

REJOINDER

September 28, 2020

POEA: Slowdown in OFW deployment due to pandemic

The Philippine Overseas Employment Administration yesterday admitted there is slowdown in the deployment of overseas Filipino workers since March 2020 but the delay is not deliberate and can be attributed to reasons external to the POEA's existing procedure that some sectors in the recruitment industry claimed as 'Jurassic'.

The major cause of the slowdown, as the whole world knows, is the persistent onslaught of the coronavirus pandemic.

Because of COVID 19, employers in many countries closed shop and sent home their Filipino workers. Most countries are still not accepting foreign nationals. At home, travel is restricted and government offices, including the POEA, stopped operation for a while because of the declared community quarantine. Most of the licensed recruitment and manning agencies remained closed until now. Overseas job applicants were stranded either in Metro Manila or in the provinces that their documentation process were discontinued.

But the POEA has never reverted to manual processing operations where processing of employment contracts are being done within the POEA either before or during onset of the COVID 19 pandemic.

The processing of employment documents still remain with the Private Recruitment Agencies (PRA) within the confines of their respective offices. PRAs deploying to all parts of the world, not only those for Hong Kong, Singapore and Taiwan still enjoy the full benefits of the POEA-POPSLAB, an online facility that assures safe and continuous processing within the comforts of their offices.

Our Information and Communication Technology Branch can attest that the e-processing by the PRAs did not encounter major difficulties during the different quarantine periods. On the contrary, the POEA remains as one of the few government offices that easily transitioned into contactless online services during the pandemic.

The "manual processing" that the consultant of the PRA alleges is never an existent procedure at the POEA. What the PRAs are complaining of is the existing standard procedure which is present even before the COVID 19, which is the Evaluation & Validation of Employment Contracts for vulnerable workers such as Household Service Workers (HSW), low skilled female workers (LSFW), truck drivers for the Middle East, and overseas performing artists (OPAs). This requirement for the POEA to revisit each and every document of the workers subjected to this evaluation and validation is the government's measure to protect these type of workers who are classified as vulnerable workers needing more attention to their documentation, most specially the authenticity and genuineness of each documentary requirements. The POEA is open for dialogue with the PRAs on why they are so keen in requesting government to forego of these pre-employment requirements designed to afford

decent work conditions for these workers that need more protection from the law.

We need to qualify the matter of 10 requests for 10 PRAs at a time, as this is about PRAs deploying HSWs or LSFWs. During the Enhanced Community Quarantine (ECQ) where every person within Luzon was ordered to stay at home to prevent the spread of COVID 19, the Administrator found it necessary to direct that teams from the Landbased Center be created to attend to pressing concerns and pending matters after the entire of Luzon was placed in lockdown on 16 March 2020.

Quarantine procedures of local government units (LGU) posed major challenges for both our clients and personnel since the right of travel is impeded while all modes of public transport were suspended. The POEA managed to assemble employees residing in LGUs with less restrictive quarantine protocols (despite the ECQ status) to report to office and work on the pending accreditation requests and requests for evaluation and validation of employment contracts. The POEA complied with its tasks. At the IATF level, POEA and DOLE continued to make representations so that the movement of agency representatives and the establishment of OFW green lanes for both landbased and seabased OFWs.

During the Modified Enhanced Community Quarantine (MECQ), alternative work arrangements was put to place, and going by the limited number of employees to be physically present each working day, the POEA can only absorb what it can safely deliver to its clients. 20 PRAs with 2 accreditation transactions per day will be received. Requests for accreditation will be considered received and the process cycle time runs only after the POEA is in receipt of the complete set of requirements.

We are now in the General Community Quarantine (GCQ) status and transportation services is not yet 100% and employees are still being provided transportation by the POEA, car pooling has been encouraged and many obliged to the POEA Management's request and accommodated co-workers into this scheme.

The Anti-Red Tape Authority (ARTA) has indeed conducted an online consultation with the POEA, the Department of Labor and Employment (DOLE), and Overseas Workers Welfare Administration (OWWA). The issue of streamlining the entire process in deployment of OFWs, including the "delay in accreditation of manpower agencies" as complained about by the so-called recruitment consultant and migration expert, was discussed.

But even before that on 21 August 2020, the POEA issued Memorandum Circular No. 11-D extending until 31 December 2020 all expired/expiring accreditation. The deadline for submission of request for extension is on 30 September 2020.

The POEA never delay requests for accreditation. But after a careful evaluation of transactions submitted, the POEA can call for compliance(s), which according to the PRAs delay their business and their candidates for deployment losses the chance for employment.

There is something wrong here. We would like to know why are there applicants at a time when accreditation of a principal or direct employer is yet to be complied? Or why are there already applicants even when the accreditation of additional job orders is yet to be approved.

The POEA treats its clients according to the Rules prevailing. We are counting on 'multi-awardee PRAs' to set the golden standard in providing workers the best terms and conditions of overseas employment.

The claim that the POEA is not helping health workers for deployment is not true. There are existing exemptions and we maintain our appeal to the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID) to further relax the restrictions.

An "expert's opinion" will always serve the best interest of a client. The so-called "unbridled mistrust of POEA employees" towards the recruitment agencies and nurses, as we quote is baseless and lacks fact to substantiate the claim.

There is no manual processing for health care workers (HCWs) either. Employment contracts are not being processed at POEA so there is no such thing as manual processing. The same is still with the PRAs using the online system. The POEA only verifies and ensures that the accreditation and job orders are existing and valid when the employment contracts were allegedly perfected, in compliance with issued IATF resolutions.

When the Rules prevailing are being applied to all and the best interest of the subjects of regulations is at stake, the government is open to pointless claims. When the Rules does not conform to the PRAs' design of how things must be done, the government finds itself with the industry trying to regulate the government itself. Distrust towards PRAs and nurses is about the prevailing regulations brought about by the latest directive. The POEA can only abide by directives and as we comply, we need to be precise and be guided accordingly with our actions, lest we be violating instructions for us to follow.

Despite the watchful eye of the POEA evaluators, and their dedication to ask PRAs to comply with the Rules, and their full compliance to documentary requirements there are still cases of serious violations on the employment conditions of workers, their rights and welfare being violated at the job site and even as we impose sanctions with these PRAs they fall short in coming to the aid of their workers.

This adds up to the burden of the government when in fact it is the PRA who must be primarily liable to attend to the needs of their deployed workers.

Also, there is no truth to an overstaffed POEA that it needed downsizing. It might be useful to check that our plantilla positions did not increase since 1980s when personnel-to-client proportion was ideal.

Lastly, the POEA like other government offices, continues to suffer office closures to disinfect and quarantine its employees exposed to COVID 19. Despite the prevailing threats from the virus, our employees including those at the Landbased Center, never raised issues about their safety in their work stations. COVID 19 or not, the POEA as a government agency takes heart for country and clientele. The POEA continues to work and has never stopped working for the interest of the recruitment agencies and the overseas Filipino workers..

The mounting demands for leniency and flexibilities add up to the administrative costs to government when the PRA is equally responsible to attend to the needs of their recruited workers. Through the issuance of a recruitment license to a private recruitment agency, the privilege and an accountability of looking after the best interest of the OFW prior to deployment, while at their worksite and until their return. Yet to further aid the recruitment industry during these hard times,

Considering the effects of the pandemic to the recruitment business the POEA has

suspended the implementation of the additional escrow deposit requirement. It also suspended for 2 years the requirement for PRAs to maintain an escrow deposit of Php1,000,000 and allowing withdrawal of a maximum amount in excess of Php500,000 subject to posting of surety bond.

The POEA also extended the License/Branch Authority of recruitment/manning agencies which expired or will expire during the quarantine period. It also extended the deadline for the submission of documentary proof of increase in capitalization among the PRAs.

For the benefit of overseas Filipino workers and applicants, the POEA issued hundreds of advisories relating to country specific labor market situation and travel restrictions. ###