remains unchanged.

reward and incentive system for employment agencies with good track record of performance [underscoring provided]. And we hope that we can increase their number so that the problems we encounter with recruitment agencies could be reduced to a minimum and so we would be able to manage the migration system more efficiently” (Baldoz, 2008:7-8).

Interviews with government key informants echoed similar views when asked about the rationale and the role of the award system in the governance of labour migration. One government KI said that the agency awards are an important part of the merit system that gives due recognition to those who demonstrate exemplary work and sanctions those that perform below par or violate the rules. Other government KIs also view the awards as recognition of the contributions of the industry to the generation of employment and foreign exchange. Recognizing their contributions is important because many times, recruitment agencies are perceived as the “bad guys.” Moreover, the awards are part of the government’s migration management of rewarding the good players and punishing the violators. It is also hoped that the awards “will serve as a role model for the others.”



4. IMPLEMENTATION OF THE POEA's AGENCY PERFORMANCE AWARDS³⁴

The agency awards were created by POEA and had been implemented solely by the agency since their inception. In evaluating agency performance, data collected by various offices in POEA are reviewed: records on deployment, profile of workers deployed, agency profile, infractions or violations committed, and workers' services or programmes. Through the evaluation process, agencies can be assessed in terms of meeting or not meeting POEA requirements, agency rankings can be generated, and outstanding agencies can be identified. The performance awards, thus, are evidence-based and adhere to a process.

As detailed below, although there had been some changes over the years, overall, the objectives, the implementers, the implementation and process of agency evaluation, and the criteria have not changed dramatically. The changes over time pertain to the frequency of the evaluation period, award categories and the expansion of incentives.

³⁴ Unless otherwise stated, data for this part were drawn from the data and documents provided by the Licensing and Regulation Office and from the interviews with government KIs.

4.1 Evaluation period

When it was introduced in 1984, the evaluation of agencies was done annually until 1998; from 1998 to 2002, the evaluation period became every two years; and from 2005, it became every four years. The timeline is summarized in Figure 6.³⁵ The most recently completed award period was 2005-2009, for which the awarding was done in 2010. During the data collection for the present study (August-September 2013), the POEA was in the process of evaluating recruitment agencies for the period 1 July 2009 to 31 December 2012.³⁶ According to interviews with POEA KIs, the evaluation period is linked to the validity of the license. Thus, the changes in the frequency of the agency award reflect the changes in the validity period of the license.

4.2 Award categories

Figure 6 also mentions the award categories introduced over the years. Initially, there was only one award category, i.e., the “Top Performer.” In 1987, a new category was added, the “Hall of Fame,” which was conferred to agencies which had received the Top Performer award for three times); in 1989, the “Award of Distinction” was introduced, which was later renamed into the “Award of Excellence.” The newest category, “Presidential Award of Excellence” was included in the 2005-2009 round of evaluation. This was created by way of Proclamation No. 1519, “Creating a Presidential Award of Excellence in Recognition of the Consistent Excellent Performance of Private Employment and Manning Agencies for Overseas Employment in Providing Decent and Remunerative Employment to Overseas Filipino Workers,” signed by President Gloria Macapagal Arroyo on 26 May 2008 (Annex 4).

In addition to these major awards, the POEA also confers special citations or awards to agencies which demonstrate exemplary performance on specific aspects.

³⁵ There was no awarding done in 2004.

³⁶ The awards to outstanding agencies for the 2009-2012 period were conferred on 10 February 2014. The findings and recommendations from this study did not have any bearing on the evaluation of agencies for this period.

FIGURE 6
Changes in the Agency Awards³⁸



For example, in the early years, agencies which generated considerable foreign exchange earnings had received special awards. In the 2005-2009 evaluation period, the special award was dedicated to agencies which deployed OFWs who were displaced by the 2008 global economic crisis, but there were no agencies which qualified for the special award (according to POEA KIs). For 2009-2012, the special awards are for: (a) new agencies, i.e., those that had been in operation for less than four years, which had shown exemplary performance;³⁷ and (b) agencies

³⁷ Based on the memorandum circular, candidates for the award are those that were issued provisional license during the evaluation period and were able to upgrade their license within the one-year validity of the provisional license plus deployment data and absence of cases.

³⁸ In 1994, the Hall of Fame category was modified. The Excellence Award was bestowed on the Hall of Fame awardees which met the criteria for the Excellence Awards.

which exerted extraordinary efforts in ensuring the welfare of OFWs in times of crisis (POEA Memorandum Circular No. 03, Series of 2013). Unlike the Agency Performance Awards, recipients of special awards do not receive incentives and they are not mentioned in the POEA website.

4.3 Eligibility, criteria and weight distribution

To qualify for the agency performance awards, licensed agencies must meet three basic requirements:

- no record of cancellation or reversal of cancellation (i.e., a reviewing court considers the decision of a lower court as incorrect and overturns the decision) or suspension of license or documentary suspension for failure to comply with POEA rules;
- the number of complainants in pending recruitment violation cases should not exceed one per cent of total deployed workers; and
- an agency should have deployed at least 1,000 workers during the period under review.

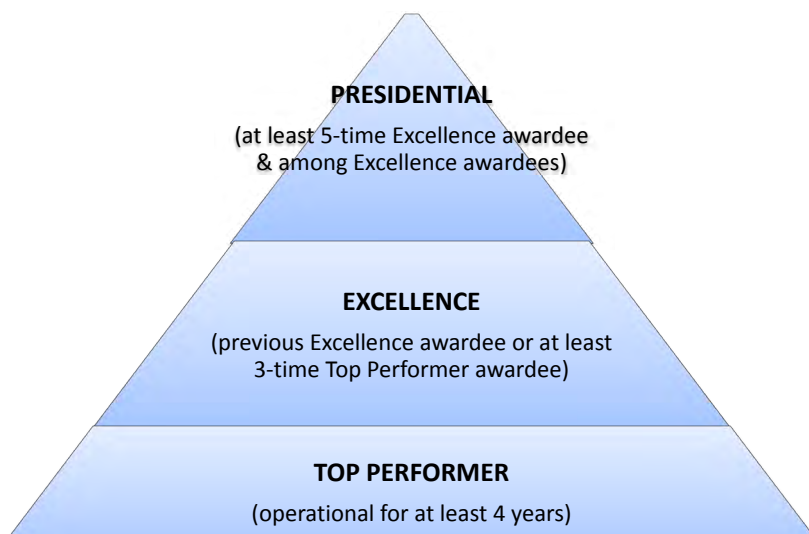
Over and above these requirements, the different award levels require specific conditions:

- for the Top Performer Award, the entry level, an agency must have been operating for at least four years;
- for the next level, the Excellence Award, an agency must have been a previous recipient of the Award of Excellence or it been a Top Performer Awardee for at least three times; and
- for the Presidential Award, an agency must have received the Excellence Award for at least five times and is among the Excellence Awardees for the current evaluation period (Memorandum Circular-03, Series of 2013).

The different award levels and their relationship to each other are outlined in Figure 7.

The criteria for evaluating the agencies as well as the weight distribution of the criteria have undergone minor modifications since 1984. The criteria used in the

FIGURE 7
Current Award Categories



past (1991 is the earliest document provided to the research team) and those employed in the 2009-2012 evaluation maintain the centrality of deployment, technical capability of the agency and compliance with POEA rules and regulations. In the past, the other criteria included: amount of foreign exchange generated and other areas of consideration (training facilities, cooperation in research and survey, welfare programmes, community service and social responsibility, and appearance before the Employment Regulation Branch, Accreditation Branch and Employment Contract Processing Branch). As presented in Table 8, the criteria for the 2009-2012 evaluation period consist of: deployment; technical capability; compliance with laws, policies and POEA rules and regulations; industry leadership; and social awareness and responsibility. The definitions of these criteria are also outlined in Table 8. Comparing the past and present criteria, the changes are as follows: financial capability and foreign exchange generated had been dropped, technical capability and the catch-all criterion of “other areas of consideration” have been elaborated; industry leadership has been introduced which combines market development and participation in policy-making in the overseas employment programme; and social responsibility has been established as a separate criterion.

TABLE 8
Criteria, Definition and Weight Distribution (per cent)

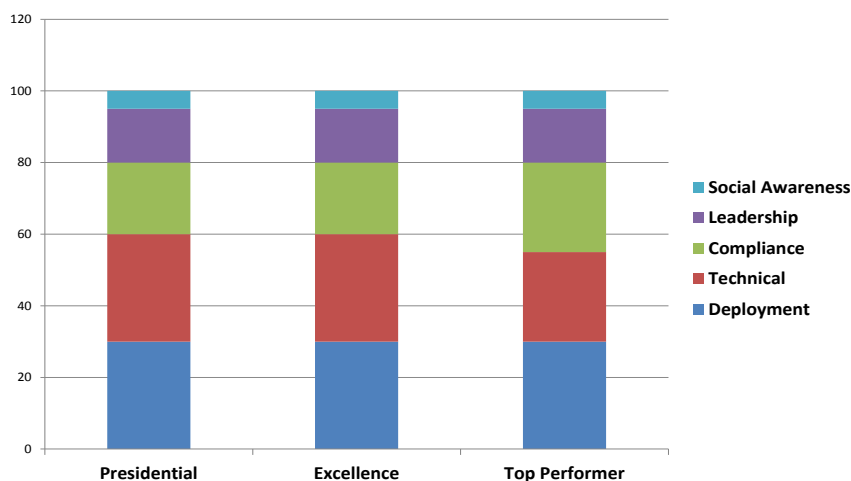
Criteria-Definition	Presidential award	Excellence award	Top performer award
Deployment – volume and quality of deployment during the period under review.	30	30	30
Technical capability – refers to the agency's management and recruitment capability in terms of staff qualifications, office facilities/work environment, quality management system/ISO, electronic processing and automated system of operation.	30	30	25
Compliance with laws, rules, regulations and policies on overseas recruitment; welfare programmes and allied services; and human resources development – assessed in terms of the number of complainants and classification of offenses committed; absence of cases filed at NLRC, OWWA, DOJ-IACAT and NBI during the period under review; provision of responsive welfare programmes for OFWs/seafarers and their families/dependents; and maintenance of human resource development plans for OFWs/seafarers.	20	20	25
Industry leadership – refers to the agency's pioneering achievement in the entry to new or emerging markets, contribution to development and formulation of policies on the overseas employment programme.*	15	15	15 (Marketing capability)**
Social awareness and responsibility – refers to the agency's socio-economic and civic programmes/projects in coordination with government or private entities/organizations.	5	5	5

Source: Memorandum 03-Series of 2013.

* In the weight distribution, this criterion is broken down into three components: new country/city of destination or new skill/industry, 5 per cent; approved job orders for new and existing principals, 5 per cent; and contribution to the development and formulation of policies, 5 per cent.

** Refers to the agency's accomplishment in generating new (fresh) principals, additional job orders from its new and existing principals. In the weight distribution, this criterion is broken down into two categories: new (fresh) principals, 10 per cent; and additional job orders (land-based) or enrolled vessels (sea-based), 5 per cent.

FIGURE 8
Weight Distribution by Award Category



As shown in Figure 8, there are some distinctions in the criteria by award category; in general, the weight distribution is almost identical across the award categories. A slight difference can be noted between the Presidential and Excellence Awards vs. the Top Performer Award. Deployment and technical capability each accounts for 30 per cent of the total for the Presidential and Excellence Awards whereas for the Top Performer Award, deployment and compliance with POEA rules are the first and second most important criteria. As explained by the government KIs, deployment is assigned considerable weight because it serves as a proxy indicator of an agency's capability to find new labour markets or employment opportunities and viability as an enterprise. If an agency cannot deploy at least 1,000 workers during the evaluation period (i.e., 250 per year over a four-year period), it raises questions about its capability and why it is in the recruitment business in the first place. According to POEA KIs, currently, the 30 per cent assigned to deployment is broken down into two components, with 10 per cent going to quantity and 20 per cent to quality of workers deployed (e.g., considering the type of occupation, whether skilled or less-skilled). In general, despite the inclusion of a criterion on migrant workers' welfare, deployment has more weight than compliance with laws, welfare programmes and human resource development plans.

4.4 Incentives

At the end of the evaluation period, the award recipients are identified, and POEA organizes a programme for the conferment of the awards. A press release is disseminated about the awardees and the list of awardees is posted on the POEA website. In the 2010 programme to honour the 2005-2009 awardees, recipients of the Top Performer and Excellence awards received a trophy while the Presidential Awardees were given a tri-coloured sash (representing the POEA colours (red, white and blue) (POEA, 2010). All the expenses in connection with the evaluation and awarding ceremony are shouldered by the POEA.

The current package of incentives enjoyed by awardees is detailed in Table 9. The incentives are largely facilitation of various transactions that agencies conduct with POEA – i.e., renewal of license validity, accreditation of employers/principals, and exemptions or waivers in complying with process or documentary requirements. The liaison officers of awardees are provided with gold and silver identification cards (for Presidential/ Excellence and Top Performer awardees, respectively) so they can be accorded priority in processing their transactions in POEA. Awardees receive publicity and promotion in POEA publications and the posting of the list of awardees on POEA's website. In the past, when POEA used to undertake marketing missions, awardees had the privilege of joining these trips, which gave them opportunities to boost their business. The POEA no longer conducts marketing missions in keeping with the emphasis on worker protection as provided by the Migrant Workers and Overseas Filipinos Act of 1995. POEA's annual reports before and after 1995 also reflect the shift away from marketing to worker protection (*see also* IOM and SMC, 2013).

As presented in Table 9, Presidential awardees enjoy the most incentives. The most important (and most appreciated by the awardees, as will be elaborated later) is the extension of license validity; it is also the most distinctive incentive that separates the Presidential awardees from the others. Presidential awardees have the privilege of license validity for three full terms, or 12 years, compared with eight years and four years for the Excellence and Top Performer awardees, respectively. The awardees continue to enjoy the incentives for as long as they

TABLE 9
Package of Incentives by Award Category

Incentive	Presidential Award	Excellence Award	Top Performer Award
1. Extension of license validity, effective upon expiration of license, subject to corresponding license fee & adjustment of surety bond & escrow agreement	1. License validity for three (3) full terms	2. License validity for two (2) full terms	1. License validity for one (1) full terms
2. Waiver in the submission of requirements for the following applications/requests upon notice, except as indicated:			
2.1. renewal of license, subject to corresponding license fee & adjustment of surety bond & escrow agreement	2.1. yes	2.1. yes	2.1. yes
2.2. establishment of branch office & add'l office	2.2. yes	2.2. yes	2.2. no
2.3. transfer of business address	2.3. yes	2.3. yes	2.3. yes
2.4. letter of authority to principal representatives	2.4. yes	2.4. yes	2.4. no
3. Approval of the following applications/requests upon notice subject to post submission & evaluation of documentary requirements:			
3.1. renewal of registration/accreditation of principals	3.1. yes	3.1. yes	3.1. yes
3.2. enrolment of vessels	3.2. yes	3.2. yes	3.2. no
3.3. additional job order except for HSWs*	3.3. yes	3.3. yes	3.3. no
3.4. upgrading of registration/accreditation	3.4. yes	3.4. yes	3.4. no
3.5. revalidation of job order	3.5. yes	3.5. yes	3.5. yes
3.6. change of officers/personnel subject to post submission & evaluation of documents	3.6. yes	3.6. yes	3.6. yes
4. Exemption from Philippine Embassy/POLO authentication/verification of employment documents or principal	4. yes	4. yes, except for HSWs	4. no
5. Open job order system	5. yes	5. yes	5. no
6. Waiver in the submission of requirements for special recruitment authority & jobs fair authority	6. yes	6. yes	6. no
7. Publication of list of awardees in the POEA website with link to their websites	7. yes	7. yes	7. yes
8. Inclusion of the awardees in the following:			
8.1. POEA marketing missions as may be identified by the Administration**	8.1. yes	8.1. yes	8.1. no
8.2. mailing list of market situationers and other POEA publications	8.2. yes	8.2. yes	8.2. no
8.3. various POEA technical working groups/committees	8.3. yes	8.3. yes	8.3. no

Source: Memorandum 17-Series of 2009

* HSWs refer to household service workers.

** Although participation in marketing missions is mentioned, this is no longer applicable.

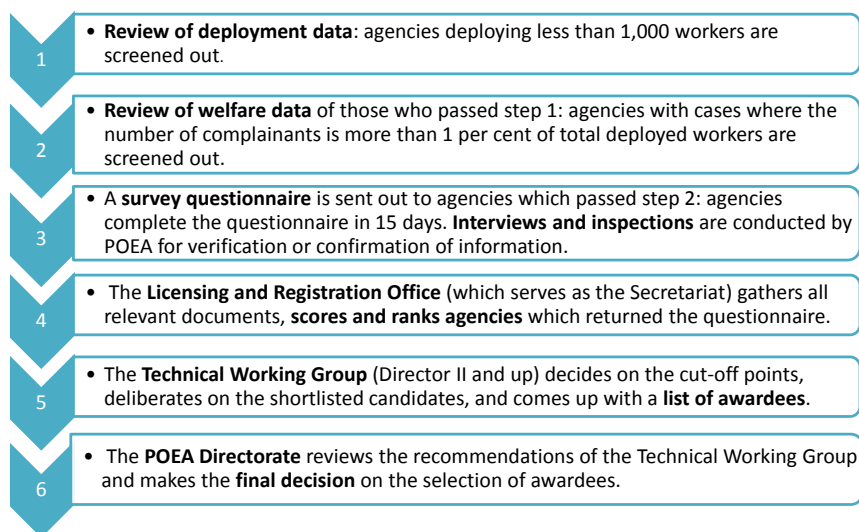
abide by POEA rules. Since the incentives are privileges accorded to awardees, these privileges can be withdrawn should they commit violations. Like the rest of the licensed agencies, the awardees have to comply with their financial requirements.

4.5 The evaluation process

The implementation of the award system is exclusively in the hands of POEA, with the Licensing and Regulation Office as the lead department in carrying out the agency evaluation. As had been mentioned, the award system is part of POEA's regulatory functions, with a view to balancing the punitive actions for violations and non-compliance against errant agencies, and to reward agencies which show exemplary performance.

According to POEA KIs, the evaluation consists of several pre-qualification steps based on a review of administrative data collected by the different offices of POEA (Processing, Land-based Centre, Sea-based Centre, Licensing and Regulation, Adjudication and Welfare). The flow of the review and selection process is outlined in Figure 9. As the steps progress, the number of agencies under consideration decreases. According to POEA KIs, Step 1 narrows down the number of agencies to around 400; Step 2 further reduces the number of pre-qualified agencies to 300. In Step 3, about 90 per cent of agencies return the questionnaire, which indicates a high level of interest in participating in the process. POEA conducts inspections and interviews to verify the information cited in the questionnaire. When the process is completed, the final list of those which made the grade is pared down to a small number of awardees. Before and after each round of evaluation, POEA conducts an assessment of the whole process to learn from the previous experience. The evaluation is internal. The modifications of the award system over the years were introduced because of the recommendations that emerged from the internal assessments. According to a government KI, the criteria had been refined following different rounds of assessments. Also, there had been discussions on how to involve migrant workers in the evaluation process and in fact, there had been attempts to solicit migrant workers' feedback, but the level of participation had not been encouraging.

FIGURE 9
The Evaluation Process³⁹



4.6 The Awardees:1984-2009

Between 1984 and 2009, a total of 19 Agency Performance Awards has been organized. Three decades into the establishment of the incentive system, a total of 179 agencies (108 land-based and 71 sea-based) have received an award (Table 10).

From 1984 to 1987, there were more land-based agencies which got an award, but afterwards, sea-based agencies have outnumbered their land-based counterparts despite the larger population of the latter (Figure 10). In general, the pattern shows the greater discipline of manning agencies so to speak in complying with regulations since they are accustomed to complying with ILO standards in the

³⁹ The Technical Working Group includes the Director of Licensing and Deputy Administrator for Licensing and Adjudication while the POEA Directorate includes all Director IV (Licensing, Adjudication, Welfare and Pre-employment Services), the three Deputy Administrators and the POEA Administrator.

TABLE 10⁴⁰
Awardees by Sector and Status, 1984-2009 (as of 1 August 2013)

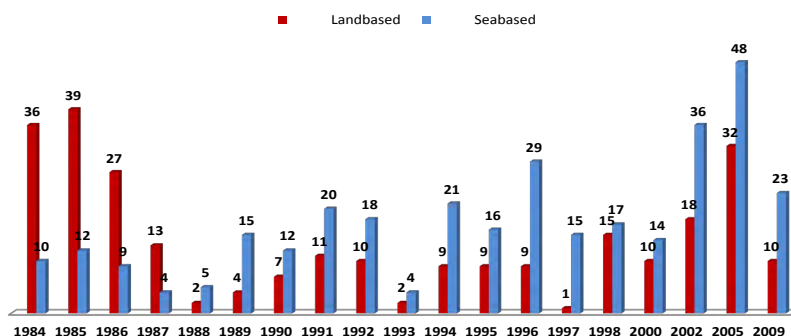
Sector	Total number of awardees, 1984-2009	Valid	Delisted	Cancelled	Other
Land-based	108	55 (50.9 %)	46 (42.6 %)	3 (2.8 %)	4* (3.7 %)
Sea-based	71	66 (93 %)	5 (7 %)	0 (0 %)	0 (0 %)
Total	179				

Source: Licensing and Regulation Office.

*2 banned, 1 order of permanent suspension, 1 expired

maritime industry. This is also reflected in the data in Table 10 which show the higher propensity of sea-based awardees to retain their valid status compared with land-based agencies (93 per cent vs. 51 per cent).

FIGURE 10
Number of Agency Awardees by Sector, 1984-2009



Source: Licensing and Regulation Office.

⁴⁰ “Banned” means perpetual disqualification from the overseas employment programme (note, however, that this is no longer a penalty under the 2002 and 2003 revised rules and regulations governing the recruitment of the land-based and sea-based OFWs, respectively); “cancellation” means the revocation of the license due to violations committed by an agency; “delisted” means the failure of an agency to renew its license and comply with the conditions for the grant of its license (information provided by the Licensing and Regulation Office, POEA).

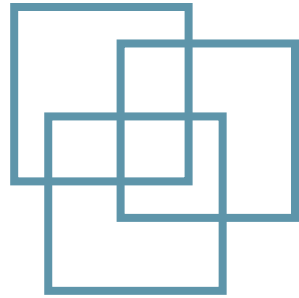
TABLE 11
Repeat Awardees by Sector, 1984-2009

Number of times award recipient	Land-based awardees	Sea-based awardees
Once	65 (60.2 %)	23 (32.4 %)
2-4	30 (27.8 %)	22 (22.0 %)
5-7	4 (3.7 %)	10 (14.1 %)
8-10	4 (3.7 %)	6 (8.5 %)
11-13	2 (1.9 %)	7 (9.9 %)
14-19	3 (2.8 %)	3 (4.2 %)
Total	108 (100.1 %)	71 (100.1 %)

Note: Totals do not add up to 100 per cent due to rounding.

Source: Licensing and Regulation Office.

The small number of awardees belongs to a select and elite group of agencies. The hope that the awards will inspire non-awardees to attain award-level performance has not come about. The number of awardees has not only remained small, but also awardees tend to be the same entities, particularly among the sea-based group. On the one hand, the retention of the same entities in the circle of awardees signifies their consistent performance and their ability to continually meet the conditions of the awards. On the other hand, it also suggests the difficulty of new entities to join the group. Both interpretations are implied by the data in Table 11. More than half of land-based awardees (60.2 per cent) are one-time awardees, whereas only a third (32.4 per cent) of sea-based awardees is in the same category. Conversely, a larger proportion of sea-based awardees (36.7 per cent) have received an award for at least five times compared with those in the land-based sector (12.1 per cent).



5. VIEWS AND PERSPECTIVES OF STAKEHOLDERS

5.1 Many have minimal knowledge about the agency performance awards

POEA disseminates information about the awards through memorandum circulars describing the criteria and incentive package of the different award categories; these circulars, past and current, are available on the POEA website. Also, the list of awardees as well as press releases concerning the awardees is posted on the POEA website. According to some informants in the recruitment industry, the agency awards were discussed in their industry associations (mostly the dissemination of information about the evaluation of agencies); others claimed their associations did not disseminate information about the awards.

Most respondents have little or haphazard knowledge about the award system. In general, research participants outside of the POEA and some members of the recruitment industry are not well-informed about the Agency Performance Awards. Although many have heard of POEA giving awards to agencies (as well as employers), their knowledge of the award system is minimal and quite prone to

misperceptions. Many tend to think of the awards as mostly based on deployment. Most of the respondents are not aware of the criteria, the evaluation process, the evaluation committee, the frequency of awarding and the incentives to awardees. The least aware are the migrant workers. The seafarers who participated in the FGDs were surprised that agencies were given awards; they immediately asked about the basis for the awards and according to whom?

5.2 Many support the agency performance awards, but there were questions about what the awards mean

Despite the low level of awareness about the award system, most stakeholders across different sectors – government, recruitment agencies (awardees and non-awardees alike), trade unions, civil society and international organization – favour the idea of giving awards and incentives to deserving recruitment agencies and to continue the initiative.

The land-based awardees concurred that the POEA awards should be continued for the following reasons: the award serves as an inspiration for other agencies to excel, it also motivates the awardees to maintain their status and to continue performing to the best of their ability, it helps to distinguish the professional agencies from those who are only there for profit, and it comes with many privileges that are beneficial to the agencies.

Some non-awardees confirmed that agencies aspire for these awards. The awards motivate agencies to work hard because the benefits give awardees considerable “edge” over non-awardees. Awardees get preferential treatment in POEA and the award improves their marketability.

Those who expressed scepticism or reservations commented that the awards are not the measure of how well agencies are doing the right thing for migrant workers. Perceiving that the awards are mostly for volume of deployment, some informants said the awards do not duly consider the quality of deployment and the impact on migrant workers. NGO participants questioned whether there are agencies

deserving of an award for decent treatment of workers, a view which resonates with the experiences with recruitment agencies shared by migrant workers (see Boxes 1, 2 and 3). Several informants (including an awardee) wondered how some agencies were awarded when these entities were allegedly abusing the workers. Another informant expressed that his agency received an award in the past, but he felt that the award did not provide any added value to their agency. He added that with or without the awards, the focus of their agency is how to improve the service to their crew and how to gain their loyalty. A sceptical informant said the conferment of awards is an idea big companies endorsed to POEA, suggesting the self-serving nature of the awards for their business. An informant said the

Box 1. Views of departing household service workers

By and large, the experience of the household service workers (HSWs) with recruitment agencies has not been satisfactory. Asked to rate their level of satisfaction with the services provided by their recruitment agencies, 5 out of the 6 HSWs gave a rating of 5 on a scale of 1 to 10, where 10 indicated most satisfaction. Only one rated her recruitment agency an 8 and would nominate the agency for an award in a contest for excellence in performance among recruitment agencies.

Many of them chose from two recruitment agencies and they found out about the recruitment agencies either through the Internet, through friends and relatives or through job fairs.

Among the things that the HSWs liked the least about the recruitment agencies in their experience were the many costs that were charged to them (e.g., medical tests, TESDA certification, placement fees deducted from their salaries), the very crowded and poor accommodations provided while waiting to be deployed (“it is really crowded, we are many;” “there are around 30 of us in a small room;” “we sleep on a mat”). They also disliked the discriminatory attitude adopted by recruitment agencies that viewed them as mere domestic workers and treated them with less dignity than they felt they deserved (“they treat us like we are domestic workers”).

Asked to articulate the qualities of an excellent recruitment agency, the household service workers in the FGD cited the following:

- does not charge placement fees and other costs;
- provides decent accommodations and food prior to deployment;
- protects the interest of the workers rather than the employers;
- treats the workers with dignity; and
- provides workers with information about their rights, salaries and benefits;

They also felt that the OFWs should be consulted in the selection of the POEA Agency awardees because they are the recipients of the services of these agencies (“because we are the ones processed by the agency”). Although many were not too sure what form the participation of OFWs should be in the selection process, two suggestions were made: (a) using the Internet, including social media to consult OFWs (i.e., creating a site where opinions of OFWs can be solicited); and (b) using events at the Philippine embassies or consulates abroad to also consult the migrant workers.

Box 2. Views of other land-based workers

The FGD with the group of male and female land-based workers included participants who had worked abroad before and they had more to share about their experiences with recruitment agencies at different stages of the migration process.

In selecting an agency, several participants said that they first check the status of the agency in POEA – either by visiting POEA or through the Internet. A good agency, according to participants, has the following characteristics:

- collects rightful fees;
- has procedures that are in order;
- provides information on the situation overseas; and
- has staff who attends to the applicants' queries and treats the applicants with respect

Two participants shared that their previous agencies did not charge placement fees. In the case of one applicant, her previous agency provided free airfare from her province to Manila, free accommodation and free food. If they were to rate the services provided by their agency, on a 10-point scale, the participants gave a range of ratings: three participants gave a rating of 10, two gave a rating of 8, and one each rated their agency 9, 7 and 6.

Several participants complained about their experiences with agencies: an applicant found out later that an agency she dealt with was unlicensed; another said her agency charged Php15,000 for the NC2 training (for household service workers) even if she already had one; one said the agency required him to take another medical exam and did not accept an existing medical certificate; another said that her agency will not release her papers unless she repays the agency for the expenses it had incurred for processing her papers; several mentioned about the rude attitude of the staff.

In general, participants said the agencies did not provide services or support once they had been deployed. Several participants alluded to how workers will have to fend for themselves when they are abroad:

“... once you are already with your employer, it is all up to you. If you return to your agency, they will resell you to other employers.”

“You have to muster courage when you are abroad.”

“You can't really know what you will find there. The contract is not followed. For example, the contract indicates a big salary, but when you get there, it is different. You will be told that is just a contract.”

Except for one participant who noticed some award received by an agency he applied to, the rest did not have much comment about this issue. A participant said that what is important is that an agency offers employment opportunities for the relevant skills one has. Asked whether a ratings system would be helpful, several participants answered positively. Some said they were willing to pay more to a five-star agency as long as they will be assured of good employment. However, some were also sceptical (“What if the five- stars were just the agency's own making? You must see for yourself what the agency is like, not what it claims to be”).

Regarding suggestions on what POEA should focus on, some participants emphasized the need for POEA to enforce the contract.

Box 3. Views of seafarers

Except for one, the seafarers who participated in the two FGDs had been onboard. In general, the participants shared that they received little support from their manning agencies. Before departure, very few agencies make the effort to explain the contract or the conditions they will face onboard. According to one participant: “What the agency explains is, don’t drink, don’t complain, don’t do drugs, do your job. Explaining the contract? There is no such thing; 100 is to 1, there is no explanation.”

While they are onboard, agencies do not show concern or extend support to the crew. A common complaint was food: lack of food (scrimping by the captain), inedible food (if the cook is not Filipino or does not know how to prepare Filipino dishes), or delayed mealtimes (due to long working hours). Other problems onboard were relations with the captain and/or relations with other crewmembers, especially when they work with other nationalities, and delayed allotments to their families. In one FGD, the participants raised the issue of the 105 hours per month in the POEA contract, which they said was very difficult to meet; by comparison, the contract for other nationalities is only 85 hours. When they encounter problems, the manning agencies would usually tell them to bear with the situation until they finish their contract. One participant commented: “The agencies are concerned with keeping the principal. As our agency told us, it is better to lose 1,000 of my crew than to lose a single ship.” Although they have an exit survey, they are constrained from sharing their assessment for fear that the captain will write negative comments about them in the seaman’s book. Upon their return, the agencies do not provide support. In fact, according to some participants, they found out that their Social Security System (SSS) payments were not complete. They were not confident in reporting problems onboard or in filing complaints for fear of being blacklisted.

They were in favour of a ratings system, although they were also quick to say that the agencies will not support this. A participant said, “Such a system is in our favour, but the agencies will complain. You know, when the agencies complain, they are heard, while in the case of seafarers, the truth is, the seafarers have no strong representation with our government.”

The participants were not aware that agencies receive awards. They asked about the criteria for the awards. One participant expressed the view that: “If this is the good that an agency does, this is the bad; POEA has to consider both sides, and that should be the basis for the award.” Most participants agreed that seafarers should have a say in the awarding of agencies. There should be voting, according to one participant, although he jokingly added, that there might be vote buying. The comment elicited laughter from the other participants; at the same time, it also points to the challenge of setting a good mechanism on how migrant workers’ voices can be considered.

awards are not relevant – if the awards are intended to recognize agencies which comply with POEA requirements, the POEA Rules and Regulations perform this function. Unlike the awards (which may have a bias for big agencies), the rules apply to small and big companies alike and the consequences are clear: those which abide by the rules can continue their business, those which don’t will be meted sanctions. Another informant said that for him, the real award is in terms of the lives that have been transformed by the job opportunities their company

has provided to the workers (their company does not charge placement fees). A union KI considers the award system as a mechanism that can contribute towards the goal of ethical recruitment.⁴¹

5.3 Awardees appreciate the recognition and incentives the awards bring

Awardees find the awards meaningful. The awards are mentioned in the company's website and the trophies and plaques are displayed in their offices. The awardees value the awards because they attest to the fact that they are able to maintain their status and quality, they are a measure of compliance and level of excellence, and the awards enhance their credibility – all of which promote their business in a positive way.

A number of informants said the awards stem from doing what is right; an awardee opined that if a company is in the business simply for the transactions, this motivation is not sustainable. Many awardees (and non-awardees for that matter) often mentioned that with or without the awards, they want to do what is right. As one awardee pointed out, the awards may attract principals and/or employers, but the awards will not ensure that employers will continue working with the company. Several agencies which received the awards when they were just new in the business were pleasantly surprised when they were conferred an award. Several awardees acknowledged the award as contributing to their business – for example, an awardee attributed the yearly increase in the number of vessels to the awards they had received; another awardee mentioned that they do not have to put out ads for their recruitment.

All the awardees appreciate the incentives that the awards confer. Cited as particularly useful was the automatic renewal of their licenses and the priority given to them in the processing of their accreditation, the Overseas Employment

⁴¹ The informant cited the work of the Alliance for Ethical International Recruitment Practices (Alliance) in the US, an initiative which “encourages employers and recruiters that hire nurses from abroad to subscribe to the Code [of Ethical Recruitment] and monitors their adherence to its standards of practice” (see http://www.fairinternationalrecruitment.org/index.php/about_us/mission_and_history).

Certificates (OECs) and other documents needed to deploy their workers, and the invitation extended to them in the job fairs organized by POEA and DOLE. For Presidential and Excellence awardees, the authority to issue OECs in-house and the exemption from the authentication of their foreign principals by the POLOs onsite were mentioned as the most useful. An informant from an awardee agency considered the incentive package as sufficient; she cautioned that if expanded, the incentives might be abused.

An awardee mentioned that the implementation of the benefits that accrue to the awardees needs improvement. He pointed out that information about the awards and the benefits that awardees are entitled to have not been properly disseminated among the Public Employment Service Offices (PESOs), the regional offices of POEA and the Philippine Overseas Labor Offices (POLOs) in the Philippine embassies and consulates. Consequently, this lack of information has resulted in various problems for the agency awardee when they invoked the privileges that they are entitled to. While acknowledging that POEA tries its best, an awardee shared that the priority services given to awardees are not fulfilled because of the shortage of personnel in POEA. Aside from increasing personnel, another awardee suggested more investments on technology to speed up the transactions.⁴²

Another recommendation was to deregulate some aspects in the deployment of professionals, particularly the POEA policy on the implementation of a standard employment contract, as a privilege granted to Presidential and Excellence awardees. More specifically, he suggested that these awardees should not be bound by the standard employment contract and instead, be given a free hand in crafting the terms and conditions of the employment contract for professionals.

Another awardee suggested that the accreditation of higher education by the Commission on Higher Education (CHED) can be a model for POEA in its governance of the recruitment agencies.⁴³ According to him, agencies that have established

⁴² According to POEA KIs, the awardees actually conduct most of their transactions online.

⁴³ Accreditation refers to self-regulation, the continuous process by which institutions and programmes improve their educational quality, and the status granted to an educational status or programme which meets commonly agreed standards of quality and excellence. Institutions are granted different levels of autonomy according to different levels of accreditation. Basically, the higher the

a track record can be given more autonomy in their operations which will also mean taking some load off POEA's responsibilities. He acknowledged, however, that this model would require a level of trust between POEA and the agencies.

For many informants from the other sectors, including civil society organizations and trade union, the awards are a marketing tool. Some awardees indicated that while the incentives are good, they can be subject to abuse because of the lack of check and balance. One informant pointed to the need to audit and to monitor the performance of the awardees because sometimes short-cuts are undertaken by these agencies. Another suggested that the privilege of issuing the overseas employment certificate (OEC)⁴⁴ in-house should be removed as an incentive and replaced by another because it is the main exit document that should be issued only by the designated government authority. A government KI also spoke of the need to review the in-house processing privilege because in some cases the enrollment of benefits, including enrolment in OWWA, Pag-ibig and PhilHealth is not done or neglected. This may prove disadvantageous to the OFWs because if something happens to the workers onsite before they are enrolled, they cannot claim any benefits. In the normal course of processing, OECs are not released by POEA unless the OFWs are enrolled in OWWA, Pag-ibig and PhilHealth.

footnote continued

⁴³ level of accreditation, the higher the quality of the educational institution, and the higher the autonomy is granted to it. There are four levels of accreditation. Those which receive level-4 accreditation, the highest level, have "all the benefits for Levels I-III, grant of full autonomy for the program for the duration of its Level IV accredited status, and authority to offer new graduate programs allied to existing Level IV courses, open learning/ distance education and extension classes without need for prior approval by CHED, provided that the concerned CHEDRO [Regional Office] is duly informed" (http://paascu.org.ph/home2012/?page_id=195).

⁴⁴ An OEC is a document which shows that a departing OFW is documented and has gone through the POEA. Also, this certificate, when presented at Philippine airports for outbound international flights, exempts OFWs from the Philippine travel tax and terminal fees normally charged to Filipino international travelers.

5.4 Many were critical of the criteria and the weight distribution

The criteria for the selection of awardees are hardly known to the informants (except for the government KIs). In fact, the interviews and FGDs served to disseminate information about the award system.

Many were surprised to discover that deployment was not the only factor in the selection process, albeit it is an important and heavily weighted criterion. Although a minimum deployment of 250 per year is not a huge number, many were critical of the importance given to deployment (it counts towards 30 per cent for all award categories)⁴⁵ and the smaller weight (20-25 per cent) for welfare, quality of deployment and other considerations. According to some informants, the importance given to quantity puts agencies that deploy skilled or semi-skilled workers at a disadvantage since the demand for such workers is smaller compared to the demand for less skilled workers. The informants attributed the small percentage of awardees vis-à-vis the total number of recruitment agencies to the deployment criterion. It was also cited that the emphasis on volume rather than quality runs contrary to the government's long-term goal of deploying quality workers and providing quality jobs for Filipino workers. One informant said that his agency will not receive an award given the premium placed on deployment; however, if social awareness is allotted 40 per cent, his agency will stand a chance of getting an award. An awardee said that deployment should not receive so much weight because as recruitment agencies, that is their job. Instead, the weight of social awareness should be increased: "When you have high deployment, it already gives you a lot of earnings . . . what you do for others, for society, only gets the very small 5 per cent. For me, I would give social awareness and responsibility a minimum of 30 per cent, in which case, everyone else might fail, they will not qualify. At the end of the day, it is sharing that makes you a better company or a better person."

⁴⁵ It may be recalled that the first level of screening begins with deployment, i.e., only agencies which deployed at least 1,000 during the review period could move on to the next review. Thus, agencies which had quality deployment or had zero complaints are out of the running if they do not meet the deployment level. If the first level of screening is welfare, for example, the quality aspect is given more importance and performing agencies in this respect stand a chance of moving on to the next screening

Only a few awardees are satisfied with the current criteria and the weight distribution. One awardee said that the criteria are objective measures; for him, social awareness is more of a “soft” measure. While the existing criteria are fine, an awardee thought that the weight distribution should be modified, with more weight given to compliance with rules and regulations and welfare programs and lessen the weight assigned to deployment. There were various combinations of criteria and weight distribution proposed by awardees. An awardee proposed that apart from deployment, the contribution of the recruitment agency to the Philippine economy in terms of taxes and the foreign exchange should also be factored in. Moreover, compliance with recruitment laws, rules and regulations, welfare programmes and human resources development plans should get the 40-50 per cent of the total weight distribution. The rest can be divided among the other criteria.

Another awardee was amenable to keeping 30 per cent to deployment in the selection of the top performer awardees, but the criterion should incorporate the quality of deployment (as noted earlier, quality of deployment is actually considered in the existing evaluation system). Compliance with recruitment laws, rules and regulations, etc. should be the other most important criterion and should also be weighted at 30 per cent. Technical capability should only get 20 per cent while marketing capability remains at 15 per cent and social awareness and responsibility remains at 5 per cent.

Another awardee was also of the opinion that compliance with recruitment laws, rules and regulations is very important in the selection of the top performer awardees. It should get the highest weight of 30 per cent while deployment should only get 25 per cent. Technical capability remains at 25 per cent, marketing capability also remains at 15 per cent and social awareness and responsibility remains at 5 per cent.

Informants who are members of an industry association felt that industry leadership should be the number one criterion that should be given a weight of 30 per cent. They defined industry leadership not only in terms of opening a new market or new skill/industry, new job orders and contribution to the development and formulation of policies, but also ethical recruitment practices and social awareness and responsibility. In their view, an awardee should be a role model in the

industry. However, they opined that awardees tend to keep to themselves, and as such, the hoped-for trickle effects do not happen. For them, the second criterion that should also be given a weight of 30 per cent is compliance with recruitment laws, rules and regulations etc., third is technical capability and lastly, deployment.

According to a government KI, the screening and selection of the Top Performer Awards are crucial because the other awards (the Award of Excellence and the Presidential Awards) are based on the Top Performer Awards. This informant considers a rating system for recruitment agencies as important in enhancing the selection process of the POEA agency awardees and improving the performance of the recruitment industry as a whole.

5.5 Include other stakeholders in the evaluation process

Except for the government KIs, most of the participants were not aware that the award system is solely in the hands of the POEA.

Most of the awardees recommended the participation of other sectors in the selection process: academics, independent persons, industry members, migrant workers, trade unions and civil society organizations were suggested. A number of informants said POEA may have to consult with and cross-check the information collected by related agencies, such as OWWA, DFA-OUMWA, NLRC and DOJ-IACAT, to have a better handle of the welfare performance of agencies.⁴⁶ According to a union KI, the evaluation process should not be conducted solely by the POEA, in part, because POEA cannot do it alone due to various operational demands, and in part, because it is important to have a broad-based process. The involvement of other stakeholders will also help ease POEA's burdens and allow it to conduct more frequent evaluations. The practice of pegging the evaluation period to the validity of the license should be reviewed.

⁴⁶ The agency evaluation for 2009-2012 mentions corroborating data from the said agencies (see Table7).

The composition of the evaluation committee should be tripartite involving POEA, the industry and the trade unions (and civil society organizations). Moreover, the representation of workers should include different occupational groups. Another informant suggested several possibilities: to include the heads of partner agencies, such as bank presidents or chief executive officers and the like, who are knowledgeable of the award system and the overseas employment programme, or to form a working secretariat within POEA whose major responsibility is the agency awards and the outsourcing of the screening and selection of the awardees to an independent body.

Including migrant workers in the process posed a challenge, as acknowledged by some informants, including OFWs. Various modalities were suggested: using social media as a platform (although this has limitations too), involving Bagong Bayani awardees because they understand the issues involved in overseas employment (i.e., it should not be open to all OFWs), conducting a survey of departing OFWs through the labour assistance counters at the airports, or consulting OFWs in the various destination countries through the POLOs in the Philippine embassies and consulates.

For some, it is fine that POEA is the lone implementer of the evaluation and selection of awardees for the reason that it knows the industry.

Although most participants seem to favour the involvement of other stakeholders, a few voiced reservations about involving the industry (an informant considered the participation of the industry as a conflict of interest) and migrant workers (they are subjective, according to one informant).

5.6 The impact on the industry is not apparent

Industry leadership is one of the criteria for the selection of awardees. Informants (non-awardees) were of the opinion that the awards have not made much of an impact in professionalizing the recruitment agency because firstly, the awardees are few in number and only form an elite group. Secondly, they have not shown industry leadership; they see little impact of the awardees on raising the standards

in the industry. Thirdly, although they are often the ones consulted by government about issues affecting the industry, they are less concerned because these problems no longer affect them. Although the awards have added to the prestige of individual awardees, the participants were of the opinion that it has not made much impact on the industry as a whole.

An awardee shared that the industry associations may be a better vehicle for promoting the professionalization of the industry and the sharing of good practices. On the other hand, since agencies are also competing with each other, there can be limits to the sharing of good practices and the fact that industry associations come and go. In the end, he considered the POEA as the appropriate promoter of these goals.

5.7 The idea of a ratings system did not receive much support

When asked of their opinion regarding the development of a ranking system for recruitment agencies, most KIs were not amenable to the idea. One informant said that rules and regulations already exist and all that the recruitment agencies need to do is to follow them and do their job well. Consequently, the deserving ones should be rewarded and those that violate the rules and regulations should be punished. Some KIs shared that the ranking system would unduly disadvantage agencies that may be given a low ranking. Rather than seeing the rating system as an opportunity for self-assessment and improvement, they felt that it will result in the loss of potential clients for agencies that are given a low rating. Another view was that the market should be a “free” playing field. The issue of the criteria to be used in the rating was also raised. Several informants said that if volume of deployment is the main criterion, the rating system will be useless.

The few who welcomed the idea said the ratings would make the standing of agencies more transparent—but this scheme would require clear criteria and evaluation process. Migrant workers were also divided over the idea—some said that such a system would give them an idea about the quality of an agency while the others said that what matters more are the job opportunities are offered by agencies.

5.8 What POEA should prioritize in the recruitment sector

Given the various approaches the POEA has developed in relation to the recruitment industry, respondents were asked about their views on what area(s) POEA should prioritize in governing the industry.

Government KIs are of the view that regulations should continue to set the rules of the game, but at the same time, it cannot be all regulations. POEA will have to balance regulations with facilitation, to enhance compliance, and to continue the good practices. It is hoped that the associations can provide guidance to their members and to professionalize the industry. A trend now is the formation of smaller groups of associations within big organizations (e.g., destination-specific or skills-specific) to better articulate their concerns and interests. According to a government KI, facilitative measures coupled with the education and empowerment of agencies should be prioritized by government. However, the government should be firm in applying the sanctions for violation of the rules and regulations.

Awardees in the land-based sector hold different views on this issue:

- One awardee was of the opinion that the preventive, facilitative, punitive and positive measures utilized by government are fine. However, when it comes to the punitive measures, the government must give recruitment agencies due process so that the guilty are punished and the innocent are protected.
- Another awardee said that government should reward the exemplary agencies and punish the unscrupulous. However, generally, recruitment agencies have been stereotyped negatively and are seen as enemies rather than partners of government.
- One awardee mentioned that government should also give recruitment agencies due recognition and consider them as heroes like the OFWs because they provide jobs for the country.

- Another awardee said that if OFWs are tax exempt, exemplary recruitment agencies which help provide jobs and generate foreign exchange should also be given a similar tax break.

In managing the recruitment agencies, non-awardees were of the opinion that the government's main emphasis is on the punitive measures rather than the more facilitative and positive aspects; they feel that the government has a negative perception of recruitment agencies as a whole. This is an image that they want government to change because even though there are unscrupulous agencies, there are also many others that are not. A concern expressed by informants in the land-based sector is the participation of foreigners in the recruitment industry, especially those involved in the deployment of domestic workers.

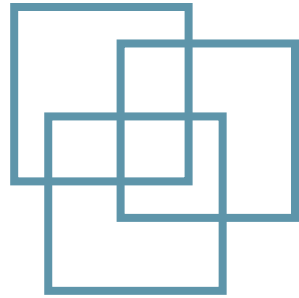
Similarly, awardees in the sea-based sector gave diverse opinions on where POEA should focus its energies:

- Several awardees viewed the POEA as doing a good job, especially in the regulation aspect. As one awardee put it, the POEA is the gatekeeper of the pool of Filipino workers (to ensure that they are protected). The awardees often mentioned that the sea-based sector is better regulated and more at par with international standards compared with the land-based sector. In fact, a number of KIs opined that at times, policymakers do not see this distinction and proceed to apply the same policies to both sectors with insalubrious results. One example is the mandatory insurance, which was lacking for land-based workers while it has long been established for sea-based workers and which offers more generous benefits. POEA had to find a way to allow the sea-based sector to continue the established insurance for seafarers.
- One awardee suggested that the POEA should be more forward-looking in light of the implications of technology on employment opportunities. He would like to see POEA move into the role of being an enabler of Filipino human resources.

- On whether there are too many manning agencies which cannot be sufficiently regulated, there are those who feel that their number should be reduced, while for some, the number is not a problem (one respondent said that limiting the number of agencies will favour the bigger companies). An awardee claimed that he shares information with colleagues who want to set up a manning agency.
- Several informants commented on the need for more coordination among migration-related agencies. In the sea-based sector, for example, agencies and employers have to deal with POEA, Maritime Industry Authority (MARINA), Professional Regulation Commission (PRC), National Labor Relations Commission (NLRC) and the POLOs, which can cause delay and confusion in their operations.

Concerns raised by those in the sea-based sector include the uncertainties in the global economy, the scarcity of officers, the oversupply of seafarers (one informant commented on the glut of deck officers, on the one hand, and the scarcity of engine officers, on the other hand), and the quality of maritime graduates. An informant viewed the NLRC as biased towards seafarers and not mindful of the side of the industry.⁴⁷ One informant commented on the paperwork that needed to be accomplished in line with the requirements of the recently enforced Maritime Labour Convention; it was acknowledged that this was a temporary setback though.

⁴⁷ Related to this, key informants commented on the practices of “ambulance chasers,” i.e., lawyers who urge seafarers to file disability claims and the hefty legal fees that go to lawyers once these claims are decided in favour of seafarers.



6. HIGHLIGHTS FROM THE VALIDATION WORKSHOP

The validation workshop was held on 16 October 2013 to disseminate the findings of the study and to invite the participants to reflect on the study's findings. A total of 51 participants attended the workshop. By sector, eight were from government agencies, seven represented civil society organizations, six were from international organizations, 16 belonged to recruitment agencies and industry associations, eight were from the unions and professional organizations, and the remaining six were the organizers (Annex 4). The presence of different stakeholders provided an opportunity to share views, debate and explore the next steps.

The participants got to know more about the Agency Performance Awards through the workshop. Overall, the participants agreed with the idea of giving awards to recruitment agencies while at the same time pointing out areas in need of revision. During the plenary, the discussion sought to elicit the participants' comments on specific aspects of the award system which invited various reactions from the research participants: criteria and weight distribution, the composition of the evaluation committee, incentives and the frequency of the award.

During the discussion, it became apparent that the deployment criterion is not well-understood by many participants. Some participants thought that to qualify,

an agency must deploy 1,000 workers every year. In fact, the 1,000-minimum refers to the total number of workers deployed during the four-year evaluation period, meaning 250 deployed workers per year. The POEA further clarified that the 1,000-minimum is smaller than was the case in the past. In response to concerns that the quality of deployment is not considered, the POEA said that the 30 per cent allotted to deployment considers both dimensions. The lack of information and erroneous notions on various aspects of the award system (e.g., the wrong understanding about the deployment criterion was very telling) underscore the need for an information dissemination programme.

Several proposals came up to fine-tune the criteria and their weight distribution. The participants shared the view expressed by informants and FGD participants that the weight given to deployment should be reduced while migrant-oriented and programmes and social responsibility should be given more importance. A number of proposals sought to disaggregate the criteria with a view to reducing what some participants saw as potential biases in the current system. One proposal was to develop a different set of criteria for the land-based and sea-based agencies since the two sectors have different realities. Another proposal was to refine the deployment criterion – e.g., dividing it into two categories: those that deploy 1,000 or more and those that deploy less than 1,000. This will be more inclusive and will not disqualify small agencies that provide quality services. A third proposal is to introduce different criteria for agencies deploying professional and highly skilled workers vs. those deploying workers in vulnerable occupations. Adding new requirements was also suggested – e.g., a review of the tax payments of agencies was proposed as an indicator of compliance with social legislation.

Since social responsibility was often mentioned, the discussion probed what participants meant by it. The POEA defines social responsibility as the “agency’s socio-economic and civic programmes/projects in coordination with government or private entities/organizations” (Table 3). In the interviews with awardees, the examples of initiatives under the umbrella of social responsibility include scholarship programmes, book donations, financial donations to education institutions, and donations of equipment in rescue operations. The examples given correspond with POEA’s definition of social responsibility. Interestingly, the workshop participants’ answers suggested different understandings of the concept: transparency in its

operations, informing the worker about working conditions, and contributions to the industry and/or society (e.g., in the land-based sector, what contributions have been made towards improving the local recruitment industry, or in the sea-based sector, what have been the contributions to the shipping industry). As part of social responsibility, mention was also made of human resource development (e.g., upskilling of workers) as well as planning for the return and reintegration of workers. Some of these conceptions are more about ethical practices (e.g., informing the worker about working conditions) than social responsibility.

The discussion on the criteria touched off reactions about the worthiness of some of the awarded agencies considering reports of alleged violations committed by these agencies. Although violations committed by agencies are reported to POEA, formal complaints only scratch the surface. Participants urged the need to consult with stakeholders (such as civil society organizations working with migrants) to help ensure that the awardees are not among the agencies victimizing migrant workers.

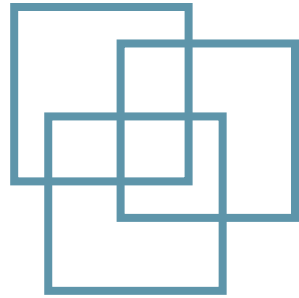
There was a general agreement with the idea that the evaluation of agencies should not be solely conducted by the POEA. The tripartite formula was a popular proposal or a variation of it, such as tripartite plus, which should include other actors, including professional organizations. The participation of migrant workers in the process was also emphasized. The bottom line concerning the evaluation is that it should be a multi-stakeholder process. A proposal concerning incentives is to have a seal of good practice to compliant agencies, which is expected to help migrants in their search for agencies.⁴⁸

Overall, participants found the four-year interval fairly long, suggesting a more frequent assessment and awarding than the current period.

⁴⁸ The model for this is the Department of Interior and Local Government's Seal of Good Housekeeping which aims to institutionalize transparency, accountability, participation and performance in local government units (LGUs). The initiative recognizes LGUs with good performance in four areas of internal housekeeping: (1) Good Planning; (2) Sound Fiscal Management; (3) Transparency and Accountability; and (4) Valuing of Performance Information. LGUs with the Seal of Good Housekeeping are entitled to the Performance Challenge Fund for LGUs, which provides funding support to jumpstart or sustain development initiatives (<http://www.dilg.gov.ph/ehemplo/index.php?id=24>).

While reforming some aspects of the Agency Performance Awards weighed heavily in the discussions, there were also cautionary views on the number of awards and how the reforms will be implemented. The small number of awardees to date and the restriction of the awards to the same players invited suggestions to refine the award categories. Disaggregating the awards by sector or by size of deployment may increase the number of awardees. On the other hand, too many awardees may also render the award system meaningless. One of the participants cautioned that changes to the award system should be introduced gradually. Furthermore, the proposals should consider the thrusts of the overseas employment programme. For instance, the aforementioned proposal to award performing agencies deploying less skilled workers may conflict with the goal to reduce the deployment of such workers.

The response of POEA was delivered by Atty Jesus Gabriel Domingo, OIC-Deputy Administrator, Licensing and Adjudication. POEA appreciated the study's observation that the award system became a model for similar schemes introduced in other countries in the region. POEA welcomed the study's findings and recommendations and the observations on the overall design, selection mechanics, and incentive schemes will be taken up in a meeting that will be organized for this purpose. He concluded by saying that overseas employment remains an option for Filipinos and the Agency Performance Awards will continue to be one of the pillars in managing international labour migration.



7. CONCLUSIONS AND NEXT STEPS

This study has documented the origins and evolution of the Agency Performance Awards and has outlined the views and perspectives of the different stakeholders. It is important to acknowledge that the award system developed in line with the internal operations of the POEA, which is linked to the license renewal of recruitment agencies. In the process of reviewing and evaluating the merits of renewing the agencies' license to operate, the POEA has developed an evidence-based evaluation process. The implementation of the award system solely by the POEA can be understood in terms of the award system being germane to the work of the POEA. Acknowledged as a good practice, the Agency Performance Awards had been used as a reference point that inspired similar schemes in other countries. Although POEA conducts a regular internal assessment of the implementation of the awards system, this study was the first external assessment involving different stakeholders.

Based on the KI interviews, FGDs and the feedback aired during the validation workshop, the study found support for continuing the Agency Performance Awards. Aside from recognizing the good initiatives of recruitment agencies, stakeholders value the awards for their aspirational/inspirational significance and, particularly from POEA's standpoint, for their role in managing the recruitment industry. However, most participants would like to see changes in specific aspects of the award system.

Following are the key recommendations for the next steps based on the study's findings and further reflections.

7.1 Better information dissemination concerning the evaluation

Throughout its three-decade existence, the award system seems to be a relatively well-kept secret because other than the POEA and the awardees, very few participants (despite their familiarity with the overseas employment programme) have a fair grasp of the why, what, when and how of the award system. To its credit, the POEA disseminates information about the criteria and incentives through memorandum circulars; these can be accessed from the POEA website. Press releases on the awarding ceremony and the awardees are also publicized and the list of awardees is posted on the POEA website. These efforts, however, are not sufficient in raising awareness about the award system. In this situation, many inaccuracies and misperceptions surround the award system. Some recruitment agencies, as was noted in the validation workshop, thought that the deployment threshold was 1,000 per year when in fact, it is for the four-year period.

POEA, thus, needs to improve and widen the dissemination of information concerning the award system. It will have to engage with other stakeholders in a more proactive manner to disseminate such information and how they may participate in the process. Information dissemination targeting recruitment agencies should be a priority, mainly because they are the focus of the award system. The information drive addressing the recruitment agencies can involve awardees, also as part of efforts to create more interfaces between the awardees and the rest of the recruitment industry. The study has uncovered a divide between awardees and non-awardees, which defeats the goal of professionalizing the industry. POEA needs to create venues to promote more interaction and engagement between awardees and the rest of the recruitment industry. Another platform that the POEA can avail of is the newly formed Overseas Land-based Tripartite Consultative Council (OLTCC). The OLTCC was formed on 10 May 2013. It was preceded by the Consultative Council for Overseas Filipino Workers (CCOFW), which was a

government-civil society organization dialogue concerning migrant workers' issues. The OLTC built on the CCOFW to include the private sector as well. The OLTC serves as a forum through which labour, management and government regularly come together to address issues and concerns involving land-based OFWs; it also serves as an advisory body to the Secretary of DOLE for policies and programmes related to the overseas employment sector. The sea-based sector already has an existing forum promoting dialogue between the government and the industry.

7.2 Review the criteria based on the objectives of the awards

The most comments were directed at improving the criteria and the weight distribution. The general clamour is to increase the weight given to other components: (a) compliance with rules and regulations, welfare programmes and human resource development plans; and (b) social responsibility and reduce the weight traditionally assigned to deployment. Even as the 1,000-deployment threshold has been clarified, the workshop validated the unease participants had about the 30 per cent given to deployment.

An issue related to the criteria is the need to develop valid and empirical indicators for each criterion and the dimensions within each criterion. In cases where a criterion encompasses several dimensions, there is a need to specify the distribution of weights assigned to the different dimensions – e.g., how is the 30 per cent allotted to compliance with rules and regulations, welfare programmes and human resource development plans?

A more fundamental question is the relevance of the awards in the present context: what are the Agency Performance Awards for? When the award system was piloted in 1983, finding labour markets for Filipino workers was a major part of the POEA's functions, which is why deployment weighed heavily in the evaluation process. The marketing and deployment orientation had given way to worker protection, and more recently, the migration and development has entered policy discussions. In view of these developments, how do the awards

align with the broader policy framework as regards overseas employment? POEA needs to address what the awards are for, which will define the relevant criteria and appropriate weight distribution.

The study sees the emphasis on worker protection and welfare as a way forward for the agency evaluation. While the existing criteria do cover this aspect under the criterion compliance with laws, welfare programmes and human resource development plans, this can be operationalized in more concrete and measurable ways. For example, this can be measured by indicators, such as no placement fee, or excellence in providing welfare services to migrants, or establishing a reintegration programme for migrant workers. In addition, allocating a substantial weight to this criterion will drive home the message of the nature of the awards. Such indicators effectively convey the importance of promoting migrants' welfare and will also provide a better gauge of the impact of the award system on migrant workers. To date, the impact of the award system on migrant workers is not that evident or difficult to gauge.

The idea of the award system as a prelude to a ratings system also needs revisiting. As things developed, it seems the award system became the de facto replacement of the envisaged ratings system. The study found a range of opinions about the ratings system. Some were for it, others had reservations. Those who were in favour of the ratings system reasoned that it will make the recruitment process more transparent; others were concerned that it will be prejudicial to small agencies. Crucial to the credibility and acceptability of the ratings system are the criteria and the process of evaluation. As an example, the accreditation of institutions of higher education in the Philippines is under CHED, but the accreditation is conducted by registered independent accreditors. More details are provided in the next section. What needs to be clarified is what to do with the planned ratings system: will this be pursued?

7.3 Expand the composition of evaluators

The clamour to expand the membership of evaluators beyond POEA also reflects the different policy environment then and now. Thirty years ago, the state, through

POEA, was the main player in regulating the recruitment and deployment of Filipino workers. Currently, migration governance has expanded into a multi-stakeholder process involving many non-state actors. The recruitment industry, civil society organizations, unions and professional organizations have formed associations and alliances to represent their interests. In addition, there is now more engagement between different players in contrast to the state-centric mode in the past. Although multi-stakeholder dialogues and fora do not always produce consensus outcomes, they represent efforts to build broad-based or more inclusive approaches. For most participants, thus, the evaluation and selection of awardees should not rest on POEA alone. Many proposed the tripartite formula or its variant. In this regard, some options for POEA's consideration include:

- POEA should continue to implement the evaluation and selection of awardees, but it should consult with other stakeholders in the different steps of the evaluation process.
- POEA should open the evaluation and selection process to other stakeholders – likely candidates are representatives of civil society organizations, trade unions, migrants' associations, academe and international organizations.
- POEA oversees the evaluation and selection process, but the work should be implemented by an external entity – POEA may consider the CHED model wherein the accreditation is conducted by external auditors. Other models are the DILG's Seal of Good Housekeeping and Verite and Manpower Group's (2012) Standards for Ethical Practice and the companion Verification and Certification System.

7.4 Include the voice of the migrants

Migrants' voices cannot be neglected because they are directly affected by the practices of recruitment agencies. One of the projects under DWAB aims to develop an instrument via social media to solicit migrants' experiences with the

recruitment process. The project aims to develop the equivalent of tripadvisor,⁴⁹ which provides ratings and reviews of hotels and related facilities contributed by travelers, for migrant workers.

Relevant ideas may be provided by some examples of existing assessments in the field of migration. In the case of sea-based workers, they have an exit survey at the end of their contract. However, this is compromised by how these surveys are accomplished – in the presence of the captain. If the exit survey can be conducted differently (e.g., mailing the questionnaire to the manning agencies or to POEA), this mechanism can provide some indication of the workers' conditions. Another example from the sea-based sector is the International Seafarers' Welfare Awards given to outstanding seafarers' centres, shipping company, port or personality (persons or organizations). Organized by the International Seafarers Welfare and Assistance Network Aimed, the awards aim to raise awareness of good practices to promote improvements in services and facilities for seafarers.⁵⁰ The process involves inviting seafarers to send nominees for the different award categories, along with an instrument which enumerates the reasons for the nomination (see <http://www.seafarerswelfareawards.org/nominate>). Although the awards are of a different nature, the Commission on Filipinos Overseas' many years of experience with the Presidential Awards for Filipino Individuals and Organizations Overseas can also shed light on a nomination-based process (see <http://presidentialawards.cfo.gov.ph/>). Also, the OWWA's conduct of the Model OFW Family of the Year Award (MOFYA) may be instructive. POEA, together with other stakeholders, will have to invest time and energy to develop mechanisms to provide a space for migrants' voices. Something like the Migrants' Choice Awards may be one possibility.

7.5 Review the incentives

For the awardees, on the whole, they were appreciative of the incentives that come with the awards. For the rest, there were concerns about the possibility

⁴⁹ (<http://www.tripadvisor.com>)

⁵⁰ For details, see <http://www.seafarerswelfareawards.org/how-it-works/help-promote-the-awards>. The research team thanks Peter Rahon of the Philippine Migrants Rights Watch for sharing this information.

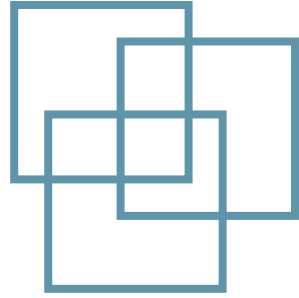
of abusing the incentives. The 12 years extension of license validity granted to Presidential Awardees, for example, was considered too long by some informants. Some have cautioned that facilitative incentives might be subject to abuse or may disadvantage migrant workers. On the other hand, there were a few suggestions from the awardees to level up the incentives. An interesting suggestion is to consider the CHED model of accreditation of higher education institutions, wherein institutions which rank high in the accreditation system are given more autonomy.⁵¹ Aside from the benefits to the awardees, this will also reduce the workload of POEA, according to the proponent.

7.6 Shorten the interval between award periods

Several participants commented that the four-year interval of the award period is too long. As explained earlier, the four-year interval is tied to the license renewal period (a license is valid for four years, unless an agency commits an infraction). A participant remarked that it should not be tied to license renewal. If other stakeholders were part of the process, the evaluation could be done more frequently. Due to staffing and resource constraints in POEA, a shorter interval between award periods is not workable. However, if other stakeholders were involved in the evaluation process, this will lessen the responsibility for POEA.

It is hoped that the findings and recommendations from the study would provide a roadmap to improve the Agency Performance Awards. The participation of different stakeholders will help ensure that the process and the outcomes of the award system reflect the shared views and aspirations of all concerned.

⁵¹ The incentives should also be considered not just in terms of the impact, particularly benefits to recruitment agencies, but also benefits to migrant workers and employers (Agunias, 2011).



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ANNEX 1. GUIDE QUESTIONS

DISCUSSION POINTS WITH POEA/OWWA OFFICIALS AND STAFF

1. What were the reasons for establishing the award system for recruitment agencies?
2. Can you describe the implementation of the award system? What steps or processes are involved in the selection process? Who comprise the committee or body which selects the awardees?
3. The criteria for the selection of awardees consist of five aspects: (1) deployment; (2) technical capacity; (3) compliance with recruitment rules and regulations, welfare programmes and allied services, and human resources development plans; (4) industry leadership; and (5) social awareness and responsibility. These criteria have corresponding weights. In the assessment process, how are these criteria measured? How are they verified? How do you determine that contenders have not committed irregular practices? What do you think of the weight assigned to the different aspects?
4. The awards come with incentives; the higher the award category, the more the incentives. How would you assess the incentives: are they sufficiently attractive to encourage good performance? What changes are needed, if any, in levelling up the incentives?
5. When it was established in 1984, we understand that it was an annual assessment until 1998, after which it became every two years until 2004, and thereafter it became every four years: what were the reasons for these changes?
6. Since the award system was established in 1984, what have been the important changes that were introduced over the years? [PROBE REASONS FOR THE CHANGES]
7. Based on the implementation of the award system, what do you see as the strong points? What about the weak points or what should be improved? Are there any references to the award system in the on-going review of POEA Rules and Regulations? What would be your key three recommendations to improve the award system?
8. How does the award system impact on the following aspects: 1) encouraging other recruitment agencies to comply with POEA rules and regulations (promoting ethical practices); 2) improving services for migrant workers; 3) professionalizing the recruitment industry; and 4) others?
9. In your view, what is the role of the award system in the larger framework of governing recruitment agencies? Are incentives necessary? Why/why not?
10. In the current mix of approaches to govern the recruitment agencies, what should the government prioritize: preventive, facilitative, punitive, or positive (such as the award system)? Why?
11. The POEA Rules and Regulations mentions a grading system of recruitment agencies. What do you think of this mechanism? What are the reasons why this has not been implemented?

DISCUSSION POINTS WITH RECRUITMENT AGENCIES AND INDUSTRY ASSOCIATIONS

1. In 1984, the POEA established an award system for recruitment agencies demonstrating exemplary performance. Presently, the awards are for the following categories: Presidential, Excellence, Top Performer, and Special Awards for the Deployment of Displaced Workers. Do you agree with the idea of an award and incentive system for recruitment agencies? Why/why not?

FOR AWARDEES:

Please tell me about the award(s) your agency received from POEA. Kindly describe the processes you went through during the selection process: Was there an interview? Did you have to submit documents to POEA?

What does the award mean to your agency: what are the benefits? What are the disadvantages, if any?

What do you see as the award system's impact on the recruitment industry?

FOR NON-AWARDEES:

1. In your view, is this award valued by the recruitment industry? Why/why not?
Does your agency aspire to have an award? Why/why not?
Why do you think your agency did not win an award?
2. The criteria for the selection of awardees consist of five aspects: (1) deployment; (2) technical capacity; (3) compliance with recruitment rules and regulations, welfare programmes and allied services, and human resources development plans; (4) industry leadership; and (5) social awareness and responsibility. The weight distribution given to these criteria varies depending on the award category.
What do you think of these criteria? What should be part of the criteria?
What do you think of the weight assigned to the different aspects? Please explain.
3. The incentives for awardees include, at the least, extension of validity for one full term and publication of the list of awardees in POEA's website. What do you think of the incentives? Are they attractive enough to encourage recruitment agencies to promote good practices?
4. Based on the implementation of the award system, what do you see as the strong points? What about the weak points or what should be improved? What would be your key three recommendations to improve the award system?
5. Who should be part of the implementation of the award system?
6. Should migrant workers be involved too? How?
7. How does the award system impact on the following aspects: (1) encouraging other recruitment agencies to comply with POEA rules and regulations (promoting ethical practices); (2) improving services for migrant workers; (3) professionalizing the recruitment industry; and (4) others?
8. In your view, what is the role of the award system in the larger framework of governing recruitment agencies? Are incentives necessary? Why/why not?
9. In the current mix of approaches to govern the recruitment agencies, what should the government prioritize: preventive, facilitative, punitive, or positive (such as the award system)? Why?
10. The POEA Rules and Regulations mention a grading system for agencies. Would you favor such a system? Why/why not?

DISCUSSION POINTS WITH NON-GOVERNMENT ORGANIZATIONS, UNIONS, TRADE UNIONS & INTERNATIONAL ORGANIZATIONS

1. Have you heard about POEA's various awards – for recruitment agencies? Employers? Workers?
2. In 1984 the POEA established an award system for recruitment agencies demonstrating exemplary performance. Do you agree with the idea of an award and incentive system for recruitment agencies? Why/why not? [PROBE IMPACT OF AWARD SYSTEM IN TERMS OF:] (1) encouraging other recruitment agencies to comply with POEA rules and regulations (promoting ethical practices); (2) improving services for migrant workers; (3) professionalizing the recruitment industry; and (4) others?
3. Presently, the awards are for the following categories: Presidential, Excellence, Top Performer, and Special Awards. There are five criteria for the selection of awardees, namely: (1) deployment; (2) technical capacity; (3) compliance with recruitment rules and regulations, welfare programmes and allied services, and human resources development plans; (4) industry leadership; and (5) social awareness and responsibility. The weight of these criteria varies depending on the award category. What do you think of these criteria? What do you think of the weight assigned to the different aspects? Which of these criteria is difficult to meet? Why? What would you suggest?
4. The incentives for awardees include, at the least, extension of validity for one full term and publication of the list of awardees in POEA's website. What do you think of the incentives? Are they attractive enough to encourage recruitment agencies to promote good practices? What would you suggest?

5. Do you think the selection committee should include members outside of the POEA? Who else should be part of the selection committee? Reasons?
6. How can migrants' voices be considered in the award system?
7. In the current mix of approaches to govern the recruitment agencies, what should the government prioritize: preventive, facilitative, punitive, or positive (such as the award system)? Why?
8. The POEA Rules and Regulations mentions a grading system for agencies. What are your thoughts on such a system?

FGDS WITH MIGRANT WORKERS

Welcome participants

Collect background information of participants (see form below)

Introduction

Good day! My name is _____ from the Scalabrini Migration Center. Thank you for agreeing to participate in our group discussion. Our discussion will focus on your experience in dealing with recruitment agencies. This information is important so that we can share with the relevant authorities the good practices of some agencies and the not-so-good practices of some other agencies. We encourage you to share your views and experiences openly. We assure you that whatever you will share with us will be kept in confidence – we will not mention your names in the report unless we have secured your permission to do so. We would like to clarify that your participation in this discussion is voluntary; you may withhold your participation at any time. Shall we begin?

Discussion points

1. First of all, let me just check: all of you went through a recruitment agency in getting your job abroad, is that right? In your job search, how many agencies did you consider? How did you know about these agencies? How many did you actually approach for queries only? submitted an application to? How did you decide on this agency which is deploying you?
2. Please describe how your agency helped you with the application process: what documents were you asked to provide? What tests did you have to take?
3. How much was your placement fee? In addition to the placement fee, what other fees did you have to pay? Altogether, how much did you pay to your agency? How much will you have to pay in terms of salary deductions, if applicable?
4. While applying, what information and services should an agency provide?
5. After you had been deployed overseas, what information and services were provided by your agency? What information and services should an agency provide to the workers that they have recruited?
6. [IF APPLICABLE] Upon your return to the Philippines what information and services were provided by your agency? What information and services should an agency provide to returning workers?
7.
 - a. Based on your experience, what did you appreciate most about your agency?
 - b. Based on your experience, what aspects did you like the least about your agency?
8. On a 10-point scale, with 10 meaning most satisfied, how would you rate your agency? Why?
9. If a contest for excellent performance by recruitment agencies were held today, would you nominate your agency? Why/why not?
10. Are you aware that the POEA has an award system for well-performing agencies. In your view, should migrants be part of the selection of agencies to be given awards? Why/why not? What would be the best way to get migrants' assessment of their agencies?
11. If there is a system of grading agencies, e.g., 5-star ratings wherein more stars mean higher ranked agencies, would this be helpful to migrant workers?

Summarize the discussions; invite reactions, questions or additional comments from participants.

Thank the participants for their participation and wish them well in their journey and work abroad.

BACKGROUND INFORMATION OF FGD PARTICIPANTS

Name:

Age:

Marital status:

- ☐ Single
- ☐ Married
- ☐ Separated/Widowed

Number of children:

What is your permanent address in the Philippines?

- ☐ Metro Manila
- ☐ Luzon (not Metro Manila)
- ☐ Visayas
- ☐ Mindanao

What is the highest educational you have completed?

- ☐ High school
- ☐ Some college
- ☐ College graduate
- ☐ Other; PLS SPECIFY: _____

Job abroad:

- ☐ Professional
- ☐ Manager/Administrative
- ☐ Clerical personnel
- ☐ Sales personnel
- ☐ Factory/production
- ☐ Seafarer, ratings
- ☐ Seafarer, non-ratings
- ☐ Sea-based sector, non-marine

Country of employment:

First time to work abroad?

- ☐ Yes
- ☐ No

Name of agency:

ANNEX 2. LIST OF KEY INFORMANTS/FGD PARTICIPANTS BY STAKEHOLDER GROUP

KEY INFORMANT/FGD PARTICIPANT	DATE OF INTERVIEW/FGD
Awardees, Land-based Agencies	
<i>Presidential</i>	
Mr Angelito C. Hernandez President Industrial Personnel & Management Services, Inc.	August 21, 2013
<i>Excellence</i>	
Mr Levi S. De Mesa President International Skill Development Inc.	August 27, 2013
Mr Danilo Manlapig Vice-President International Skill Development Inc.	
<i>Top Performer</i>	
Ms Elizabeth S. Corral President United Global Manpower Resources, Inc.	August 13, 2013
Ms Jean D. Genio President France Asia International, Inc.	August 22, 2013
Awardees, Sea-based Agencies	
<i>Presidential</i>	
Mr Gerardo Borromeo CEO Philippine Transmarine Carriers, Inc.	September 17, 2013
Ms Christina Manzano Director Philippine Transmarine Carriers, Inc.	
<i>Excellence</i>	
Mr Miguel Rocha Executive Vice-President and CEO CF Sharp Crew Management, Inc.	September 5, 2013
Ms Antoinette Isabel Guerrero President Sea Power Shipping Enterprises, Inc.	September 6, 2013
<i>Top Performer</i>	
Capt Eleazar Diaz President/CEO Crossworld Marine Services, Inc.	August 22, 2013

ANNEX 2. LIST OF KEY INFORMANTS/FGD PARTICIPANTS BY STAKEHOLDER GROUP

Capt Manolo Gacutan President and General Manager Dohle-Philman Manning Agency	September 4, 2013
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Ms Jeanne Araga Administrations Manager Marlow Navigation Phils, Inc.	September 5, 2013
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Agencies/Industry Associations

<i>LBS Recruitment Solutions Corporation</i> Mr Lito Soriano, CEO & President Mr Ezekiel Alunen, VP for Special Projects Atty Francisco de Guzman, Corporate Counsel	July 29, 2013
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<i>Filipino Migrant Workers Group</i> Engr Francisco (Jun) Aguilar, President	August 2, 2013
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<i>Philippine Association of Service Exporters Inc (PASEI)</i> Ms Elsa U. Villa Krona International Services & Vice-President of PASEI	August 22, 2013 (FGD)
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Ms Julie Rose Insu Coreteam Manpower Services & Treasurer of PASEI	
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Ms Raquel E. Bracero Peridot International Resource & Member of the Board of Directors, PASEI	
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Mr Hernane I. Gramco, Jr. PASEI Secretariat	
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Ms Rosscal Castillo PASEI Secretariat	
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<i>Sagana Shipping, Inc.</i> Mr Edwin Cristobal Manager	September 18, 2013
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<i>Centennial Transmarine, Inc.</i> Capt Jeffrey Solon Chief Operating Officer	September 19, 2013
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Ms Dez Catly	
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Government Officials

<i>Philippine Overseas Employment Administration</i> Ms Liberty Casco Deputy Administrator, Employment and Welfare	August 1, 2013
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ANNEX 2. LIST OF KEY INFORMANTS/FGD PARTICIPANTS BY STAKEHOLDER GROUP

Atty Roberto Larga Director IV, Licensing and Regulation Office	August 2, 2013
Ms Celia Laurente OIC-Licensing and Evaluation Division	
Ms Lucia Villamayor Director II, Licensing Branch	
<i>Overseas Workers Welfare Administration</i> Dr Carmelita S. Dimzon Administrator	September 2, 2013
Trade Unions and Professional Organizations	
<i>United Filipinos Seafarers</i> Engr Nelson Ramirez President	August 22, 2013
<i>PS-Link</i> Ms Jillian Roque Advocacy, Information and Research Officer	September 15, 2013
Civil Society Organizations & International Organizations	
<i>International Organization for Migration</i> Mr Ricardo Casco	July 18, 2013
<i>Philippine Migrants Rights Watch</i> Fr Graziano Battistella Scalabrini Migration Center	July 25, 2013 (FGD)
Fr Edwin Corros Episcopal Commission for the Pastoral Care of Migrants & Itinerant People	
Ms Carmelita Nuqui Development Action for Women Network	
Fr Paulo Prigol Apostleship of the Sea-Manila	
Ms Ma. Ediza Pumarada Scalabrinian Lay Association	
Mr Pete Rahon Philippine Migrants Rights Watch Secretariat	
Ms Ellene Sana Center for Migrant Advocacy	
Mr Leonardo Servidad Apostleship of the Sea-Manila	

ANNEX 3. PROFILE OF FGD PARTICIPANTS BY OFW GROUP

	Age	Civil status	Number of children	Permanent address	Highest educational attainment	Country of Employment Previous	Current/ Applying for
Mixed Group of OFWs, August 7, 2013, Scalabrini Center for People on the Move, Quezon City (*male)							
OFW1	45*	M	3	Mindanao	College grad	S. Korea	Saudi Arabia
OFW2	35*	S	-	Visayas	High school	no info	Bahrain
OFW3	43*	S	-	Visayas	Some college	no info	Saudi Arabia
OFW4	26*	S	-	Mindanao	College grad	Philippines	Anywhere
OFW5	27	M	1	Mindanao	Some college	Kuwait	Qatar/ Hong Kong
OFW6	36	M	1	Mindanao	College grad	Taiwan	Hong Kong
OFW7	48	Sep	2	Mindanao	College grad	Kuwait	Kuwait
Household Service Workers, September 4, 2013, National Reintegration Center for OFWs, Manila (all females)							
HSW1	35	M	2	Luzon, outside Metro Manila	High school	Singapore	UAE
HSW2	31	Sep	2	Luzon, outside Metro Manila	College grad	Hong Kong	UAE
HSW3	40	M	2	Luzon, outside Metro Manila	Elementary	Taiwan	UAE
HSW4	37	M	0	Mindanao	Elementary	Saudi Arabia	UAE
HSW5	42	M	4	Mindanao	High school	UAE & Jordan	Kuwait
HSW6	35	M	2	Luzon, outside Metro Manila	High school	Kuwait	Singapore
Seafarers, August 8, 2013, SM Manila (all males)							
ASF1	57	M	1	Visayas	Some college	Had been onboard	
ASF2	55	M	4	Visayas	College grad	Had been onboard	
ASF3	49	M	3	Visayas	College grad	Had been onboard	
ASF4	60	M	3	Visayas	Some college	Had been onboard	
ASF5	36	S	-	Visayas	College grad	Had been onboard	
ASF6	45	M	2	Visayas	College grad	Had been onboard	
Seafarers, Stella Maris Dormitory, August 9, 2013, Manila (all males)							
BSF1	53	M	2	Mindanao	College grad	Had been onboard	
BSF2	n.i.	M	3	Visayas	College grad	Had been onboard	
BSF3	50	M	1	Visayas	College grad	Had been onboard	
BSF4	n.i.	M	1	Visayas	College grad	Had been onboard	
BSF5	n.i.	S	-	Mindanao	College grad	Had been onboard	
BSF6	43	M	2	Mindanao	College grad	Had been on board	
BSF7	35	M	2	Mindanao	College grad	Had been on board	
BSF8	26	S	-	Mindanao	College grad	First timer; waiting for dep.	

ANNEX 4. PARTICIPANTS IN THE VALIDATION WORKSHOP BY SECTOR

Government

Ms Elizabeth Marie Estrada
National Reintegration Center for OFWs-OWWA

Ms Ronna Dimayuga
National Reintegration Center for OFWs-OWWA

Ms Vivian Tornea
Overseas Workers Welfare Administration

Mr Josefina Torres
Overseas Workers Welfare Administration

Atty Jesus Gabriel
Philippine Overseas Employment Administration

Atty Robert Larga
Philippine Overseas Employment Administration

Ms Celia Laurente
Philippine Overseas Employment Administration

Ms Lucia Villamayor
Philippine Overseas Employment Administration

Civil Society Organizations

Mr Leonardo Servidad
Apostleship of the Sea

Fr Edwin Corros
CBCP-ECMI

Ms Rhodora Abaño
Center for Migrant Advocacy

Ms Elena Lopez
Center for Migrant Advocacy

Ms Carmelita Nuqui
Development Action for Women Network

Mr Pete Rajon
Philippine Migrants Rights Watch

Ms Marie Jessibel San Andres
Scalabrini Migration Center for People on the Move

International Organizations

Mr Margarito Raynera
Delegation of the European Union to the Philippines

ANNEX 4. PARTICIPANTS IN THE VALIDATION WORKSHOP BY SECTOR

Ms Cecile Delhez
International Labour Organization

Ms Desiree Joy Granil
International Labour Organization

Ms Catherine Vaillancourt-Laflamme
International Labour Organization

Ms Elaine McGregor
International Labour Organization

Ms Jennifer Frances dela Rosa
International Labour Organization

Recruitment Agencies & Industry Associations

Capt Manolo Gacutan
DOHLE Philman Manning Agency

Mr Cesar Averia
EDI-Staffbuilders

Engr Dong Mejos
France Asia International Inc.

Mr Vic Bautista
Industrial Personnel & Management Services, Inc.

Mr Levin De Mesa
International Skills Development, Inc.

Mr Danilo Manlapig
International Skills Development, Inc.

Mr Loreto Soriano
LBS e-Recruitment Solutions Corp.

Mr Antonio Galvez, Jr.
Marlow Navigation

Atty Imelda Barcelona
Philippine Association of Manning Agencies & Shipmanagers Inc.

Ms Edwina Beech
Philippine Association of Service Exporters Inc.

Mr Hernan Guanaco Jr.
Philippine Association of Service Exporters Inc.

Mr. Gerardo Borromeo
Philippines Transmarine Carriers Inc.

ANNEX 4. PARTICIPANTS IN THE VALIDATION WORKSHOP BY SECTOR

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Sagana Shipping

Ms Judelyn Lasay
United Global Manpower Resources Inc.

Mr Bonifacio Huavas
United Global Manpower Resources Inc.

Mr Nestor Flores
ABBA Personnel Services, Inc.

Trade Unions & Professional Organizations

Atty Emmanuel Partido
Associated Marine Officers and Seamen's Union of the Philippines

Mr Milton Unso
Marine's Association for Regional and International Networking Organization/SENTRO

Mr Roger Cordero
Marine's Association for Regional and International Networking Organization/SENTRO

Ms Josephine Jamon
Philippine Government Employees Alliance (PGEA)

Dr Teresita Barcelo
Philippine Nurses Association

Ms Jillian Roque
PS-Link

Engr Nelson Ramirez
United Filipino Seafarers

Organizers

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Scalabrini Migration Center

Dr Maruja Asis
Scalabrini Migration Center

Prof Stella Go
Philippine Migration Research Network

Dr Josefina Tondo
Scalabrini Migration Center

Fr Valentin Mendoza
Scalabrini Migration Center

Ms Ma Cecilia Guerrero
Scalabrini Migration Center

This research report is part of the European Union-funded International Labour Organization's (ILO) *Promoting Decent Work across Borders: A Pilot Project for Migrant Health Professionals and Skilled Workers*.

The primary aim of the study was to assess the objectives and design of the Philippines Overseas Employment Administration's (POEA) Agency Performance Awards. Although regulating the recruitment industry is fundamental in ensuring the well-being of migrant workers, providing incentives may also play a positive role. Incentives can strengthen the resolve of recruitment agencies to deliver ethical services to migrants. The POEA agency performance awards is a step in this direction.

The present report is the result of a cooperation with the Scalabrini Migration Center and its collaborators. The report is based on a thorough investigative methodology, which involved many stakeholders, ranging from migrant workers and recruitment agencies themselves to the government as a regulator. The results were the object of consultations with all those concerned and the ILO hopes that its recommendations will support the Department of Labor and Employment of the Philippines and the Philippines Overseas Employment Administration in their constant quest to provide services to migrants in the most ethical manner.