

Philippine News

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Woes of the Filipino Migrant Worker

By Reuben S. Seguritan

It is not easy to leave one's family for the uncertain prospect of earning a living abroad. Nor is it easy to live and work in a place that is not only distant but, in so many ways, different from home.

This is what hundreds of thousands of Filipinos have to cope with. And more are joining their ranks. There are reports that in recent years, more than half of those who left the country to work abroad end up as domestic helpers or entertainers. In the US, many undocumented Filipino women find jobs as nannies, housekeepers, elderly companions or cooks in American households.

Stay-ins: domestic bliss or misery?

The usual work arrangement of a domestic worker in the US is ideal for undocumented aliens. Most of them are stay-ins so that food and shelter are already provided for, while compensation is paid in cash. The migrant domestic worker can go about her daily duties in her employer's household without worrying about food or rent. The only things she'd have to think about is how to remit her earnings to the Philippines, and where to get the month's phone card for the customary long distance phone call to her family back home.

With the wrong employer, however, this set-up can be a nightmare. Food can be withheld or limited. Some domestics are allowed to eat only leftovers or do not eat at least three square meals a day because of so much work. Shelter, on the other hand, can become a physical barrier from outside contact. There are instances when domestics are forbidden to leave the house of their employers or deprived of days off. Since they live in their employer's home, they are on call practically 24 hours a day.

Meanwhile, compensation is usually negotiated below legislated minimum levels since the migrant domestic has little leverage to ask for better terms. Some legal work benefits that accrue in favor of an employee do not usually apply to migrant domestic workers. The domestic usually has to depend on her employer for medical or emergency expenses. Ultimately, the set-up that many undocumented aliens in search of a living in the US find themselves in has, in an increasing number of cases, become a breeding ground for domestic worker exploitation or abuse.

More cases that meet the public eye

In a 21 November 2001 investigative report, USA Today culled more than 140 cases of domestic worker abuse from court records; government releases and reports; research groups; immigrant rights groups; interviews with domestic workers; newspaper accounts, congressional records and interviews with lawyers representing domestic workers.

Of particular interest to the Filipino community are cases involving fellow Filipinos who had been at the receiving end of domestic worker abuse. The Committee Against Anti-Asian Violence (CAAHV) cites the case of a Filipina who was brought to the US from Hong Kong. She worked seven days a week for \$1.50 per hour. She had no adequate food, was made to sleep with and care for the employer's baby and was forbidden to leave the employer's house.

Another was a case documented by the Washington D.C.-based Human Rights Watch involving one Malika Jamisola, a Filipina who was brought to New Jersey by an American couple. The employment contract she signed said she would work eight hours a day, five days a week at the "prevailing wage," and that she will receive healthcare coverage. None of these terms were fulfilled. Instead, Jamisola worked six days a week starting at 6:30 am and usually ending at around 10pm and was paid only half the legislated minimum hourly wage.

One of the worst cases involving a Filipina so far was that of Ms. Elma Manliguez. Ms. Manliguez initially worked for the family of Merrill Lynch executive Joseph Somanti in Malaysia for about a year. In 1998, the Somantis brought Ms. Manliguez with them to the US on the pretext that they were merely going on a tourist trip when in fact the Somantis were moving to New York for good.

Ms. Manliguez did all the housework for the Somantis including looking after the employer's three children. She was given the oldest leftovers for food, and paid the equivalent of six cents an hour for working under slave-like conditions. She escaped from her employer and, with the assistance of the Filipino Workers Center, filed a civil suit for damages against her employer for violating the Thirteenth Amendment of the United States Constitution, as well as federal, state and international laws against slavery.

On top of these documented cases of unfair employment terms, reports of physical or sexual abuse of domestic workers also appear in the media with alarming frequency. There are no official figures indicating how many such cases of abuse have occurred so far. Neither is there any comprehensive or updated record of domestic worker exploitation. Non-government organizations concerned with immigrant workers' issues, however, insisted that the cases that come to the public's attention is just the tip of the iceberg.

Know your rights

That more cases have surfaced only suggest the prevalence of migrant domestic worker exploitation or abuse. This is because migrant domestic workers are generally compelled to keep quiet about their situation. They are usually prevented from making contact outside of the employer's family for any of a host of reasons. Some do not speak English; others are forbidden to leave the employer's home or even to use the phone; some are threatened with detention or deportation; while there are those who simply avoid any brush with authority for fear of losing what little livelihood they make as an exploited domestic.

Being cut-off from the rest of the world severely limits the courses of action open to an abused or exploited migrant domestic. For one, she has absolutely no access to information that would enable her to demand fair compensation and better working conditions from her employer. More often than not, migrant domestics labor under the mistaken notion that they have no right to the basic entitlements provided by law to workers in general.

In situations where escape from the employer seems to be the only alternative, the migrant domestic worker still hesitates because she does not know where to go for food or shelter. And because she has no contact outside of her employer's family, she will not likely learn to speak English nor would she develop any new skills that would enable her to obtain employment elsewhere.

Challenges for the Philippine government

The travails of the Filipino domestic worker are not unique to those working in the US. They happen to many Filipino women who work in neighboring Asian countries, the Middle East or Europe. Unfortunately, the Philippine government has yet to move decisively toward protecting the rights of Filipino domestic workers.

According to a report by Leah Diana, a member of the Filipino Nurses Support Group, thousands of skilled Filipino nurses work as 24-hour home support workers under the Live-In Caregiver Program in Canada. Since they are responsible for their employers on a 24-hour basis, these Filipino nurses end up doing everything from household work to providing health care for the elderly or the disabled employer.

Migrante-International, a global alliance of non-government organizations involved in Filipino migrant workers' rights cited cases in a March 2002 report filed by a Filipino research institution, Ibon Foundation, Inc. It mentioned that 42 OFWs (Overseas Filipino Workers) were sentenced to death in the Middle East. The same fate awaits six OFWs in Malaysia. On the other hand, thousands of OFWs were stranded in Saudi Arabia while some 44 domestic helpers in Hong Kong were sexually assaulted.

In the Philippines, there are frequent reports of OFWs who are brought home in coffins and believed to have died under mysterious, if not suspicious, circumstances.

Perhaps the classic, and concededly most tragic instance of the Philippine government's helplessness in protecting its own is the case of Flor Contemplacion, a domestic worker in Singapore. Contemplacion was accused and convicted of a crime for which she was meted the death penalty. Despite the furor over the death sentence on Contemplacion, the Philippine government was unable to stop her execution in Singapore. Many Filipinos believe that Contemplacion could have been brought home alive had the Philippine government monitored her case closely and intervened early enough.

Unfortunately, even after the Contemplacion case, the only thing the Philippine government seems to be eager about is to send more Filipinos abroad. It expresses its gratitude for Filipino migrant workers' dollar remittances by glorifying them as the Philippines' new heroes and yet it does not seem to act quick enough or work hard enough to prevent them from being martyred while at work overseas. Worse, there appears to be very little done by the Philippine government in the way of improving the economy so that it need not send more Filipinos abroad or so that those abroad may be reunited with their family back home.

In the meantime, OFWs continue to toil in foreign lands and cope with their situation the best way they know. Some like Manliguez take their chances and escape their employers. Others like Sarah Balabagan take the law into their own hands and defend themselves against the sexual or physical assault of their employers.

Ever the optimist, the Filipino overseas worker still hopes that the Philippine government will eventually be able to express its gratitude to them in a more meaningful way—by taking definite measures that protect them from abuse and exploitation abroad.