

Filipino Nurses Fight Back Abusive Employers

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There have been many stories about foreign nurses, physical therapists and occupational therapists getting exploited, and they don't complain either because they are afraid about their immigration status or they simply ignore it.

Not in two cases which occurred in Missouri.

At the Annual National Convention of the Philippine Nurses Association in America in Kansas City, Missouri last week, I was asked to discuss the issues, challenges and opportunities relating to the recruitment of foreign registered nurses (RNs) in the US.

In the course of the discussion, I took a closer look at two notable cases involving Filipino RNs who had sued or countersued their employers.

The first was a discrimination case filed against Woodbine Health Center, a Missouri nursing home that hired Filipino nurses. The Filipino nurses entered the US under the H-1A temporary visa program for nurses. They were made to work as nurse aides and paid half of what the American RNs were receiving.

Under the H-1A program, the sponsoring employer was required to pay the nurses the prevailing wage in the area of employment. Apart from the illegal practice of paying the nurses less than the prevailing wage, Woodbine prohibited the Filipino nurses from sitting down while at work and further required them to work overtime without pay.

"They continually exploited us," Filipino RN Elaine Villanueva, was quoted as saying in the said report, "If we didn't do mandatory overtime, they'd say 'you'll get in trouble' and they'll send you home."

Villanueva filed the discrimination complaint, and was later joined in the complaint by the Equal Employment

Opportunity Commission (EEOC) on behalf of the class of 65 Filipino RNs.

"(Filipino nurses) are seen as being able to be pushed around and paid less without them complaining about it," EEOC regional attorney Robert Johnson said.

Woodbine agreed to pay \$2.1 million to the 65 Filipino nurses. In addition, it sent each nurse a letter of apology for the "offensive conduct by Woodbine's managers, supervisors and administrators," according to reports.

The second case is a breach of contract suit filed in April 2004 by Integral Care Providers, Inc. against seven Filipino RNs who left the company before the end of the 2-year contract period to work elsewhere. Integral is owned by Filipino immigrants.

The RNs filed a counterclaim alleging that instead of providing them the agreed full-time permanent employment and adequate transportation, Integral deployed them to different institutions for part-time work.

The nurses claimed to have been told by Integral that they could not work for other employers as nurses and in a memo were notified that they could be sent back to the Philippines, if necessary.

As I noted in my discussion at the nurses' national convention in Kansas City, the current rush to bring in Filipino nurses to meet the shortage in US hospitals has opened the door to abusive working conditions, misrepresentations as to terms of employment and conflict among recruiters, employers and the Filipino RNs.

This is why we need the kind of vigilance that Villanueva showed in the first Missouri case. Villanueva's effort in bringing her own case to the proper agency earned her the support of the EEOC, no less. Moreover, Villanueva's vigilance worked for the betterment of the other Filipino nurses.

Following Villanueva's example is a challenge to all Filipino workers.

For their own protection, Filipino RNs who are looking to work in the US must see to it that they deal with recruiters and employers that have been certified by the Philippine Overseas Employment Administration.

They must review the employment contract carefully and verify the party or parties they are dealing with (whether it is the

hospital itself, a staffing agency or some other intermediary). They must go over the terms of the employment, preferably have it reviewed by an attorney.

Finally, they must not hesitate to complain if the actual working conditions do not meet the agreed terms.

These preventive measures add up to make the transition to life and work in America less stressful and more productive.