

# News Digest

May  
2004



APMM

Monthly Newsletter of the Asia Pacific Mission for Migrants (APMM)

## Migrante Beyond the Ballot Box



Migrante Sectoral Party (MSP) may not have won a single seat in Congress during the last elections, but it certainly did win the hearts and minds of overseas Filipinos worldwide. It topped the Overseas Absentee Voting for party list with 31.532 percent and got the most number of votes for migrant parties.

The orientation of MSP is also clear that its commitment to unite overseas Filipinos and their families and its adherence to their rights and welfare does not end after the elections. Right after the voting, it together with Migrante International campaigned relentlessly against the proposals re-impose the airport terminal fee and income tax on overseas Filipino workers and a 20% tax on SMS messages.

At the same time, these two militant formations of migrants campaigned hard to expose the mysterious deaths of three Filipinas in Lebanon. In addition to this it also publicized the rampant abuses being heaped upon Filipino domestic workers in Kuwait. This resulted in the resignation of the Philippine Ambassador to Lebanon. Together with the deaths of Filipinos

in Saudi Arabia and Iraq the Philippine government was forced to organize an OFW summit in July 9.

This summit, however, failed to address the rights and welfare of overseas Filipinos in the Middle East but dealt only on how the government would improve its exportation of Philippine labor. All these, however were overshadowed by the abduction of Angelo de la Cruz by Iraqi insurgents. MSP, Migrante Int'l. and Bayan and its chapters worldwide succeeded in pressing the government to pull out its troops out of Iraq that saved the life of Angelo.

Migrante Sectoral Party is also working for the following legislative Migrant Agenda:

- 1) A Genuine OWWA Charter and Migrant Workers Act
- 2) The creation of the Office of Legal Assistant for Migrant Affairs (as mandated in RA 8042),
- 3) File a resolution for concerned government agencies to submit their yearly reports on matters concerning migrants; specifically, among others,

the following: master list of Filipino migrants, inventory of pending cases, their working conditions and problems encountered by migrants abroad, status of negotiations on bilateral labor agreements, labor laws and policies of host countries that have an impact on Filipino migrant workers.

- 4) File a resolution for the Department of Labor and Employment (DOLE) to submit a report on the status of the Congressional Migrant Workers Scholarship Fund (Sec. 37, RA 8042)
- 5) Push for protective mechanisms for the security and safety of migrant workers against abusive employers, harsh labor laws of host governments, and negligent Philippine diplomatic officials.

It is calling on its country chapters to submit its own proposals on the Migrant agenda that is particular to each place's situation. MSP, however, stresses that the most important thing for the migrant workers is to continue arousing, organizing and mobilizing among their ranks to ensure that their rights and welfare are protected and defended.

## Support for undocumented workers in South Korea

The APMM launched a petition campaign in support of the Equality Trade Union and Korean Confederation of Trade Unions appeal against the massive crackdown on undocumented migrants and persecution of their advocates in South Korea. Both the ETU and the KCTU are in the forefront in these struggles.

Undocumented migrants have resorted to conducting hunger strikes with their advocates in order to highlight their plight and gather support among a broader segment of Korean society and advocates from abroad. Some nine migrant workers have already committed suicide because of the desperate situation that they are in.

Korean government authorities have lately even cracked down on the advocates and members of the Equality Trade Union. The ETU is not only against the crackdown but even lobbies versus the new but exploitative Employment Permit System that the Korean government is set to implement in August this year.

In Hong Kong, the APMM is planning to hold a picket in front of the Korean consulate in April 15 and present to the authorities concerned the signatories of its petition. APMM is encouraging other groups and individuals to organize similar protest actions in their respective countries.



Photo courtesy of AHRC

## Forum on HIV-AIDS launched in Macau

An HIV-AIDS awareness forum, a joint project of the APMM, Morrison Chapel Pastoral Initiative Center, and the St. John's HIV Education Center based in HK, was held at Morrison Chapel's Drop in Center in Macau on May 30 this year.

Rev. Judy Ryland gave a biblical reflection on the subject while Ms. Elijah Fung was the main speaker. She briefly introduced the St. John's Cathedral HIV/AIDS Education Centre and its services to the community including foreign workers. Ms. Fung then dealt on the subject head on including on how to prevent the disease. An actual demonstration on how to use male and female condoms and a documentary on AIDS was also done.

Forty Filipino and Indonesian migrant workers who attended the activity were very attentive and gained a lot more knowledge in the subject matter discussed. The organizers plan to conduct similar activities in Macau in the near future among a larger number of migrant workers. #

## Conferences in Bangkok address trade liberalization and other issues

APMM, together with representatives of different organizations from 10 different countries in the region, participated in a conference entitled "East and Southeast Asia Trade Campaign Strategy Meeting" organized by the Focus on the Global South last 26 to 27 April 2004 inside the Chulalongkorn University campus in Bangkok, Thailand.

Trade liberalisation and its effect on people's lives was one of the highlights of the discussions, which included the urgency of blocking agriculture negotiations in the WTO. The participants also agreed to continue the campaign against the US occupation of Iraq. A written statement that addresses the issues concerning agriculture and fisheries, G20, privatization, bilateral free trade agreements and anti-war movement was approved.

Meanwhile, a common action plan for the anti World Economic Forum event to be held in South Korea and the Hong

Kong group's preparation for the upcoming 6<sup>th</sup> ministerial meeting of the WTO was made and unanimously supported by the participants.

Our World is not For Sale or OWINFS held another conference and strategy meeting with the theme "Conference on Developing Alternatives to Corporate Driven Globalization" from 29 to 30 April 2004. Then this was followed by a strategy meeting on WTO, FTAA and FTA's in the afternoon of 30<sup>th</sup> April and 1<sup>st</sup> to 2<sup>nd</sup> May.

About 75 participants representing different global region formations, networks and social movements engaged in the work against corporate globalization from all continents participated in this conference. They came from major farmer's organizations, labor unions, environmental organizations, Indigenous People's organizations, development organizations, policy and lobby

organizations and humanitarian organizations.

After sharing their respective views and experiences in their struggle against corporate driven trade liberalization in their respective countries and global regions, the participants held series of workshops on Privatization, GATS, FTAA and FTA's.

A strong commitment and understanding to pursue and heighten opposition to the corporate driven globalization and mobilize its network against the July event of WTO in Geneva and for the 6<sup>th</sup> ministerial meeting of WTO next year was agreed upon in the OWINFS events.



## International protests on OFW deaths in Lebanon held

Migrante held internationally-coordinated rallies in Korea, the US, Hong Kong, Australia, Europe, and in key cities in the Philippines, to protest over the death of 3 OFWs in Lebanon.

Louella Montenegro died on February 24; Catherine Bautista on May 3 and Luz Paras Bacu-an on May 16 by falling from the window after they tried to escape from their employers' house.

Migrante blamed the embassy officials in Lebanon for failing to protect the three domestic workers. Catherine Bautista sought the help of the Embassy only to be sent back to her employer, according to Maita Santiago, secretary general of Migrante International. "It's likely they were driven to their deaths by their very abusive employers," Santiago said in a statement.

As the government celebrated Migrants Day on June 7, Migrante called on the resignation of Philippine Ambassador Ramoncito Marino, Labor Attache Alicia Santos and Welfare Officer Manuel for negligence in performing their duties to protect the migrant workers in Lebanon.

For justice to be served, the militant group asked for the inclusion of migrant workers' groups as part of an independent investigating team. The DFA team that investigated the embassy did not bother to get the side of the families of the victims, Migrante claimed. To aggravate matters, the DFA did not inform the families about the status of the investigation.

Early reports claimed that the 3 OFWs died from their fall but in the case of Catherine Bautista, an NBI autopsy examination revealed that she was clubbed to death and bore several bruises in the face and body.

How many more must die before the government finally and decisively act? Migrante protested. The DFA and the OWWA boast of providing protection and services but in reality OFWs continue to suffer and die.

## ATKI-Macau unite to protect their rights

The Asosiasi Tenaga Kerja Indonesia di Macau (ATKI-Macau or the Association of Indonesian Migrant Workers in Macau) held their founding assembly at the Centre of the Morrison Chapel Pastoral Initiative Centre & Asia Pacific Mission for Migrants on 2<sup>nd</sup> May this year. 34 Indonesian migrant workers in attended the founding formation.

Officers of the association were elected and the proposed general program of activities for the year was approved. Ms. Esther Bangcawayan, APMM coordinator in Macau spoke about the importance and condition of Indonesian migrants in Macau.

Seven Indonesian workers from Hong Kong led by Eni Lestari, ATKI-HK chairperson, along with migrant advocate Ms Peggy Lee, some members and officers of Macau Cordilleras Association and the Pastoral Initiatives Centre of Morrison Chapel attended the event and provided moral support.



In Macau, Indonesian migrant workers pay excessive placement fees amounting to 6,000 to 30,000 patacas or Hong Kong dollars for job placement as domestic workers and some as masseurs. Similar to their counterparts in Hong Kong, they are obliged to pay the recruitment agency in 3 to 6 monthly deductions ranging from 500-1,500 patacas per month.

## Giant Taiwanese...

the remaining 1.5 hrs. is for rest or meal time so these should not be paid.

Another problem with the minimum wage is that the workers are already being deducted NT\$2,500 each month for their board and lodging even if they are supposedly given NT\$1,800 for food allowance. Additional deductions are made by the company for janitorial services of NT\$100 and air-con fee during summer of NT\$250 on each worker.

In Taiwan, supposedly its legal to cut the minimum wage into different categories like certain amounts for food allowance, perfect attendance, good performance and what have you as long as this will total to NT\$15,840. Deductions on the board and lodging of foreign factory and construction workers, on the other hand, were implemented by the Chen Shui Bian government in



2001 to please local capitalists who complained of rising production costs.

Again, under Taiwan's labor laws, even local workers are not required to be paid for their night differential but instead only for a meal. In Ritek, foreign workers are paid NT\$540 – NT\$560 a month as midnight snack while their local counterparts are paid NT\$500 for night differential. Every other month, the workers work on 12-hour night shifts.

Another problem of the Filipino workers is that if they do not finish their contract for whatever reason, they would be penalized by the company NT\$20,000 each. This can be found in two sections of Ritek's Manual for foreign labours, including its re-contract agreement.

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## New Employment Permit System in Korea still anti-migrant

The Employment Permit System (EPS), implemented in August 1 this year, is still anti-migrant despite Korean and Philippine government officials' claim that the EPS will protect the migrants' rights by having better security system, legal protection and labor rights.

At the same time, crackdown on the remaining 19% of undocumented migrant workers who did not voluntarily exit Korea on November 16, 2003 would intensify. There is also no guarantee that the EPS will solve the high escape rate brought about by the exploitative Industrial Trainee System (ITS) that was the only way in which migrants can work legally in Korea.



In fact, the ITS will continue to operate hand in hand with the EPS. Press reports have indicated that Korean officials are set to admit 25,000 foreign workers under the EPS for manufacturing, farming and construction jobs while approximately 38,000 foreigners will enter under the trainee system this year.

It is not yet clear how much the migrant workers would earn as regular workers under the EPS and not merely as trainees under the ITS although there are claims that migrant workers can form their own unions. The Korean authorities clearly state that "it is possible to differentiate the wage level if it is due to gaps in productivity or experiences between Korean and foreign workers". But sceptics say that no right minded employer will pay the migrant worker at the same rate as local workers.

Organizing their own unions would prove to be difficult for the migrants. Even if they can legally stay for three years they have to renew their working visas every year. This puts them at the mercy of their employers, who have the sole authority to renew the contracts of their foreign employees. Migrant workers also cannot

choose to change employers unless inevitable circumstances stipulated by Korean authorities allow them.

Similar to Taiwan, the EPS also takes into consideration the rate of absconding workers of a certain nationality in its criteria to hire foreign workers of a certain country. Based on this, the government can revise and even cancel the quota for hiring foreign nationals of a certain country when it does its review every year.

Some provisions of the Memorandum of Understanding (MOU) allow sending governments to become accomplices of the Korean government in cracking down their own nationals that run away or that do not voluntarily depart from Korea upon the expiration of their employment period. This is also an admission on both parties that the EPS itself will breed workers to abscond.

The policy would force workers who would not be rehired within the three year period to run away rather than be sent home without any assurance of a job or even a decent wage. This could be also true for those who have to exit from Korea for one year after the three year maximum period of work. Or these

workers could choose to change their names like in Taiwan for them to be able to go back to Korea sooner. Thus, the problem of crackdown on undocumented workers would just repeat itself in a vicious cycle.

Meanwhile, the APMM launched a petition campaign in support of the Equality Trade Union and Korean Confederation of Trade Unions appeal against the massive crackdown on undocumented migrants and persecution of their advocates in South Korea. Both the ETU and the KCTU are in the forefront in these struggles.

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### All but two stranded workers in Riyadh repatriated

Of those who staged a hunger strike inside the Philippine Embassy grounds in Riyadh last December, all but two stranded workers have already been repatriated. These two include Melvin Batayola who is now in a deportation center in Riyadh waiting for his exit visa and Ernie Villamaria who needs to be taken to the center for deportation.

The repatriation for the 16 stranded workers took months of painstaking struggle. A hunger strike was staged by the 16 inside the Embassy before Christmas before Embassy officials called up the police to arrest them. At the same time, their families back home staged a picket for several days in January which was subsequently dispersed violently by police authorities on the orders of OWWA administrator Virgilio Angelo.

Besides the December and January incidents, Ernie and Melvin were mauled by five Filipinos allegedly close to some people in the Embassy last March 14. Another incident occurred on April 15 when Eng. Yalong and Danny Morales who acted as volunteers of Migrant Sectoral Party (MSP) were again arrested by the police at the orders of a Philippine Embassy official for allegedly violating Philippine election laws. The two allegedly handed out sample ballots of MSP inside the embassy premises.

Migrant advocates from within and outside of Saudi Arabia also contributed a lot to the repatriation of the stranded workers. A petition campaign was launched for their immediate repatriation and various individuals and organizations in Saudi Arabia gave moral and material support to them.#

**RITEK** Corporation is currently the biggest maker of storage media, like CD/DVD-R/RW and many more products, in the world. It was established in 1988 and is located in the Hsinchu Industrial Park in Taiwan. Its CD-R production alone amounts to 80 – 100 million pieces a month. It has been a profitable company for the most part of its existence and even has set up a culture and education foundation for its welfare program. Yet the conditions of its workers especially that of its more or less 900 Filipino migrants is deplorable and is getting worse.

From 1997 up to the third quarter of 2003, RITEK garnered a net income of NT\$15,852,912,000 or a yearly average of NT\$2,348,579,000 or US\$71,419,027 at today's exchange rate. While the company reported a loss of NT\$3,792,643 in 2002, its net profit up to the third quarter of 2003 was already NT\$658,726,000. Aside from these, the company has more than a billion shares in the stock market with each share costing NT\$21.50 each.

The company will even get a big boost because of the ruling of the U.S. International Trade Commission (ITC) on March 12, 2004 that Ritek among other Taiwanese storage-media manufacturers are not guilty of infringing on the U.S. patents of Philips of the Netherlands. This means that Ritek cannot be prevented from exporting their products to the United States and can even ask Philips to refund their royalty fees or ask Philips to lower the charge. In the last two years, Ritek paid around NT\$700 million in Royalty to Philips. This victory will help Ritek speed-up its expansion projects.

## Giant Taiwanese Firm Making Profit by Exploiting Migrant Workers



At the same time its foundations' avowed goals are contradictory on how it treats its migrant workers. These goals are "to serve the weak, sponsor public welfare activities, and [to be] concerned about the young and eldercare".

Most recently the company has refused to give the forced savings of rehires before they need to exit Taiwan for another two-year term contract. Instead these savings which amount to NT\$4,000 each per month would just be remitted to the workers on a later date by the company's broker or placement agency named Kang Lin. The reason given by the company is that the workers might be robbed of their savings upon arrival in the Philippines. New employees and rehires are forced to sign a side agreement regarding this new arrangement.

Forced savings, which supposedly, are not allowed anymore by Taiwanese labor authorities are imposed by employers to dissuade their workers from running away. An additional problem for migrant workers in Ritek is that their monthly forced savings do not appear on their pay slips and are deducted from their pay envelopes.

At the same time, resentment is brewing among the workers for the recent detention of two Filipinos for

fighting at each other. The two are Ricky Lababit and Francis Azarcon and they were detained by the broker at two separate rooms of the ladies dorm from March 5 to March 9 and deported on the last day of their detention. In addition to this, the deported workers were not allowed to pack their own personal belongings but instead their roommates did these for them.

A Taiwanese worker reported this to the police authorities on the night of March 8, but the police were indifferent to the whole affair. The police even stated that the migrants deserved to be jailed and that brokers have responsibility over them. They added that the broker should report this to them but the latter never did during this incident. The police also did not investigate the conditions of the workers but relied solely on the word of the broker on this matter.

From our understanding fist fighting between two workers because of personal differences is neither a criminal act nor a violation of the Labor Standards Law in Taiwan. This particular problem though is stipulated in the company's manual and is a ground for deportation and is solely reserved for migrant workers.

There is also a problem with the minimum wage of the workers which should be NT\$15,840 a month. In actuality, however, their basic pay is only NT\$14,040 a month as NT\$1,800 is considered by the company as food allowance. Thus their half pay for sick leave and payment for overtime are based on the basic pay instead of the minimum wage as stipulated in the Labor Standards Law and even in Ritek's own manual.

A related problem to this is the calculation of the overtime working hours of foreign workers. They usually work 12-hour shifts either in the day or night shift but their total overtime is only pegged at 2.5 hours per day. The company justifies this by saying that



**RITEK CD-R**

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### Ritek...

This, however, is not stipulated in the employment contract between the employer and employee, which is even authenticated by the Philippine government.

In addition to these all workers who finish their employment contracts are required to pay their air- fare back home. This is stipulated in the addendum of their employment contract, which is stamped by the official seal of the Philippine Overseas Employment Administration (POEA). However, the original addendum which was shown to them by their Philippine placement agency in the Philippines and which they signed and put their thumb marks on stipulates that those who finish their contracts need not pay their airfare back home. Lately usually foreign workers shoulder their own expenses for airfare among others to and from Taiwan.

Finally, the workers are only informed that they will be rehired a few days before their contract expires instead of the 20 days stipulated in Ritek's Manual. This gives the workers additional pressures and anxieties especially when their company and/or broker wants them to sign additional side agreements limiting their rights and/or benefits.

One other problem that they have encountered this year pertains to new placement fees imposed by Philippine placement agencies for new and rehires and which is now at P85,000 each. This violates the fees and salary declaration of Taiwan-bound workers which stipulate that the maximum fee should be only P48,000, more or less. We also question why rehires need to pay additional placement fees in the Philippines as they are considered re-contracts and not new contracts. This violates Philippine laws and regulations.

Clearly, Ritek Corp. benefits a lot from its exploitation of Filipino foreign workers. Its acclaim as the number one producer of storage media is tainted with its mistreatment of the migrants which includes even violations of the human rights of its workers. Its welfare projects ring hollow, as it cannot even take care of the welfare of its own workers.

This can only change if its foreign workers would one day have the courage and determination to file a complaint against the company and its broker. It would be a big help if the local workers within Ritek and from outside give them a helping hand. In the final analysis, all workers whether they are local or foreign are exploited by employers whose only concern is for profits.#

## CLA Cites Technicality in TCI Case

Predictably, the Council of Labor Affairs (CLA) of Taiwan cited a technicality to wash its hands off the Tai Fong Circuit Industry (TCI) case. According to the CLA, it cannot act on the complaints raised by 19 Filipino factory workers at TCI and their advocates that their broker acted in retribution by pressuring their company not to rehire them for another year of employment.

Liao Wei-jen, section chief in charge of foreign labor affairs at the CLA's Employment and Vocational Training Administration said the Council cannot intervene on the case because the workers were not laid off. Under the Employment Service Act foreign workers are permitted to work under contract for two years with a possible one-year extension at the employer's discretion. This puts the foreign workers at the mercy of their employers and even of the brokers (Taiwanese placement agencies) who exercise great influence with the former.

This issue was raised by the workers and their advocates when they held a picket dialogue with the CLA on June 2. At the same time, the CLA stated since APMM did not course the complaint of the workers against Asia Human Resources for overcharging through them, they do not know much about the case and need to further look into this. It then delivered the *coup de grace* to the migrants when it decided that they should instead go to the Hsinchu Labor Office and to the employer to appeal their case. The result again was predictable.

Immediately, the first batch of workers was terminated on May 20 and the second on June 3. The rest would be terminated in different batches in June. The Manila Economic and Cultural Office (MECO) where the complaint against the broker was lodged, including against two caretakers in Hsinchu on April, cannot escape responsibility for the predicament of its nationals. It never blacklisted the broker nor investigated its other nationals who passed through said placement agency.

## APMM NEWS Digest

is a publication of the *Asia Pacific Mission for Migrants (APMM)* - Research Documentation and Publication Program. Its office is located at:

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