

## **The Condition of Overseas Filipino Workers in Saudi Arabia**

**Final Report of the Investigating Mission of the  
Committee on Overseas Workers' Affairs (COWA) to  
Saudi Arabia, January 9 – 13, 2011**

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## **Introduction**

Saudi Arabia might be said to be the frontline state for the deployment of Overseas Filipino Workers (OFWs). There are said to be over 1.1 million Filipinos in the country. The importance of the Kingdom to the Philippine economy can never be emphasized enough. About US\$7.9 billion of the total of US\$17.1 billion remitted to the Philippines in 2010 was said to have come from workers in Saudi Arabia.

Yet Saudi Arabia also features regularly in the world press as a backward state, where women are legally and by custom subordinated to men and men and women are rigidly segregated, where unmarried couples hanging out together can be arrested by the Religious Police and jailed for immorality. And regularly coming out of the Kingdom are reports of rampant rape and physical abuse of domestic workers.

### **Why We Went to Saudi Arabia**

Given the centrality of the Kingdom to its task of overseeing the deployment of OFWs, the chairman of the Committee on Overseas Workers' Affairs of the House of Representatives felt it was important to get a first-hand acquaintance of the conditions faced by OFWs in a very controversial deployment area. While it is true that much material was already available on the Kingdom, he believed that for him and COWA to come up with the appropriate legislative measures bearing on OFWs deployed there, first-hand, empirical knowledge was essential

The chair felt that a balanced team was necessary in order come up with a good assessment of conditions in Saudi Arabia. Thus, given the great concern with the conditions of female domestic workers in the country, he invited two women members of the Committee, Vice Chair Maria Carmen Zamora-Apsay and Rep. Emmeline Aglipay to be part of the mission. He also invited Rep. Cresente Paez, given the latter's expertise in remittances and other financial matters relevant to OFWs. Two other members of COWA were asked to come but they could not join the mission owing to prior commitments. An experienced hand in migrant affairs, Ms. Ellene Sana, was asked to join the mission as a consultant, though she was told she would have to pay for her airfare and lodging.

The mission left for Saudi Arabia in the evening of June 8 and spent the next five days in the Kingdom. The itinerary of the team was arranged by the Department of Foreign Affairs (DFA), the Philippine Embassy in Riyadh, the Philippine Consulate General in Jeddah, and the Philippine Overseas Labor Offices (POLOs) in the Kingdom.

## **Specific Objectives of the Mission**

The specific objectives of the mission were the following:

- a) familiarize the COWA with the conditions facing Filipino OFWs in the Kingdom of Saudi Arabia, which may be described as the frontline state for the deployment of OFWs, where there have been numerous reports of abuses of Filipino workers, particularly female domestic workers;
- b) assess the performance of Philippine government agencies in responding to the needs of OFWs in the country;
- c) find out the response of KSA-based OFWs to the mandatory insurance required by the amended Overseas Workers' Act and to selected government programs that are supposed to benefit OFWs; and
- d) investigate the status of Filipinos detained in Saudi jails, particularly those under the death penalty, with a view to securing their release or mitigating their sentences.

## **Activities of the Mission**

The team visited three key cities, Riyadh, Jeddah, and Al Khobar from January 9 to Jan 13. In all the sites visited, they followed the following program:

- briefing by officials of the Philippine Embassy, Consulate General, and Philippine Overseas Labor Offices (POLO);
- dialogues with distressed female OFWs in shelters operated by the Philippine government (also known as “Filipino Workers’ Resource Centers” or FWRCs);
- visits to areas where OFWs congregate in large numbers in order to interview them at random; and
- mass meetings with the Filipino community.

Upon its return to the Philippines, the mission was puzzled to read its activities described as a “junket” by a respected daily in the very same article that detailed its achievements. While it is understandable that the media would be skeptical of congressional travels given the millions of air miles that were registered by globetrotting politicians during the tenure of the former administration, the characterization of the Saudi mission as a “junket” could not but provoke wry smiles from members of the team. Saudi Arabia, with its harsh customs and

climate, is probably one of the last places on earth, along with Antarctica, that one would choose for a junket. And the 18 hr-long working days the mission spent being briefed by Philippine and Saudi officials, conducting dialogues with the community, interviewing raped and abused domestic workers, and flying between three cities was not exactly one's idea of a holiday.

## **Contents of the Report**

Upon its return to the Philippines, the mission began work on this report, which was finished on Feb. 7, 2011.

The contents of this report are briefly as follows:

Chapter One lays out the different worlds inhabited by professionals and skilled workers and domestic workers in Saudi Arabia. While professionals do not appear to be greatly dissatisfied with their lot, many domestic workers are cast into very oppressive conditions of work, where physical abuse and rape are rampant. It is fair to say that the mission members found the conditions faced by domestic workers to be worse than they had imagined. On a number of occasions, they were shocked into speechlessness by the tales of rape and abuse that were related to them. Given the brutality many domestic workers encounter and their not being accorded protection by the Saudi labor code, the chapter concludes that it would be very difficult to certify Saudi Arabia as a destination for OFWs, as required by the amended Overseas Workers' Act (RA 10022).

Chapter Two gives the mission's views on the status of Filipinos on death row, OFWs detained for "immorality" and other offenses, legal services offered by the Philippine Embassy and Consulate General, and the Embassy and DFA's investigative work on the suspicious deaths of a number of Filipinos.

Chapter Three attempts to assess the performance of Embassy and POLO personnel on a number of activities ranging from repatriation of OFWs to rescuing Filipinas in distress. There are many complaints about the performance of Philippine officials on the ground in Saudi, some of them posted on the internet. Some criticisms are undoubtedly justified. However, our impression of most of the foreign service and labor personnel we interacted with during the trip is that they are solid professionals doing their best in a difficult situation.

Chapter Four discusses the reception by the Filipino community of selected Philippine government programs. The reactions of the communities in Riyadh, Jeddah, and Al Khobar suggest that the mandatory insurance provision of RA 10022 might bring more costs than benefits, making its possible amendment something to consider seriously. Also, an aggressive information campaign on the various government programs benefiting OFWs is in order owing to their near total ignorance of these programs.

Chapter Five discusses the plight of what many consider a time bomb: the problem of undocumented children in Saudi, who are estimated at this point to number from 2,000 to 3,000. Unable to come to the Philippines since they have no resident certificates, they are, for the same reason, doomed to a life at the margins of Saudi society.

Chapter Six focuses on the difficulties OFWs face in remitting money to the Philippines.

Finally, the last chapter lays out the team's recommendations, foremost of which is the decertification of Saudi Arabia as a destination for Filipino domestic workers.

Two appendices are attached, one a comparison between the labor laws of the Philippines and the Kingdom and the other on OFW cooperatives in Saudi.

### **Acknowledgments**

The team would like to express its deep gratitude to the many who contributed to making the Saudi mission a success:

In Saudi Arabia, Charge d' affaires and concurrent Consul General Ezzedin Tago, Labor Attaché Albert Valenciano, Labor Attaché Adam Musa, Vice Consul Lorenzo Jungco, Labor Attaché Wesley Gacutan, Atty. Cesar Chavez, Welfare Officer Ron Lionel Bartolome, Social Service Attaché Dulfie Shalim, Translator Abdulgaphor Bacaraman, and all other members of the Embassy, Consulate, and POLO offices who directly or indirectly assisted the mission.

In Manila, Chris Lomibao, Committee Secretary of COWA; Mariquit Melgar, Sabrina Gacad, and Richard Heyderian of the Office of Rep. Bello; and the staff of the House of Representatives' Inter-Parliamentary Relations & Special Affairs Department.

We thank as well the Filipino communities in Riyadh, Jeddah, and Al Khobar for their generous sharing of their time and experiences with us.

Finally, we are grateful to Lorena, Fatimah, Emma, and the other distressed Filipinas at the shelters in Riyadh, Jeddah, and Al Khobar for telling us about the truth about their situation even when it was very difficult and painful to articulate this.

## **Chapter One**

### **Domestic Workers: Short-changed, Beaten, and Raped**

In a briefing before the Mission left for Saudi Arabia, Antonio Villamor, former Philippine ambassador to the country, told the members of the team that “70 per cent of Filipinos there are professionals or skilled workers and 30 per cent are low-skilled workers. However, the proportions are reversed when it comes to difficulties and problems, with low-skilled workers, including domestic workers, accounting for about 70 per cent of these and professionals for 30 per cent.”

#### **Two Worlds**

Indeed, Filipinos appear to inhabit two worlds in Saudi Arabia. Professionals and skilled workers seem to be largely contented with their conditions while low-skilled workers, especially domestic workers (or ‘household service workers,’ as consular and POLO officials prefer to call them) appear to exist in a world of permanent crisis.

We met a number of professionals and skilled workers at the community gatherings and at random, when we visited places where Filipinos congregate. Some had not been home for a long time, with one technician telling us he had not seen his family in the Philippines for 14 years. Many do not seem to mind these long absences because they see it as a necessary sacrifice to support the education of their children.

This is not to say that the life of professionals and skilled workers is problem-free. Many have commented that Saudi-based employers prefer Filipinos to other migrant nationalities. Yet, OFWs and other migrant nationalities are very much discriminated in terms of wages and other social security benefits. Filipino nurses in the King Faisal Hospital said that salary grades are determined by one's passport. For Filipinos, the entry level monthly salary ranges from SR3,500 to 5,000 with a ceiling of SR12,000 (139,700 pesos). However, US passport holders' entry level salary is SR14,000. Some Filipinos fly to Europe or America and secure a US or European passport. They then go back to Saudi Arabia and receive the salary grade for US and/or European workers. This practice of wage discrimination apparently is the norm. There are very few cases where a Philippine passport holder with Western qualifications receives the same salary grade as US or European passport holders.

Despite the pay inequities that they confront, the world of the professional or skilled worker is very different from that of the domestic worker. The professionals are very much aware of the

suffering and indignities endured by domestic workers and many know that unlike them, domestic workers are not covered by the Saudi labor code. In this regard, there was a consensus—or near consensus—at the three community fora that were held in Al Khobar, Jeddah, and Riyadh that the country should stop sending domestic workers to Saudi Arabia when we raised the question. A great part of the motivation for this position was undoubtedly sympathy with the plight of Filipino domestics. But one cannot dismiss the possibility that another motivation was that of avoiding being tainted by the stigma of low social status accorded compatriots that serve as maids and nannies.

### **Filipinas in Distress**

The most distressing part of the trip was listening to the harrowing stories of women in the shelters operated by the government.

The mission visited and listened to the tales of runaway OFWs awaiting repatriation to the Philippines who were lodged at the Philippine government-operated shelters and Filipino Workers' Resource Center (FWRC).

At the time of the meeting, there were a total of 212 distressed Filipinas being assisted by the Philippine government.

The following table provides a breakdown of the cases at one center:

**Table 1: Reasons for Distress of OFWs**

(January 10, 2011)

<i>Maltreatment and verbal abuse</i>	15 %
<i>Overwork</i>	14 %
<i>Sexual harassment and rape</i>	4 %
<i>Contract substitution</i>	5 %
<i>Court/police cases</i>	4 %
<i>Unpaid salary</i>	26 %
<i>Personal/health problems/other</i>	27 %
<i>Mother/ child repatriation</i>	5%

Source: POLO, Riyadh

### *Physical Abuse and Non-payment*

At all the centers, a number of women spoke freely to the Mission members about their ordeals. Some are worth underlining:

Beatings by the “Madame” were common, with hot irons sometimes flung at the worker. In some cases, violence was sparked by the worker’s not being able to understand a command given in Arabic.

Another common theme in the accounts was being kept under lock and key at the house of the employer.

Overwork was a common complaint with working hours reaching up to 20 to 22 hours per day, with no day off. Overwork was also a consequence of having to take care of several children, in some cases up to five or six. Overwork also resulted from being “lent” to relatives of the employer.

Several workers also recounted getting sick but being forced to keep working and being denied hospital treatment.

Several workers complained of not being given enough to eat, with a few cases bordering on forced starvation.

One worker told a member of the mission that, as punishment for a mistake, she was forced by her employer to eat the excreta of the child she was taking care of.

Non-payment of wages for up for months on end, despite promises, was a constant complaint. In a few cases, workers had not been paid at the time they ran away.

#### *Contract Substitution and the “Market in Runaways”*

Another common complaint was that they were being paid wages that were much less than they had signed on to in the Philippines. Many said that the contract they signed with the recruitment agency stipulated payment of \$400, but they were told to sign another contract upon departure or upon arrival in Saudi that specified a much smaller amount of \$200 or less. In fact, all 136 women in Bahay Kalinga claimed they were paid a much smaller amount than they originally agreed to. This practice apparently involves connivance between recruitment agencies in the Philippines and their counterparts or offices in Saudi Arabia, with the complicity of some people in the Bureau of Immigration and the POEA.

Another common practice is recruitment agencies in Saudi selling the domestic to another employer should some difficulties arise between the domestic and the original employer, which happens frequently. In the course of a two-year contract, many domestics may in fact be “sold” to a number of employers, at very low wages. The problem is they cannot produce an *iqama*, the tiny small green booklet that says one is allowed to live and work in Saudi Arabia. The *iqama* usually is in the hands of the original employer, making it difficult to leave the country since it is needed for an exit permit. The domestic then becomes a “TNT” (*tago ng tago*) whose fate is completely in the hands of the recruitment agency, which makes money by passing her from

one employer to another to work at very low wages. This practice must be given its appropriate name: human trafficking.

It is difficult to describe the working conditions of many household service workers except as virtual slavery. Slavery was abolished by royal decree in 1962, but customs are apparently hard to overcome. Domestic workers continue to be treated as slaves in royal and aristocratic households, and this behavior is reproduced by those lower in the social hierarchy.

*Rape: the constant specter*

Rape is the ever-present specter that haunts Filipino domestic workers in Saudi Arabia.

This might not seem to be the case from the breakdown of cases in Bahay Kalinga provided above. The actual incidence of rape and sexual harassment, however, is much higher since nearly half of the cases under the category “Court/police cases” involve rape and an undetermined number of those cases under “Maltreatment and verbal abuse” and perhaps other categories were likely to be rape cases that the victims were ashamed to report. This became evident to the team when one of the OFWs recounting her ordeal broke down and admitted she was raped whereas she had originally had herself classified as maltreated. At the government-centers, a number of wards told the team that the number of rape and sexual abuse cases was severely underreported because the shame and fear of stigma.

An undetermined number of cases filed under “maltreatment/mistreatment” and even under some other categories were likely to have involved rape and sexual abuse,

The point is rape and sexual abuse are more frequent than the raw POLO statistics reveal, probably coming to 15 to 20 per cent of cases reported for domestics in distress. If one takes these indicators as roughly indicative of unreported cases of abuse of domestic workers throughout the kingdom, then one cannot but come to the conclusion that rape and sexual abuse is common.

Rape does not, however, take place only in the household. With strict segregation of young Saudi men from young Saudi women, Filipino domestic workers, who usually go about with their face and head uncovered, stand a good chance of becoming sexual prey if they make the mistake of being seen in public alone. As one Embassy officer in Jeddah said, “Women going out alone is an invitation to disaster here.” And the threat comes not only from marauding Saudi youth but also from foreign migrant workers, single and married, who are deprived by the rigid sexual segregation imposed by the ever-present Religious Police from normal social intercourse with women during their time in Saudi.

In this section, we will be give detailed accounts of four rape cases recounted to us in our dialogue with the distressed OFWs and Embassy officials. These were not the only cases related to us, but we have picked the four cases to illustrate the different contexts and circumstances in which rape can take place. We will not use the real names of the victims in the interest of privacy.

### Lorena

Lorena is in her mid-twenties, lithe, and pretty—qualities that marked her as prime sexual prey in the Saudi jungle. And indeed, her ordeal began when they arrived at her employer’s residence from the airport. “He forced a kiss on me,” she recalled. Fear seized her and she pushed him away.

He was not deterred. “One week after I arrived,” she recounted, “he raped me for the first time. He did it while his wife was away. He did it after he commanded me to massage him and I refused, saying that was not what I was hired for. Then in July he raped me two more times. I just had to bear it [“Tiniis ko na lang”] because I was so scared to run away. I didn’t know anyone.”

While waiting for her employer and his wife in a shopping mall one day, Lorena came across some Filipino nurses, whom she begged for help. Upon hearing her story, they gave her a SIM card and pitched in to buy her a load.

But the domestic torture continued. She would be slapped for speaking Arabic since her employer’s wife said she was hired to speak English. She was given just one piece of bread to eat at mealtime and she had to supplement this with scraps from the family’s plates. She was lent to the wife’s mother’s household to clean the place, and her reward for this was her being raped by the wife’s brother; kinship apparently confers the right to rape the servants of relatives. Also during that month, October, she was raped—for the fourth time—by her employer.

She not only had to contend with sexual aggression but with sheer cruelty. Once, while cleaning, she fell and cut herself. With blood gushing from the wound, she pleaded with the employer’s wife to bring her to the hospital. She refused, and when Lorena asked her to allow her to call her mother in the Philippines, she again said no, telling her this was too expensive. The employer arrived at that point, but instead of bringing her to the hospital, he said, “You might as well die.” Lorena had to stanch the wound with her own clothes and treat herself with pills she had brought with her from the Philippines.

Wildly desperate by now, Lorena finally managed to get in touch with personnel of the Philippine Overseas Labor Office (POLO).

Arrangements were made to rescue her on December 30. That morning, the rescue team from POLO and the local police arrived at the residence. Lorena flagged them frantically from a second story window and told them she wanted to jump, but the team advised her not to because she could break her leg. That was a costly decision, since the employer raped her again—for the fifth time—even with the police right outside the residence. When she dragged herself to her employer’s wife and begged her to keep her husband away from her, she beat her instead, calling her a liar. “I was screaming and screaming, and the police could hear me, but they did not do anything.”

When the employer realized that he was about to be arrested, he begged Lorena not to tell the police anything because he would lose his job and offered to pay for her ticket home. “I said I would not tell on him and say that he was a good man, just so that he would just let me go [‘para lang makatakas ako’],” Lorena said. When she was finally rescued moments later, Lorena recounted her ordeal to the POLO team and police, and the employer was arrested.

Released from captivity, Lorena was determined to obtain justice. However, arduous bureaucratic procedures delayed a medical examination to obtain traces of semen right after her rescue. When it was finally conducted, she was given an emergency contraceptive pill—an indication, said the POLO officer who led the rescue, that seminal traces had been found in and on her. Also, the examination revealed contusions all over her body and bite marks on her lips.

The criminal investigation is still ongoing and the employer, who has been identified as Lt. Commander Majid Al-Juma-in, is still in jail at the Dammam Police Station. Lorena’s story shows, according to one Embassy official, that rape and cruelty are not confined to the lower class Saudi households. “This is an officer in the Saudi Navy, somebody that comes from the educated class.”

Lorena is worried that the evidence might be tampered with. “These people are influential,” she said. “They have a lot of money. I am only a maid. They said they could put me in prison.” Her fear is palpable. Her greatest wish is to be repatriated but she knows she must stay till he is convicted and sentenced to death.

### Fatimah

Fatimah appears to be in her late thirties. Her most striking feature is the pain written all over her face. She says that while going to a grocery with a friend in a neighborhood in Jeddah, she was grabbed from behind and forced into a car by Saudi youths who brought her to a house, where they took turns raping her for hours. Unable to

continue her account orally, she wrote the following note in English and handed it to the team:

"I'm a victim of gang rape last April 20, 2009. They are all 6--Saudis teenagers. They are sentenced for 7 yrs imprisonment and will receive 2500 lashes each. There's no equivalent for what they've done. They destroyed my life, my future. They should pay my morale damage whether they like it or not."

Fatimah is still at the Jeddah Filipino Workers' Resource Center awaiting a monetary settlement for the moral damage inflicted on her with the families of the perpetrators. According to an Embassy officer, she is holding out for a monetary settlement of 150,000 Saudi riyals from each of the rapists, or a total 900,000 riyals (about 10.6 million pesos). Unfortunately, according to an Embassy official, the likelihood of her obtaining an amount of this size is nil, though he said the Embassy will continue to support her so long as she wants to pursue the settlement.

#### Anna

Anna, who worked as a beautician, sought the assistance of DFA personnel at the Jeddah consulate general the day after she was raped. Perhaps her story is best told by the Embassy official who attended to her case:

"This Filipina reported that she was raped by sixteen Saudis, all youths. She said she was abducted after the driver of the car she was in stopped at a repair shop to urinate and she went to buy something at a nearby street.

She came to the consulate really, really hurting since the rape had just taken place the day before. I urged her to pursue the case. Let's put them behind bars, I said. But she was concerned, because number 1, she was undocumented; number 2, she has obligations in the Philippines; and no 3, she was scared out of her mind.

"I said, we'll go with you all the way. But there's one thing. If you report the case to the police, the first thing they'll ask is where's your *iqama*? Since she was illegal, she would not be able to produce anything. Although we could prosecute for the rape and I knew we would win the case, there was a possibility that because of her immigration violation, she would be deported to the Philippines. She was candid with me: she couldn't allow that to happen because she had obligations in the Philippines. She said, 'If I let go of my work here, I would not be able to earn as much in the Philippines.'

"Still I said, don't worry, we'll find ways to help you. Then she said, 'Sir, I also have a boyfriend here and we had sex the night before I was raped.' So if she were to have a medical examination, he might also

be pinpointed and he would be deported to the Philippines, not to mention the fact that she would also be liable for immorality.

“We really wanted to help her. The case was really strong. But the fact is her obligations to her family were overriding. She left the consulate and never returned.”

Emma

When we met her, Emma had been living for three months at the center.

She had been in Saudi Arabia for almost a year. She had run away from her original employer for two reasons. One was that her employer had lent her to the household of her son, with whom she could not get along. Another was that her pay was always late, which made it difficult for Emma to meet family emergencies in the Philippines. When a friend told her that there was a job waiting for her at the household of a Jordanian in Al Khobar, she decided to escape.

She took a taxi to bring her to “Lulu Market” in Al Khobar, where her contact was waiting for her “The taxi brought me all over the place. I started to get worried and told him to bring me to Lulu Market,” she recounted. “He did not understand English, and I began to scream.” The driver kept calling people on his cellphone, and soon there was a car tailing the taxi. Emma was pulled out of the taxi and into the car. She was taken to a house, and in a room in that house eight men took turns raping her.

Emma was able to get in touch with a Filipina working at the house, who unlocked the room where she was imprisoned and assisted her in getting in touch with people who knew the POLO staff in Al Khobar. The POLO personnel brought her to the police, who were able to catch three of the eight rapists, including the driver. The driver was a Pakistani and the two others apprehended were Indians.

During the arraignment of the accused, Emma got emotional at the sight of the taxi driver and wanted to throw water at him. “Seeing her trembling with anger,” recounted the POLO officer assisting her, “the prosecutor himself began hitting the driver.”

The criminal investigation is still in progress, and until it is over, Emma has to remain in Saudi Arabia. The penalty for rape in Saudi is death if the man is married. Emma still has to decide if she is to pursue her “private rights” and seek monetary compensation for moral damages. According to the POLO official, even if she is successful in getting a monetary settlement, the “public rights” dimension of Sharia law will most likely still result in the imposition of the death penalty on the accused.

## **Sexuality in Saudi Society**

The reasons why rape and sexual abuse are endemic provoked an animated discussion among those who heard her. The strict sexual segregation, one member of the House team speculated, must create tremendous pent-up sexual pressure, so when the opportunity for sexual satisfaction appears, it explodes. Another said that the sexual abuse of domestics was an extension of the strict subordination to males and institutionalized repression of Saudi women.

Whatever the causes, Saudi society is suffused with latent sexual violence, much more so than most other societies. While bringing domestic workers under the coverage of Saudi labor law would help, this is not sufficient protection. Owing to longstanding cultural practices, Saudi Arabia will remain a dangerous place for Filipino domestic workers.

It is noteworthy that at the meetings with the community that the COWA team conducted in Riyadh, Jeddah, and Al Khobar, there was, as noted earlier, consensus that the Philippines should no longer send domestic workers to Saudi Arabia when the question was raised to the audience. There might have been different reasons for this strong sentiment among the mainly professional Filipinos that attended these meetings, including a sense that the image of Filipinos as mainly being domestic workers was “rubbing off” on them. However, undoubtedly, sympathy with the plight of the domestic workers was a strong motivation.

Reading these accounts might give the impression that all Saudi households are pockets of hell. In fact, there are instances where domestics find Saudis that treat them with dignity. In the case of Lorena cited above, a Saudi woman belonging to the aristocracy heard of her case from a domestic worker who knew Lorena and, moved by her plight, made a personal commitment to bring her rapist to justice.

What we wish to underline is the fact that, despite the good intentions and behavior of some Saudis, rape and physical abuse occur much too frequently in Saudi households, and domestic workers are often defenseless, prompting many of them to run away from their employers.

## **Actions of other Countries**

It is important to note here that other governments have begun to take drastic steps to protect their citizens in Saudi Arabia.

India has already banned the sending of women under 40 to Saudi Arabia in response to abuses suffered by its citizens in Saudi households.

After a much-publicized case in which an Indonesia domestic worker suffered internal bleeding and broken bones from a ferocious beating by her employer, who pressed a hot iron on her head and slashed her with scissors, two labor-exporting Indonesian states, West Nusa Tenggara and West Java, banned the recruitment of domestics for employment in Saudi Arabia last December. Earlier, in October, the Sri Lankan Ministry of Labor backtracked from an agreement arrived at between the Saudi National Recruitment Agency and the Sri Lankan labor federation, asserting that the terms of the agreement was unfavorable to the Sri Lankan domestics and the Sri Lankan economy. This led the Saudis to indefinitely freeze recruitment from Sri Lanka.

These moves by other governments have led to greater demand for Filipino domestic workers. This is leading to a mounting problem for the Philippines. The informal policy of the Philippines has been to slow down the recruitment of domestic workers by raising the income qualifications for those families seeking Filipinas and doing more extensive background checks. On the other hand, legal and illegal recruiters, many of them tied to Saudi interests, have been trying to step up recruitment.

The Aquino administration may soon reach a critical decision point on the issue of Saudi recruitment since the amended Act on Overseas Workers (Republic Act 10022) requires the Department of Foreign Affairs to certify that a country is taking steps to protect labor rights if workers are to be deployed there. With its hideous record and its resistance to expanding coverage of its labor code to domestic workers, it is hard to see how Saudi Arabia can be certified as a destination for Filipino domestic workers.

## **Conclusion**

There are problems that confront Filipino professionals in Saudi Arabia, but they do not compare to those that plague female domestic workers. Physical abuse and rape are rampant, and Filipinas are often defenseless, leaving some with no option but to run away from their employers and live underground. Abuse is encouraged by the fact that domestic workers are not covered by Saudi labor law.

Other countries, such as India and Indonesia, have begun to restrict the deployment of domestic workers to Saudi Arabia. This has created tremendous pressure on the Philippines to fill the demand for maids. The new RA 10022, however, requires the DFA to certify whether or not a government has laws, institutions, and practices that protect workers. In the case of Saudi Arabia, there are none when it comes to domestic workers. This has placed the government at a

critical juncture, where it must decide the future of the deployment of domestic workers to Saudi Arabia.

## **Chapter 2**

### ***Death Row, Detentions, and Suspicious Deaths***

A key object of the mission was to look into the conditions of Filipinos in detention. According to figures provided by the DFA, there is a total of 849 Filipinos in detention centers, under house arrest, or with pending cases in court in Jeddah and Riyadh. There are 14 Filipinos on death row, and there are four charged with murder but whose judicial processing is ongoing.

#### **Death Row Cases**

Among those on death row are Dondon Celestino Lanuza, who has been in jail for over 10 years now for the murder of a Saudi national who he says tried to sodomize him, and three individuals charged with murder in the notorious “chop chop” case, where mutilated parts of the victims were found in Jeddah. Not all the death row cases involve murder. One OFW has been sentenced to death for blasphemy while a Filipina has been condemned to death by stoning after pleading guilty to adultery against the advice of her lawyer.

Request to Saudi authorities to allow the team to visit Filipino death row inmates was not given despite representation by Philippine Embassy officials. However, Rep. Bello was able to talk by phone with Dondon Lanuza in the Dammam Penitentiary during the mission and with Edward Tabora, detained at the Jeddah Penitentiary, after the mission’s return.

Although the Saudi authorities did not grant the team permission to visit Lanuza, Rep. Bello and Rep. Paez were able to meet with the head of the Peace and Reconciliation Committee, Sheik Ahmad Al Othonen, to intercede in behalf of Lanuza. From that meeting emerged news of a positive development: the father of Lanuza's victim is now more open to talking about a settlement whereas he was previously against it. According to the Sharia Law that governs Saudi Arabia, Lanuza can escape the death penalty and be released if he is forgiven by the closest kin of the victim in return for a monetary settlement (blood money or *tanazul*).

There is no doubt that DFA personnel actively monitor developments in the death row cases and make active representation for the OFWs involved. Saudi lawyers are engaged, Saudi authorities are lobbied, efforts are made to negotiate monetary settlements with the kin of the victims, whether these relatives are located in Saudi Arabia or, in

cases where Filipinos are accused of killing other Filipinos, in the Philippines. The pace of the justice system, however, is not within the control of DFA officials, and, as in the case of Lanuza and Tabora, little progress can be made when relatives are deadset against a monetary settlement. Nonetheless, constant pressure from the DFA on Saudi authorities may push the latter to increase their own efforts to persuade the families of the victims to relent when these kin are located in Saudi Arabia. Where the kin are in the Philippines, the DFA should probably step up its efforts to recruit more political and religious figures to mediate with them.

### **Non-Death-Penalty Cases**

While the mission can say that the DFA is actively engaged with death penalty cases, it is less certain about its engagement with the non-death row cases, such as “immorality,” a criminal charge levied on unmarried couples seen in each other’s company. Some OFW’s claim that the DFA focuses its work and financial resources mainly on the death penalty cases.

### **Legal Services**

With respect to legal services, we were told by the Embassy and POLO personnel that the rates for the best Saudi lawyers are quite high relative to the financial resources available, forcing reliance on one particular lawyer, who is said to be good and has reasonable rates. In some cases, such as action on charges of rape, the Saudi system is said to be quite aggressive in pursuing those charged, making the hiring of a lawyer for the complainant superfluous.

In many cases, such as the prosecution of people charged with raping Filipinas, it appears that it is mainly or only the interpreters that follow the case from preliminary investigation to judicial proceedings. From the description given by a number of sources, the interpreter, since he knows Arabic and has some familiarity with Sharia Law, ends up effectively as the go-between between the complainant and the Saudi judicial authorities. The team wonders if this is good practice and whether it might not be worthwhile to engage full-time lawyers that can practice in Saudi, know Arabic, and know Sharia Law.

### **Unsolved Crimes**

The team was also concerned with developments in the violent deaths of a number of Filipinos reports of which have appeared in the press and internet, including the murder of Romelyn Ibanez and the deaths of Rowena Arceo, Joy Sarto, Eugenia Baja, Analyn Pena, and Marylou Ating. DFA personnel were able to provide information on only two of eight cases for which information was requested, that of Arceo and Baja.

On cases involving the unresolved deaths of Filipinos, mission members were perturbed that DFA personnel did not seem to be updated on the cases of murders of Filipinos that had been widely reported in the press or the internet. Developments in the eight cases for which information was requested, including the murder of Romelyn Ibanez, was not immediately available from them, and the information provided on two cases, those of Rowena Arceo and Eugenia Baja, was limited to the cause of death (cardiovascular arrest in the first case, heart respiration and failure in the second) as determined by autopsies of the victims. More energetic follow-up work of reports of murdered Filipinos, including interviews of people who knew them, appears to be in order.

## **Conclusion**

Efforts by DFA and Embassy personnel to release Filipinos on death row or facing the death penalty appear to be consistent and energetic. The mission is less certain when it comes to DFA and Embassy action on non-death penalty cases, such as “immorality.”

Good and prompt legal advice and action are critical given the mounting criminal cases involving Filipinos, either as alleged perpetrators or victims. Thus the team is concerned that the Embassy and POLO staff seem overly reliant on just one Saudi lawyer to handle major cases. It is also concerned that the interpreters for the Embassy and POLO appear to be serving as the go-betweens between Filipinos and the courts in the absence of a lawyer. Thus hiring full-time lawyers who can practice in Saudi may be an important measure to take to better serve OFWs caught up in legal action.

In the case of the suspicious deaths of Filipinos, the DFA and Embassy staff seem to be lagging and more energetic action on their part is needed.

## ***Chapter 3***

### **Assisting Filipinos in a Frontline State**

There are many complaints about government services that are posted on the internet. At the top of this list are slow processing of services for OFWs, inadequate follow-up of cases involving murders and offenses against OFWs, and failure to provide adequate services for Filipinos in detention.

Undoubtedly, some of the criticism is fair. For instance, as noted earlier, the Embassy in Riyadh was not able to provide up to date information on eight cases of deaths involving possible foul play that had been widely publicized in the press. Also, as noted below, the bureaucratic response of a POLO officer may have contributed to the delay in the liberation of an OFW, resulting in her being raped.

The team, however, was impressed with the quality of most of the foreign service and labor officers they interacted with either formally or informally. A number of them were former high ranking officials—indeed, one POLO officer for the Central Region is a former undersecretary—in their respective agencies, and their being posted to Saudi Arabia was most likely a case of these agencies assigning their best people to the “frontline” state in the deployment of OFWs.

To the team, the main constraint in terms of delivery of services is the limited number of personnel. The total complement of foreign service and labor officers in Saudi Arabia is about 161, which is pitifully small given the at least 1.1 million Filipino workers and residents in Saudi, 20,000 of whom are said to be undocumented.

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Table 2: Personnel Complement of Philippine Missions  
in the Kingdom of Saudi Arabia\*  
(As of 5 February 2011)

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**Philippine Embassy--Riyadh**

Embassy Proper (DFA Personnel)	48
Attached Agencies	47
POLO-Riyadh	19
POLO-Central Region	8
POLO-Eastern Region	10
Office of Police Attaché	2
NICA	1
Office of Social Welfare Attaché	1
Office of Education Attaché	3
PAG-IBIG	2
SSS	1

**Consulate General – Jeddah**

Consulate Proper (DFA Personnel)	44
Attached Agencies	22
POLO-Jeddah	15
Office of Trade Attaché	4
PAG-IBIG	2
SSS	1
<b>TOTAL</b>	<b>161</b>

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*\*NOTE: Inclusive of local hires*

*Source: Labor Attaché Alberto Valenciano, Riyadh*

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However, financial resources are just part of the problem. The acting ambassador told us that in his opinion, the POLO staff is overworked overstretched and he is willing to support the addition of more personnel. However, the POLO staff has to request this. Why the POLO staff is not asking for reinforcements is certainly an important question to pose.

The key services being performed by DFA and POLO personnel are giving assistance to nationals in detention, sheltering and repatriating

distressed Filipinos, rescuing Filipinos from oppressive employers, handling requests for Filipino workers, and processing visas and passports.

Since the provision of assistance to nationals in detention is treated in a separate section and the processing of visas and passports is a routine activity, we will focus on sheltering and repatriating OFWs and the remains of deceased OFWs, the management of Saudis applying for Filipino domestics, rescuing OFWs from oppressive employers, and the situation of local POLO hires.

### **The Shelters**

The government maintains shelters or “Filipino Workers Resource Centers” (FWRCs) for distressed Filipinas Jeddah. It also rents quarters from the Saudi government for Filipino workers awaiting repatriation at the old Hajj Terminal in Jeddah.

The shelters serve as a halfway house for workers awaiting repatriation. Most of those staying there have been there for very short periods. There are a few who have been there for a year or more. These are mainly a) nationals with children born in Saudi who are awaiting exit visas for their children, which takes time because the children are undocumented, or b) nationals pursuing cases or final settlements for offenses committed against them.

The team could not get more than a superficial impression of the conditions at the shelters given the short length of time they had there.

The shelter for male workers at the old Hajj Terminal was set up late in 2009 as a result of an agreement between the consulate and the Saudi government. It was difficult to assess the satisfaction of the residents with the conditions at the shelter. At the time of the visit, they were very spontaneous and in a good mood, most likely because most of the 30 OFWs there had already obtained their exit visas and plane tickets and were preparing to go home.

### **Repatriation**

Repatriating distressed workers, both male and female, has become a major activity of DFA and POLO personnel. The key obstacles in the way of repatriation are the lack of *iqama* or residence certificate, which is necessary for an exit visa, and lack of resources to buy a ticket. The problem with respect to the *iqama* is that it usually remains with the original employer that sponsored the worker to come to Saudi Arabia, and many of those seeking to leave the country have long left that employer for others and lost touch with him. In recent years, leaving has been made easier for women workers by the Saudi Social Welfare Administration (SSWA), which has relaxed rules on their having an *iqama* to obtain an exit visa. Male workers, however,

still face this problem. As for air fare, this appears to have become less of a problem, with the sources of finance coming from the Assistance to Nationals (ATN) Fund, OWWA, the Saudi authorities, or the OFW herself or himself.

The records reveal that in 2010, some 945 OFWs were repatriated from Riyadh. From September 2009 to the end of 2010, 2035 were repatriated from Jeddah. An additional 131 were repatriated from Jeddah and 47 from Riyadh from January 1 to Feb 3, 2011.

### **Kandara Bridge and the OFW Encampment**

When it comes to repatriation, Jeddah has become known to overseas workers from many countries as a port of "easy exit." This is because immigration officials there are said to be more lax in terms of the documentation they require for exit from the kingdom than at other Saudi ports. In recent years, Kandara Bridge or Overpass in Jeddah has been a site where hundreds of workers from various nationalities congregate, many of them voluntarily seeking deportation or repatriation back to their homelands with their fares paid for by the Saudi authorities. Undocumented Filipino workers have formed their own contingent at Kandara Bridge, but their numbers have been dwarfed by those of nationals of other countries, such as Indonesia and Egypt.

The numbers at Kandara Bridge have swelled since September 2010 owing to the Saudi authorities' announcement of a grant of amnesty and a free ticket home for overstaying pilgrims of the Hajj and Umra. Apparently, many workers of all nationalities without papers think the amnesty and free deportation applies to them too.

During the COWA investigating team's visit to Jeddah on January 11, we went to the Kandara Bridge at around 2 pm, hoping to find Filipinos there. However, there were only a few people around, all Indonesians, so we decided not to stop and headed off to the next appointment.

Over the last year and a half, news about Filipinos camping out at Kandara Bridge has appeared periodically in the Philippine press. Many of these undocumented OFWs were among the large number of Filipinos who went to the old Philippine Consulate to demand repatriation in August 2009. The Consulate then was able to negotiate with Saudi authorities for the OFWs to be picked up by the Immigration Police and processed for deportation to the Philippines. This easy processing of undocumented or overstaying OFWs encouraged a second influx of workers with a similar demand for repatriation. This time around, the Immigration Police was less cooperative when the Consul General requested them to pick up and deport the OFWs. The OFWs were eventually picked up and repatriated, but only after the Saudi government and the Consulate

negotiated an agreement whereby the Philippine government would pay for the board and lodging of the OFWs at the Old Hajj terminal and provide “confirmed” repatriation tickets for the deportees.

Two weeks after the visit of the COWA team, Filipinos were again present in numbers at Kandara Bridge. 128 of them marched to the new consulate on January 31 asking to be repatriated and camped outside the building, in a repeat of the events of 2009. Photos of the “tent city” set up by the OFWs were flashed around the world, calling attention to their plight. On February 2, Saudi immigration authorities picked up 20 female OFWs and 11 children for endorsement to the deportation center for eventual deportation to the Philippines. The next day, the Saudi immigration police picked up 49 males. These moves have not, however, diminished the numbers at the camp since more OFWs have arrived, bringing the number of people there to 150 as of as of Feb 5.

According to the consulate, the Saudis have promised to undertake regular pick-ups of OFWs for endorsement to the deportation center. Given the numbers of undocumented OFWs in the Kingdom and the reputation of Jeddah providing an easy way out, one high-ranking DFA official in Manila expects the setting up of encampments outside the consulate grounds to be a recurrent phenomenon.

It is important to report here that there have been a number of criticisms aired on the internet about what some observers in Jeddah regard as a sluggish response of the Consulate to the needs of the OFWs in the encampment. The Mission is not in a position to evaluate these claims, but it strongly suggests that the DFA look into them.

### **Repatriation of remains of deceased OFWs**

Repatriation to the Philippines is not only a problem for the living; it is also a problem for the dead. This may seem to be a ghoulish joke but it is true, and it is testimony to many of the dysfunctional character of some parts of the Saudi government bureaucracy. The absence of an *iqama* has delayed the shipment of the remains of Filipinos who die in the kingdom despite the fact that either the Philippine government or the family of the deceased is willing to shoulder the cost of shipment. According to consular officials, the delay can take as long as two months, and there are a few cases where the wait has been longer.

### **The Employment Permit Hassle**

A very difficult situation for Philippine POLO staff is the process of granting employment permits to Saudis wanting a Filipino domestic worker. The informal policy of the government has been to slow down and limit the deployment of domestic workers. However, the bans on the deployment of domestics by the Indian government and two

Indonesian states and the freeze on the deployment of Sri Lankan workers have increased the demands for Filipinas.

To reduce the numbers being deployed to Saudi Arabia and to protect them from exploitation, the minimum income required from applicants is 15,000 to 20,000 riyals (P174,800 – 233,000) This has brought angry reactions from many Saudi applicants, who say the minimum income requirement is too high and that their government requires them to have an income of only 5,000 riyals to qualify to have domestics.

Confronted with these complaints, POLO officials urge applicants to go to the embassies of other labor-exporting countries where they might be able to get domestics at a lower wage. Needless to say, there are a lot of angry exchanges and sometimes, Saudi applicants become unruly, prompting POLO officials to call in the diplomatic police.

*“Laging may away sa POLO,”* (“There are always heated arguments at the POLO offices”), observed one foreign service officer (FSO) in Riyadh observed. POLO personnel in Riyadh feel vulnerable because their building is outside the diplomatic quarters (DQ) and it is not as easy for the Saudi diplomatic police to respond to their requests to calm down angry Saudi applicants than if they were in the DQ.

### **Rescuing Distressed Filipinas**

A vital but unsung role is played by the rescue teams fielded by our government agencies. These teams are sometimes composed of POLO personnel; sometimes they are composite teams of POLO personnel and FSOs tasked with implementing the Assistance to Nationals (ATN) program. With limited personnel and resources, these teams have liberated scores of domestic workers from oppressive situations.

Given the vast distances of Saudi Arabia, these teams often have to travel hundreds of kilometers to find and free domestic workers in distress. Given the inability of most of these workers to read Arabic, they often do not know where they are and thus cannot give accurate directions to the rescue teams. According to the POLO officer supervising operations in the “Central Region,” to locate a distressed OFW, the teams have to rely on the assistance of Filipino professionals working with Saudi telecommunications firms who can trace cell phone signals.

The actual rescue is often a sensitive operation, involving getting the help of the local police and precise coordination with the distressed worker. Even with the key elements for a rescue in place, however, things can still go wrong. For instance, as recounted in an earlier chapter, during a recent operation in Al Khobar, a decision by the rescue team to advise an OFW to refrain from jumping from a second floor window to avoid her breaking her leg resulted in her being raped by her employer who apparently wanted to take advantage of her for the last time.

Transporting the rescue worker to safety is a logistical feat by itself. To avoid pursuit by the employer and detection by the religious police that strictly enforce the ban against unmarried men and women being seen in each other's company, the rescued worker has to lie flat on the car floor for hours and perform all her bodily functions within the car.

A recent rescue recounted by a Jeddah-based FSO illustrates the dangers and difficulties of a rescue mission:

"We got a request to rescue a Filipina who had not been paid for over a year. She was not only made to work in the household but also to tend to the flocks of sheep and camels of the family. She did not know where she was. All she knew was the name 'Al Amwa.' There were no landmarks, no roads, and electricity was installed at that location only two months before. We responded because there was an allegation of rape.

"We drove to the nearest major city, which is 800 kilometers away from Jeddah. We were told the site where she was was near the Yemeni border, but it was all desert. We were finally able to find it, but central government authority is weak there. The people are Bedouins. They were openly carrying guns. So we knew we had to be careful. We approached the local police. We asked them to please help us out. They knew the family but they heed-and-hawed, and they finally referred us to another police station. The police finally produced the son of the employer. He made a scene, and we had to invoke whatever powers we had. They finally coughed up her salary. They told us, however, that we could not take her, but we said we're taking her.

"She had been sodomized, but it happened the year before, so pursuing a case was difficult. But we were able to use the allegation to get her salary since rape is punishable by death if you are a married man."

It so happened that a day earlier, in Riyadh, one of the residents at Bahay Kalinga handed us a note related to the same rescue episode. The OFW thanked the rescue team, writing "*Pinapasalamat ko sina Vice Consul Jungco, Welfare Officer Benny Reyes, Ali Aguam at Adtong na naibuyahe po [ako] ng malaya para ako ay mailigtas sa kapahamakan. Dahil sa kanila nakuha ko ang 14 na buwang sahod na hindi naibigay ng aking amo noon.*" (I thank Vice Consul Jungco, Welfare Officer Benny Reyes, Ali Aguam, and Adtong for bringing me to safety and rescuing me from terrible situation by getting the 14 months worth of wages that had not been given me by my employer.) She noted, however, that about 10 months earlier, she had been provided with the telephone number of someone allegedly connected with POLO-Jeddah named "Dr. Ronaldo" (not the name given). This person, however, had told her to fax her documents to the POLO-Jeddah office, and unless this was done, he would not be able to help

her. She became discouraged because there was no fax machine at the isolated household where she was.

In her note, she said the reason she was giving us her account of events was that had it not been for the insensitivity of “Dr. Ronaldo,” she would have been liberated from what she called the infernal household (“*malaimpiyernong bahay*”) much earlier and would not have been raped by the son of her employer.

As this rescue episode illustrates, as in any organization, there are, in the Philippine diplomatic and labor staff in Saudi Arabia, exemplary personnel and not so exemplary ones, leaving us with the hope that the former outnumber the latter.

### **POLO Local Hires’ Complaint**

The POLOs in Saudi have a number of Filipinos that are hired locally and are not part of the “organic staff” of the DOLE. These personnel perform an invaluable function, being the ones that, owing to their knowledge of Arabic, serve as interpreters and translators and act as go-betweens between the Saudi government bureaucracy and the POLO regular staff. Since they go to court to follow up on legal cases involving OFWs, they have developed some expertise in Sharia Law and informally dispense legal advice.

Upon their request, these POLO local hires met with the COWA team in Riyadh to lay out their demand that they be treated in the same way as their counterparts in the DFA staff. Specifically, they felt that they were entitled to the same benefits enjoyed by the latter: an end of service award, per diems, and medical insurance coverage. They found it ironic that the OFWs they were assisting enjoyed some of these privileges while they didn’t. “*Bawal magkasakit kami*,” (“We’re not allowed to get sick.”), one of them commented.

The team felt that in light of their important functions, their demand for equal benefits was justified.

### **Conclusion**

There are many complaints about the performance. Some allegations are undoubtedly true. However, our impression of most of the foreign service and labor personnel we interacted with during the trip is that they were solid professionals doing the best in a difficult situation. Since Saudi Arabia is a frontline state for OFW deployment, the government agencies can ill afford to deploy people who are not tested professionals.

The small number of DFA and POLO staff have to minister to the needs of at least 1.1 million Filipinos, at least 20,000 of whom are said to be undocumented. Services rendered range from maintaining

shelters for runaway female domestic workers and repatriating workers to the Philippines, to rescuing domestic workers in distress at short notice anywhere in the Kingdom. This is no mean task, and most of the DFA and DOLE professionals the team met appear to be doing their level best to meet the many challenges confronting them in a difficult country.

## **Chapter 4**

### **Community Responses to Government Programs**

During the visits to Riyadh, Jeddah, and Al Khobar, the team had a chance to interact with the Filipino communities in these cities in fora organized by DFA or in visits to areas and malls where Filipinos tended to congregate. In Al Khobar, we also had the chance to visit with Filipinos employed in a large telecommunications firm. Aside from discussing living and work conditions, the team took the chance to assess the OFWs' reactions to government programs during these occasions.

#### **Mandatory Insurance**

One key objective we had was to assess the community's reactions to the Mandatory Insurance Coverage mandated by RA 10022, which took effect on January 14, 2011. From our dialogues, the provisions of the law may be ripe for improvement, in view of the opinions and worries of our OFW workers. Under Section 23 of RA 10022, insurance must cover nine risk areas. In the case of skilled workers, many of the risk areas mandated for insurance are already covered by their employers. If the mandatory insurance procured from an accredited Philippine-based insurer is required from the employers, it would duplicate what the employers are presently giving, making the OFWs worry that management might consider the costs of hiring Filipinos prohibitive and resort to hiring other nationals.

Many feared that the insurance requirement would just add another layer of red tape on the part of the Embassy and POLO during repatriation. It was pointed out, for instance, that that no insurance policy would cover the cost of repatriation if the cause of death is unnatural (through crime) or suicide, making the repatriation of remains messy and uncertain in these cases.

The concern was also expressed that the provisions of RA 10022 on compassionate visits might lead to abuse by relatives who would be visiting their detained/distressed family member: the risk is that these visiting relatives might add to the number of undocumented migrants in Saudi because upon arrival, the prospect and lure of exploiting the opportunity of working outside of the country would be tempting in view of the costs the family would have incurred to attend to the distressed OFW family member.

One of the biggest worries was that the recruitment agencies and employers would find ways to impose the added costs of mandatory insurance on the worker. For domestic workers, this would be disastrous. Already employers are paying wages of \$200 a month, blatantly violating the terms of the contract signed by the workers in

the Philippines, which require them to pay at least \$400. With the mandatory insurance scheme, the recruitment agencies might connive with the employers to pay the workers even less and hand the money instead to the recruitment agencies to cover the higher insurance costs.

### **Lack of Information on Welfare Programs**

Despite the existence of various programs and services that assist migrants and their families before they leave the Philippines, onsite and upon return in the Philippines, many OFWs in Saudi have not been able to access, avail of, and much less, maximize the benefits of such programs and services. The following are possible reasons for this situation.

- lack of information about the programs and services
- red tape that migrants experience when they apply for services
- skepticism and lack of trust in government that indeed the programs would be beneficial
- confusion as programs by various agencies seem to overlap. Agency turfing exacerbates the situation as the agency only takes care of its own concerns.

Currently, the following agencies provide programs and services to OFWs:

#### *Overseas Workers' Welfare Administration (OWWA)*

OWWA collects US\$25 for the welfare fund contribution, either from the recruitment agency or directly from the worker. The workers are entitled to accidental and death benefits; repatriation; scholarship for family members and OFWs; and livelihood loans which require collaterals and have an annual interest of 14%.

OFWs have many unresolved questions with OWWA's fund management, its organizational structure and its programs. They believe that OWWA has been used by previous Administrations for other purposes despite the fact that it is 100% funded by workers. It was the OFWs in Saudi that spearheaded a global campaign in 2003 that called for transparency and restructuring of OWWA. Many of the OFW respondents to the Center for Migrant Affairs' (CMA) 2008 online survey about OWWA came from Saudi Arabia; they called for the restructuring of the agency.

#### *PhilHealth*

PhilHealth provides coverage to OFWs who pay P900 per year for health and medical insurance benefits. PhilHealth coverage for OFWs started in 2005 following the transfer of medical coverage from OWWA

to PhilHealth. The transition though was not very smooth. There were no broad information and outreach campaigns. Many OFWs and their families are not aware of PhilHealth's programs. Migrants' access to PhilHealth benefits is also limited because most already have health insurance coverage which is provided by foreign employers (as mandated by the host government).

#### *Pag-IBIG*

Universal Pag-IBIG coverage was mandated by RA9679 which was adopted by the 14<sup>th</sup> Congress in 2009. Pag-IBIG's programs and services include savings, short-term, and housing loans. The law's implementation took OFWs by surprise when POEA started to collect Pag-IBIG contributions from OFWs in late 2010, generating resentment among many, some of who voiced this out during the community meetings. Understandably, there is a need for aggressive information campaign about Pag-IBIG's programs.

#### *Social Security System (SSS)*

To date, participation in SSS is voluntary. But SSS is currently undertaking a study on how to provide universal coverage. There is an increasing awareness also on the urgency of forging bilateral social security agreements to complement the SSS voluntary subscriptions. The SSS is especially relevant to Saudi since pension benefits by Saudi firms and agencies were discontinued in the 1980's and workers returning to the Philippines are entitled only to end-of-service awards, which can be used up fairly quickly, leaving returning OFW's with little security in their old age.

#### *National Reintegration Center for OFWs (NRCO)*

The NRCO concept has been discussed since 2002. Under RA10022, NRCO was institutionalized to provide a viable alternative to migration and end the cycle of migration. Small grants, skills trainings and loans with collateral are available to migrants who have returned to the Philippines for good. There is inadequate information about its programs and services. OFWs have yet to see if the NRCO would be able to sustain its current initiatives. The failure of NRCO to move is, of course, part of a bigger problem, which is the absence of a comprehensive vision and plan for reintegrating returning OFWs.

#### *Technical Education and Skills Development Authority (TESDA)*

Migrants can avail of programs to upgrade skills and training on vocational and technical courses through scholarships. Talks with Saudi-based OFWs revealed almost total ignorance of the TESDA programs.

## **Conclusion**

In summary, the reactions of OFWs in Riyadh, Jeddah, and Al Khobar suggest that the mandatory insurance provision of RA 10022 might bring more costs than benefits, making its possible amendment something to consider seriously. Also, an aggressive information campaign on the various government programs benefiting OFWs is in order owing to their near total ignorance of these.

## **Chapter 5**

### **Undocumented Children**

A big emerging problem in Saudi Arabia is the growing numbers of undocumented children born of parents, both or of who is a Filipino. It is hard to get an accurate estimate of their numbers but according to one paper on the issue prepared by Atty. Dulfie Tobias-Shalim, the Social Service Attaché in Riyadh, there could be from 2000 to 3000 wholly or partly Filipino children today if one uses as a rough indicator 100 births every year since the deployment of Filipino female workers in the early eighties.

#### **The Cursed Iqama**

It is not impossible for the birth of a wholly or partly Filipino baby to be registered and eventually leave Saudi Arabia. The mother must have a valid *iqama* or resident certificate and the birth must take place in a hospital, which issues a birth certificate that is forwarded to the Ministry of Interior that then issues an *iqama* for the child. When the child eventually departs for the Philippines, the *iqama* must be presented to the immigration authorities in order for her or him to be given an exit visa.

For many OFWs, this process, seemingly easy at first glance, is actually very difficult to comply with. Many women who give birth are workers who have run away from the first employer, who usually keep their *iqamas* and passports. Without an *iqama*, it is difficult to go to a hospital to give birth. Moreover, many fear that if they go to a hospital and cannot produce a marriage certificate, they will be arrested for “immorality.” Thus, many resort to giving birth in private homes or establishments, which cannot issue the birth certificate that is necessary to obtain an *iqama* for the child from the Ministry of the Interior. Even couples who were legally married in the Philippines and go to a hospital to give birth would find it difficult to obtain an *iqama* for the child if the mother does not have a valid *iqama*.

For many Filipino workers, undoubtedly, the *iqama* is a cursed document.

#### **Children as Legal Non-entities**

This conundrum in which Filipino parents find themselves often has tragic results, one of the most common of which is the abandonment of the child in Saudi when the parent or parents leave for the Philippines. While exit for women with no *iqamas* has been made easier by the Saudi Social Welfare Administration (SSWA), this has not been the case of children without *iqamas*. Thus, there is an

increasing number of cases of children being left behind while the mother or father or both parents go back to the Philippines.

In one case handled by the Embassy in Riyadh, the father left the undocumented child in the care of a friend living under the Kandara Bridge in Jeddah when he surrendered himself to the Saudi immigration authorities in order to go back to the Philippines to fast-track his immigration application to Canada to join his wife who had preceded him there to work as a nurse. In another, a father was granted an exit visa and he left three undocumented children he had fathered with a woman without an exit visa in Riyadh. When the children were with their uncle in a mall, the police raided the place where their mother stayed, resulting in her arrest. As a consequence, the children are left alone in a locked house by the uncle who has to leave town for days on end.

Not only are undocumented children unable to leave Saudi Arabia owing to the absence of an exit visa; they grow up with little or no access to education and other services that citizens or documented residents have rights to. The grim future of the *Iqama-less* child is described thus by Tobias-Shalim: “The child without an *Iqama* ID cannot be enrolled in school, otherwise the latter will face sanctions from the government for admitting undocumented children. If there are undocumented children who are in school, they are enrolled in a Philippine school in Saudi for humanitarian consideration but their names are not submitted to the concerned agencies as students. If ever these children can finish school, they cannot also land a job for lack of an *Iqama* ID and cannot avail of hospital facilities when sick. “

With little education and few legal opportunities, such children are prime candidates for a life at the margins of society or worse a life devoted to criminal activity.

## **Conclusion**

The numbers of undocumented children of Filipinos born in Saudi Arabia is increasing. Lacking *iqamas*, these children not only cannot be repatriated to the Philippines; they face a life of hardship as legal non-entities in Saudi Arabia.

The Saudi government is said to be cognizant of the problem of undocumented children. However, it is bereft of initiatives to deal with them, leaving the Philippine government with the opportunity to present solutions, including possibly a bilateral agreement that would legalize their status in Saudi Arabia and allow them easy repatriation to the Philippines.

## **Chapter 6**

### **Money Remittance**

Saudi-based OFWs, who are estimated to number 1.1 million (both legal and undocumented), are said to contribute around P7.9 billion-- a significant portion of the total US\$17.1 billion yearly remittances from around the world.

As Mission members were told, the happiest day for an OFW working in Saudi Arabia is the day he/she sends money home. Sending money home is quite easy and it is done through either legal or illegal means. Because money remittance is good business, competition among players of the industry is intense. However, finding the smartest mode of money transfer has always been a concern for many OFWs as they prefer those methods which can provide “speed, economy and security.”

A popular remittance choice for expats and professional workers is the draft system serviced by banks. Another preferred mode of this group is the “telex transfer” (online and mobile phone transactions) which is faster but relatively more costly than the draft system. There are still many professional workers who send money through the illegal transfer system of “hawala” (also known as hundi) but this mode of transfer is more common among low-skilled and undocumented workers and those having extra income (i.e. peddling food stuff, helpers doing other jobs, etc.).

Financial institutions that are considered by many OFWs to provide reliable money transfer services are agencies like SAMBA, Al- Zamil, Enjaz or Telemoney office, and banks like Al-Rahji and others. They charge SR35 per transaction. The cheapest is Al-Zamil and the quickest is Western Union and Telemoney.

Undocumented Filipino workers send money through *hundi* or *hawala* because this is the only option available to them. Likewise, the operators of the *hawala* transfers thrived even among the documented workers because they offer “a good exchange rate and speed.”

There is almost no restriction in money transfers in Saudi. However, when the amount crosses SR10,000, a salary certificate is required by the bank. Also, a photocopy of the passport with the official seal of the sponsor is required when sending money from a particular bank or remittance center. With this kind of procedure, sending money legally becomes difficult due to the rules of the Saudi Arabian Monetary Agency (SAMA). Printout of bank statement attested by authorized signatures of bank officials will be verified by all banks and exchanges as a measure of safety against money laundering. Therefore, Filipinos

who have extra income other than those from their employers and domestic helpers who changed employers without legal papers have no choice but to send money through the *hawala* system. There are instances that transactions were lost when dealers involved in these illegal activities were raided by authorities.

### **Conclusion**

Since we have significant number of undocumented OFWs and these are the people who send money home through the *hawala system*, there is a need to explore the possibility of tapping Filipino cooperatives in Saudi as legal telemoney instruments. A listing and description of Filipino cooperatives in Saudi is attached to this Report as Appendix 2.

## **Recommendations**

Given the findings of its recent visit to the Kingdom of Saudi Arabia, the COWA Mission makes the following 12 recommendations to the Philippine government:

- 1. Decertify Saudi Arabia as a country fit to receive domestic workers in accordance with Section 3 of Republic Act 10022, which states that “the Department of Foreign Affairs, through its foreign posts, shall issue a certification to the POEA, specifying therein the pertinent provisions of the receiving country’s labor/ social law, or the convention/ declaration/ resolution or the bilateral agreement/ arrangement which protect the rights of migrant workers.”*
- 2. Urgently press the Saudi government to negotiate a bilateral labor agreement with the Philippine government that would secure respect and iron-clad protection for the rights of all classes of Filipino overseas workers. This recommendation of the earlier mission to Saudi Arabia consisting of Reps. Rufus Rodriguez, Luz Ilagan, and Carlos Padilla (Nov 2009) is one that our mission strongly reiterates.*
- 3. Coordinate with other labor-sending countries such as Indonesia, Sri Lanka, and India to gain leverage vis-a-vis Saudi Arabia in order to secure respect for overseas workers’ rights.*
- 4. Upgrade the Pre-departure Orientation Seminars (PDOS) to familiarize OFWs headed to Saudi about the conditions—both good and bad—they are likely to face in that country.*
- 5. Urge members of Congress to work with LGUs in launching information campaigns to dissuade people from going to Saudi to engage in domestic work and related occupations such as “washers” and “beauticians.”*
- 6. Prosecute recruitment agencies that have a record of deploying domestic workers to households and establishments that maltreat workers.*

7. *Prosecute recruitment agencies that are party to substitute contracting and similar activities under the Anti-Trafficking Act.*
8. *Ensure that the budget for Assistance to Nationals and the Legal Assistance Fund is not reduced and, if possible, increased.*
9. *Increase efforts to secure the release of death row victims as well as other nationals currently detained in Saudi jails on various charges.*
10. *Pressure the Saudi government to agree to a bilateral agreement that would normalize the situation of children born of Filipino or mixed parentage in Saudi Arabia and facilitate their repatriation to the Philippines.*
11. *Increase the personnel complement of the Embassy, Consular, and POLO staffs to reduce overwork and meet growing demands.*
12. *Conduct an aggressive information campaign among OFWs in Saudi Arabia regarding the benefits they can get from different government welfare programs such as Pag-IBIG and Philhealth.*

## **Appendix 1**

### **Saudi Labor Law and Philippine Labor Law: A Comparison**

Philippine Labor Law is among one of the most progressive laws all over the world with respect to guaranteeing the rights of workers, protecting their special interest and promoting their general welfare. The Constitution specifically guarantees the rights of workers to organize, to conduct collective bargaining or negotiation with management; to engage in peaceful concerted activities, including the right to strike in accordance with the law; to enjoy security of tenure; to work under humane conditions; to receive a living wage; and to participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

Saudi Labor Law on the other hand does not guarantee these rights to workers. There is no right to collective bargaining nor to form unions. Furthermore, workers do not have security of tenure and their employment can be terminated for causes which are not provided under Saudi Labor Law just as long as both parties agree to terminate it, or at the discretion of either party in an indefinite contract.

Although Philippine Labor Laws are relatively progressive, benefits given by the Saudi Government to workers with respect to sickness or disability, and with respect to leaves and premium pay for overtime and night work are better.

Below is a discussion of the difference between Saudi Labor Law and Philippine Labor Law.

#### *Coverage*

Saudi Labor Law covers all workers except the employer's family member, namely the spouse, the ascendants and descendants who constitute the only workers of the firm, **domestic helpers and the like** (this includes family drivers and other house helpers), sea workers on a vessel with a load of less than 500 tons, workers of agricultural and pastoral forms that employ less than 10 workers, or do not process their own products, or do not operate or repair agricultural machineries on a permanent basis, non-Saudi workers entering the Kingdom to perform a specific task for a period not exceeding two months and players and coaches of sport clubs and federations.

Philippine Labor similarly defines the coverage of Book Three of the Labor Code of the Philippines on the Conditions of Employment by exception. Provisions on working conditions and rest periods, which include hours of work, weekly rest periods, holidays, service incentive

leaves shall not be applicable to government employees, managerial employees, field personnel, members of the family of the employer who are dependent on him for support, **domestic helpers**, persons in the personal service of another, and workers who are paid by results.

### *Employment of Domestic Workers*

The Civil Code of the Philippines, however, provides for the protection of the rights of domestic workers under the following Articles:

ARTICLE 1689. Household service shall always be reasonably compensated. Any stipulation that household service is without compensation shall be void. Such compensation shall be in addition to the house helper's lodging, food, and medical attendance.

ARTICLE 1690. The head of the family shall furnish, free of charge, to the house helper, suitable and sanitary quarters as well as adequate food and medical attendance.

ARTICLE 1691. If the house helper is under the age of eighteen years, the head of the family shall give an opportunity to the house helper for at least elementary education. The cost of such education shall be a part of the house helper's compensation, unless there is a stipulation to the contrary.

ARTICLE 1692. No contract for household service shall last for more than two years. However, such contract may be renewed from year to year.

ARTICLE 1693. The house helper's clothes shall be subject to stipulation. However, any contract for household service shall be void if thereby the house helper cannot afford to acquire suitable clothing.

ARTICLE 1694. The head of the family shall treat the house helper in a just and humane manner. In no case shall physical violence be used upon the house helper.

ARTICLE 1695. House helpers shall not be required to work more than ten hours a day. Every house helper shall be allowed four days' vacation each month, with pay.

ARTICLE 1696. In case of death of the house helper, the head of the family shall bear the funeral expenses if the house helper has no relatives in the place where the head of the family lives, with sufficient means therefor.

ARTICLE 1697. If the period for household service is fixed, neither the head of the family nor the house helper may terminate the contract before the expiration of the term, except for a just cause. If the house helper is unjustly dismissed, he shall be paid the compensation already earned plus that for fifteen days by way of indemnity. If the house helper leaves without justifiable reason, he shall forfeit any salary due him and unpaid, for not exceeding fifteen days.

ARTICLE 1698. If the duration of the household service is not determined either by stipulation or by the nature of the service, the head of the family or the house helper may give notice to put an end to the service relation, according to the following rules:

- (1) If the compensation is paid by the day, notice may be given on any day that the service shall end at the close of the following day;
- (2) If the compensation is paid by the week, notice may be given, at the latest, on the first business day of the week, that the service shall be terminated at the end of the seventh day from the beginning of the week;
- (3) If the compensation is paid by the month, notice may be given, at the latest, on the fifth day of the month, that the service shall cease at the end of the month.

ARTICLE 1699. Upon the extinguishment of the service relation, the house helper may demand from the head of the family a written statement on the nature and duration of the service and the efficiency and conduct of the house helper.

Similarly, Section 141 to 152 of the Labor Code of the Philippines covers the employment of Househelpers. It provides for the term of the contract of domestic service, the minimum wages that are applicable, the minimum cash wage that shall be paid to the househelpers in addition to lodging, food and medical attendance, opportunity for education, the treatment of household helpers, provision of board, lodging and medical attendance, indemnity for unjust termination of services, service of termination notice, and the provision of employment certification and employment records.

#### *Employment Contract*

Under Saudi Labor Law, the provisions of the Work Contract shall determine the relations between the employer and the employee, including the rights and obligations, to the extent that they are not

inconsistent with, or contradictory to applicable laws, morals, public policy, customs and regulations.

Under Philippine Law, the Labor Code of the Philippines is the main piece of legislation that governs labor standards and relations. Labor standards law sets out the minimum terms, conditions and benefits of employment that employers must provide or comply with. Labor relations law, on the other hand, defines the status, rights and duties, as well as the institutional mechanisms that govern the individual and collective interactions between employers, employees and their representatives.

### *Probationary Period*

Under Saudi Law, the probationary period of employment is not required. But if there is a probationary period, it must be stated in the work contract. The probationary period shall not exceed 90 days, exclusive of the holidays and the sick leave. Each party shall have the right to terminate this contract during the probationary period, unless the contract provides that only one of the parties have the right to terminate the contract. ( Sec. 53, Saudi Labor Law)

Under Philippine Law, the probationary period of employment shall not exceed 6 months from the date the employee started working, unless it is covered by an apprenticeship agreement stipulating a longer period. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period shall be considered as a regular employee (Article 281, Labor Code).

### *Wages*

Under Saudi law, a basic wage is all that is given to the worker for his work by virtue of a written contract or an unwritten work contract, regardless of the kind of wage or its method of payment. An actual wage is the basic wage plus other due increments decided for the worker for the effort he exerts at work or for risks he encounters in performing his work, or those decided for the worker for the work under the work contract, such as commissions, percentage, allowances, increments, grants, rewards and other privileges.

With respect to the manner of payment of the wages, Saudi Law provides that wages shall be paid during working hours and at the workplace given that workers paid on a daily basis shall be paid at least once a week; workers paid on a monthly basis shall be paid once a month; if the work is done by pieces and it requires more than two weeks, the worker shall receive a payment each week commensurate with the completed portion of the work; in all other

cases, the worker's wages shall be paid in full during the week following the delivery of the work.

Under Philippine Labor Law, wages shall be paid at least once every two weeks or twice a month at intervals not exceeding sixteen days. If the task of the employee cannot be completed in two weeks, it shall be subject to the following conditions, in the absence of a collective bargaining agreement or arbitration award:

- 1) Payments are made at intervals not exceeding 16 days, in proportion to the amount of work completed;
- 2) The final settlement is made upon the completion of the work.

#### *Wage deductions*

As a general rule for both Saudi Law and Philippine Law, the employer is not allowed to deduct any amount from the salary of the worker without consent of the latter except for cause allowed by law or agreement of the parties.

Under Saudi Law there are private claims or debts which can be deducted from the worker's wages without his consent. These are:

1. Repayment of loans extended by the employer provided that such deduction do not exceed 10% of his wage,
2. Social insurance or other contributions due from the employer, as provided by law,
3. Worker's contributions to thrift funds or loans due to such funds,
4. Instalments of any scheme undertaken by the employer involving home ownership program or any other privilege,
5. Any debt collected in implementation of a judicial judgment provided that, the monthly deduction shall not exceed one quarter of the worker's wage, unless the judgment provided otherwise.

Under Philippine Labor Law, wage deductions are allowed in the following cases:

1. In cases where the worker is insured with his consent, and the deduction is to recompense the employer for the amount paid by him as premium on the insurance,
2. For union dues, in cases where the right of the worker or his union to check-off has been recognized by the employer or authorized in writing by the individual worker concerned; and
3. In cases where the employer is authorized by law or regulations issued by the Secretary of Labor.

The following deductions are allowed under Philippine Law:

1. In cases where the employee is indebted to the employer and the indebtedness is due and demandable (Civil Code, Art. 1706),
2. In Court awards, wages may be the subject of execution or attachment, but only for debts incurred for food, shelter, clothing, and medical attendance (Civil Code, Art 1703)
3. Withholding tax (Tax Code)
4. Salary deductions of a member of a legally established cooperative (R.A. 6938, Art 59)
5. Deductions for payments to third persons, upon written authorization from the employee (IRR of the Labor Code)
6. Union Dues (Art 241 and 277)
7. Agency fee (Art 248)
8. Value of meals and other facilities (IRR of the Labor Code)
9. Deductions for loss or damage (Art 114)
10. SSS, Medicare, Pag-IBIG premiums

#### *Working Hours*

Under Saudi Labor Law, a worker may not work more than 8 hours a day or for 48 hours a week. During the month of Ramadan, the actual working hours for Muslims shall be reduced to a maximum of six hours a day or thirty-six hours a week. There are certain exceptions to the rule:

1. Annual inventory activities, preparation of budget, liquidation, closing of accounts, and preparation for discount and seasonal sales, provided that the number of days during which the workers shall work shall not exceed thirty days a year,
2. If the work is intended to prevent a hazardous accident, remedy its impact or avoid an imminent loss of perishable material,
3. If the work is intended to meet unusual work pressure,
4. Eids, other seasons, occasions and seasonal activities specified pursuant to a decision by the Minister.

In all the above mentioned cases, the actual working hours shall not exceed ten hours a day or sixty hours a week.

Under Philippine Labor Law, the normal hours of work of an employee shall not exceed 8 hours a day and a worker may be required to perform overtime work in any of the following cases:

1. When the country is at war or during a national or local emergency,
2. When it is necessary to prevent loss of life or property or in case of imminent danger to public safety due to an actual or impending emergency in the locality caused by serious accidents, fire, flood, typhoon, earthquake, epidemic or other local disaster,

3. When there is urgent work to be performed on machines, installations, or equipment, in order to avoid serious loss or damage to the employer or some other cause of similar nature,
4. When the work is necessary to prevent loss or damage to perishable goods,
5. When the completion or continuation of the work started before the eight hour is necessary to prevent serious obstruction or prejudice to the business operations of the employer.

#### *Overtime*

Both Saudi Labor Law and Philippine law provide for overtime pay, rest day and annual vacation. Under Philippine Labor Law, work that is performed beyond the 8 hour period must be compensated with an additional compensation equivalent to his regular wage plus at least 25% thereof. Work performed beyond 8 hours on a holiday or a rest day shall be paid an additional compensation equivalent to the rate for the first eight hours on a holiday or rest day plus at least 30% thereof. An employee shall also be paid a night shift differential of not less than 10% of his regular wage for each hour of work performed between 10:00 in the evening and 6:00 in the morning.

Under Saudi Labor Law, the worker gets paid a higher premium for working more than 8 hours. The worker gets paid an additional amount equal to the hourly wage plus 50% of his basic wage. Workers are also entitled to a prepaid annual leave of not less than 21 days, to be increased to a period of not less than 30 days if the worker spends five consecutive years in the service of the employer.

#### *Leaves*

There is no similar law in the Philippines that requires the grant of vacation leave or sick leave to private sector employees. However, the Labor Code only requires a service incentive leave pay equivalent to five days with pay when he has rendered at least one year of service.

Saudi Labor Law also provides for Sick Leave benefits, while Philippine Labor Law does not. Under Saudi Law, a worker whose illness has been proven shall be eligible for a paid sick leave for the first thirty days, three quarters of the wage for the next sixty days and without pay for the following thirty days, unless both parties agree otherwise. A single year shall mean the year which begins from the date of the first sick leave. Aside from the vacation and the sick leave, the worker shall also be entitled to full leave on Eids.

#### *Maternity Leave*

Both under Philippine and Saudi Law, women workers have a right to maternity leave.

Under Saudi Law, a female worker shall be entitled to a maternity leave equivalent to “four weeks immediately preceding the expected date of delivery and six weeks following the date”.

In our Labor Laws, a pregnant woman employee can only be entitled to maternity leave benefits when she has rendered an aggregate service of at least six months for the last 12 months. She shall be entitled to 2 weeks prior to the expected date of delivery and another 4 weeks after normal delivery or abortion with full pay based on her regular or average weekly wages. The maternity leave shall only be given for the first 4 deliveries.

Under sec. 14-A of the Social Security Law, a female worker who has paid at least 3 monthly contributions in the twelve month period immediately preceding the semester of her childbirth or miscarriage shall be paid a daily maternity benefit equivalent to 100% of her average daily salary credit for 60 days or 78 days in case of caesarian delivery, subject to certain conditions.

Under Saudi Labor Law, the employer shall only answer for half of the wages of the female employee during the maternity leave if she had been employed for one year or more, and a full wage if she has served for three years or more as of the date of commencement of such leave. A female worker shall not be paid any wages during her regular annual leave if she has enjoyed in the same year a maternity leave with full wage. She shall be paid half her wage during the annual leave if she has enjoyed in the same year a maternity leave at half wage.

#### *Paternity Leave*

Under Philippine Law, there is also a paternity leave where married male employees can avail of 7 days paternity leave with pay. There is no similar benefit under Saudi Labor Law.

#### *Parental Leave*

Under the Solo Parents' Welfare Act of 2000, a solo-parent is entitled to a parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year. No similar benefit is granted under Saudi Law.

#### *Transportation*

Under Saudi Law an employer shall provide the means of transporting his workers from their place of residence or from a certain gathering point to the place of work and bring them back daily if the places of work are not served by regular means of transportation at times compatible with the working hours (Art. 148 of Saudi Labor Law). No similar benefit is required by Philippine Law.

#### *Work Injuries*

Under Saudi Law, if a worker sustains a work injury or an occupational disease, the employer shall be required to treat him and assume directly and indirectly all necessary expenses, including hospitalization, medical examinations, and tests, radiology, prosthetic devices and transportation expenses to treatment centers. The worker is even entitled to his wages in case of temporary disability arising from the work injury. The injured party shall be entitled to financial aid equivalent to his full wage for 30 days, then 75% of the wage for the entire duration of his treatment. If one year elapses or it is medically determined that the injured party's chances of recovery are improbable or that he is not physically fit to work, his injury shall be deemed as a total disability. The Work Contract shall be terminated and the worker shall be compensated for the injury.

Articles 191 to 193 of the Labor Code provide for the disability benefits. It provides that an employee who sustains an injury or contracts sickness resulting in temporary total disability shall for each day of such a disability or fraction thereof be paid an income benefit equivalent to 90% of his average daily salary credit, subject to the following conditions: the daily income benefit shall not be less than Ten Pesos nor more than Ninety Pesos, nor paid for a continuous period longer than 120 days, except as otherwise provided for in the Rules, and the System shall be notified of the injury or sickness.

If the sickness or injury results in his permanent total disability, the employee shall, for each month until his death, be paid during such a disability, an amount equivalent to the monthly income benefit, plus 10% percent thereof for each dependent child, but not exceeding five, beginning with the youngest and without substitution. The monthly income benefit shall be guaranteed for 5 years, and shall be suspended if the employee is gainfully employed, or recovers from his permanent total disability, or fails to present himself for examination at least once a year upon notice by the System, except as otherwise provided for in other laws, decrees, orders or Letters of Instructions.

The following disabilities shall be deemed total and permanent:

- (1) Temporary total disability lasting continuously for more than one hundred twenty days, except as otherwise provided for in the Rules;
- (2) Complete loss of sight of both eyes;
- (3) Loss of two limbs at or above the ankle or wrist;
- (4) Permanent complete paralysis of two limbs;
- (5) Brain injury resulting in incurable imbecility or insanity; and
- (6) Such cases as determined by the Medical Director of the System and approved by the Commission.

Under Saudi Law, if an injury results in permanent total disability or the death of the injured person, the injured person or his beneficiaries shall be entitled to a compensation equal to his wages for three years, with a minimum of 54,000 riyals.

Death benefits under Philippine Labor Laws are equivalent to the amount of the monthly income benefit of the deceased employee plus ten percent for each dependent child, but not exceeding five, beginning with the youngest and without substitution. The monthly income benefit shall be guaranteed for five years: Provided, Further, That if he has no primary beneficiary, it shall be paid to his secondary beneficiaries the monthly income benefit but not to exceed sixty months: Provided, Finally, That the minimum death benefit shall not be less than fifteen thousand pesos.

#### *Termination of Work Contract*

Under Saudi Law relations between the employer and the employee are governed by a Work Contract, and like any other contract it can be terminated. The following reasons are provided under Article 74 of Saudi Labor Law:

1. If both parties agree to terminate it, provided that the worker's consent be in writing,
2. If the term specified in the contract expires, unless the contract has been explicitly renewed in accordance with the provisions of Saudi Law in which case it shall remain in force until the expiry of its term,
3. At the discretion of either party in indefinite term contract,
4. When the worker attains the age of retirement, which is 60 years for male and 55 years for female, unless the parties agree of continuing the work after this age.
5. Force majeure

Other reasons for the termination of the work contract are:

1. Death of the worker
2. Death of the employer in certain cases
3. Resignation by the worker
4. Termination by the employer or worker for authorized causes
5. Total disability of worker to perform work
6. Serious illness of worker resulting in long absence from work
7. Bankruptcy, dissolution and authorized shutdown of employer's business

Under Philippine Labor Law, the termination of the employer-employee relationship is governed by Law. It can only be terminated due to specified just and authorized causes, which are provided under the Labor Code, and only after the proper procedure has been followed.

### *Valid Grounds for Termination by the Employer*

Article 80 of Saudi Labor Law enumerates the valid grounds or just causes for termination of worker's services, to wit:

1. If, during or by reason of the work, the worker assaults the employer, the manager or any of its superiors
2. If the worker fails to perform his essential obligations from the contract, or to obey legitimate orders, or if in spite of warnings, he deliberately fails to observe the instructions related to safety of the work and workers as may be posted by the employer in a prominent place
3. If it is established that the worker has committed a misconduct or act infringing on honesty or integrity
4. If the worker deliberately commits any act or default with the intent to cause material loss to the employer, provided that the latter shall report the incident to the appropriate authorities within twenty-four hours from being aware of such occurrence
5. If the worker resorts to forgery in order to obtain the job
6. In the worker is hired on probation
7. If the workman is absent without valid reason for more than 20 days in one year or more than ten consecutive days, provided that the dismissal be preceded by a written warning from the employer to the worker if the latter is absent for ten days in the first case and five days in the second
8. If the worker unlawfully takes advantage of his position for personal gain
9. If the worker discloses work-related industrial or commercial secrets

Under Article 282 of the Labor Code of the Philippines, an employer may terminate an employment for any of the following just causes:

- (a) Serious misconduct or willful disobedience by the employee of the lawful orders of his employer or representative in connection with his work;
- (b) Gross and habitual neglect by the employee of his duties;
- (c) Fraud or willful breach by the employee of the trust reposed in him by his employer or duly authorized representative;
- (d) Commission of a crime or offense by the employee against the person of his employer or any immediate member of his family or his duly authorized representative; and
- (e) Other causes analogous to the foregoing

The employer may also terminate the employment of any employee due to the installation of labor saving devices, redundancy, retrenchment to prevent losses or the closing or cessation of operation of the establishment or undertaking unless the closing is for the purpose of circumventing the provisions of this Title, by serving a written notice on the workers and the Department of Labor and Employment at least 1 month before the intended date.

An employer may also terminate the services of an employee who has been found to be suffering from any disease and whose continued employment is prohibited by law or is prejudicial to his health as well as to the health of his co-employees.

#### *Termination by the Worker*

Under Saudi Law, the worker may validly terminate the contract in the following instances:

1. If the employer fails to fulfil his essential contractual or statutory obligations towards the worker
2. If the employer or his representative resorts to fraud at the time of contracting with respect to the work conditions and circumstances
3. If the employer assigns the worker, without his consent, to perform which is essentially different from the work agreed upon
4. If the employer, a family member of the manager commits a violent assault or an immoral act against the worker or any of his family members
5. If the treatment of the worker by the employer or the manager is characterized by cruelty, injustice or insult
6. If there exists in the workplace a serious hazard threatening the safety or health of the worker, provided that the employer is aware but fails to take measures indicating its removal
7. If the employer or his representative, through his action and particularly his unjust treatment or violation of the terms of the contract, has caused the worker to appear as the party terminating the contract

Under Article 285 of the Philippine Labor Code provides for the instances where the employee may validly terminate employment even without serving any notice to the employer:

- (1) Serious insult by the employer or his representative on the honor and person of the employee;
- (2) Inhuman and unbearable treatment accorded the employee by the employer or his representative;
- (3) Commission of a crime or offense by the employer or his representative against the person of the employee or any of the immediate members of his family; and
- (4) Other causes analogous to any of the foregoing.

Resignation is also allowed under Saudi Labor Law. Either party may cancel or terminate the work contract for no valid reason. Under Philippine Law, it is only the employee who can terminate the contract even without a just cause just as long as the employer is given a written notice one month before the intended date of the termination of the employer-employee relationship. Under Philippine Labor Law, the employee enjoys security of tenure and he cannot be terminated from his employment without any just or authorized cause and in accordance with the prescribed procedure.

## **Appendix 2**

### **OFW Cooperatives**

The meetings with the Filipino communities in Riyadh, Jeddah and Al-Khobar have brought to the attention of the fact-finding mission team the plight and economic potential of the OFW Cooperatives in Saudi Arabia.

There is now a established Federation of Cooperatives and Savings Associations (FILCOSA) in Riyadh consisting of eight (8) primary cooperatives, namely: 1.) the Pilipino Expatriates Making a Name (Pexman) Multi-Purpose Cooperative, 2.) Bulakenyo Abroad Global Organization (BAGO) Credit Cooperative, 3.) Bagong Bayani Multi-purpose Cooperative (BBMC), 4.) Kapatiran Sa Kasaganaan Service and Multi-purpose (KSKSMP) Cooperative, 5.) United OFW International Multi-purpose Cooperative, 6.) Maranao Overseas Savings Cooperative (MOSCOOP), 7.) Overseas Engineering Cooperative (OEC-Saudi Oger), and 8.) Samahan ng Manggagawang Filipino – Al-Babtain Group (SAMAFIL-ABG). FILCOSA provides: a) financial support, grants, subsidy, loans and beneficiaries of profit sharing of the financial activities and program of the federation; b) distribution of goods procured in bulk, and c) free education, special training and advisory services.

With the support of the Philippine Consulate General in Jeddah, the OFWCC (OFW Cooperative Council) was formed in June 1996, to provide training on entrepreneurship, computer literacy, financial literacy, cooperative development and other skills enhancement program for OFWs in line with the Philippine government's re-integration program.

Likewise, several cooperatives in Al-Khobar were established since 2005 as part of the OFW re-integration program, notably the SMPC, UREMCO, Sandigan and Cybercoop. Other cooperatives which have yet to be registered with CDA are: Batanginos, CITU Alumni Coop, St. Louis Alumni, Fraternity Groups and Al-Mana Hospital.

Most Filipino cooperatives in Saudi Arabia are engaged in savings and loans services, cargo and remittances and food catering services. There are now a number of cooperatives which have invested in business ventures in the Philippines such as 7/11 store franchise, Trust Funds, etc.

Most Filipino cooperatives in Saudi have membership ranging from 100 to 500 individuals and assets of P1 million to P3 million. While these cooperatives were registered with CDA in the Philippines, they are not recognized by the Saudi government. Hence, these

cooperatives as juridical persons cannot open bank accounts for safekeeping of their funds. For this reason, there is a compelling need for the Philippine government to make representation with the Saudi government as more and more Filipino cooperatives are established and their resources keep growing substantially.

It is likewise recommended that there is a need to review RA 9520 and introduce amendments on the following:

- 1] Online Meeting and Voting
- 2] Creation of Coop Chapters in foreign countries
- 3] Dual Citizen Membership
- 4] Online Registration with CDA

## **Glossary of terms**

ATN	Assistance to Nationals Fund is allocated by the Philippine government to the Department of Foreign Affairs to protect and promote the welfare and dignity of overseas Filipinos
Central Region	The heartland of the Kingdom of Saudi Arabia, it includes Riyadh and neighboring cities and provinces
COWA	House of Representatives Committee on Overseas Workers' Affairs
DFA	Department of Foreign Affairs
DOLE	Department of Labor and Employment
domestic workers	The International Labor Organization defines domestic worker as "a wage earner working in a private household, under whatever method and period of remuneration, who may be employed by one or by several employers who receive no pecuniary gain from this work"
DQ	diplomatic quarters
FWRC	Filipino Workers' Resource Centers
hawala	An informal value transfer system based on the performance and honor of a huge network of money brokers, and in this report, it refers to the domestic workers' preferred mode of sending remittances back to the Philippines
household service workers	Another term for domestic worker, more commonly used by Philippine government to refer to migrant workers in a household setting such as domestic workers, gardeners, drivers, caregivers, etc.
Iqama	in this report it refers to a booklet containing a migrant's permit to work and live in Saudi Arabia
LAF	Legal Assistance Fund is allocated by the Philippine government to the DFA to ensure the delivery of legal assistance to distressed migrant Filipinos
NRCO	National Reintegration Center for OFWs
OWWA	Overseas Workers' Welfare Administration

Pag-IBIG	Pag-IBIG fund or the Home Development Mutual Fund is the Philippines'
PDOS	Pre-Departure Orientation Seminar
PhilHealth	Philippine Health Insurance Corporation
POLO	Philippine Overseas Labor Offices
RA10022	Amended Migrant Workers and Overseas Filipino Act of 1995
SAMA	Saudi Arabian Monetary Agency
SSS	Social Security System
SSWA	Saudi Social Welfare Administration
Tanazul	in this report, it is used to refer to as blood money, or monetary compensation paid by an offender or his family to victim or family of the victim
TESDA	Technical Education and Skills Development Authority
TNT	<i>tago-ng-tago</i> , a colloquial Filipino term referring to undocumented migrants