

News Digest

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APMM

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

Migrants' and immigrants' concerns mark International Labor Day celebrations

Migrants and immigrants all over the world joined millions of workers in commemorating the International Labor Day last May 1. This year's Labor Day marked one of the biggest participation of migrants and immigrants in the history as attacks on their rights and welfare by host governments continue to intensify.

More than eight million immigrants and supporters in rallies and marches for immigrant rights trooped to the streets of New York and New Jersey areas, Los Angeles, San Francisco Bay Area, Chicago, Seattle and other US cities and skipped work and school as part of the Labor Day's celebration.

One of the major concerns during the protest dubbed as "A Day Without Immigrants" was of the passage of US House Resolution 4437 in the House of Representatives last December. The bill would stand to criminalize undocumented persons and their supporters.

In Vancouver, Canada, nearly 300 people from migrant, immigrant and refugee communities, human rights groups, and unions participated in a May Day march and rally through a working class neighborhood in support of migrant and undocumented workers.

Grassroots Women, one of the organizers, denounced how working class women suffer job insecurity and poverty. They explained that intense exploitation of the over 90,000 foreign workers and an estimated 200,000 undocumented workers are being used to do work on farms, in private homes, and in

the construction industry under conditions that most Canadians refuse.

In the Asia-Pacific region, migrant workers and immigrants joined the workers and grassroots communities in advancing their collective and democratic interests.

More than a thousand foreign domestic workers marched together with the local working peoples during the Labor Day in Hong Kong. The Asian Migrants' Coordinating Body (AMCB), the biggest alliance of progressive migrant workers' organizations who led the biggest migrant contingent of the protest march, is calling for a minimum wage increase, the abolition of a tax-levy being taken indirectly from foreign domestic workers and the improvement of services and protection to all workers in this former British colony.

In Taiwan, labor rights advocates, Chinese spouses and migrant workers held a demonstration to fight for the improvement of their rights. Dissatisfaction with the Council of Labor Affairs' (CLA) new policy to crack down harder on "illegal" (undocumented) migrant workers was one of the major concerns of the protesters.

They criticized the government for not allowing migrant workers to change their employers freely and depriving them the right



Millions join US-wide marches for the "Day without Immigrants"

to form and participate in a union and the right to go on strike.

Meanwhile, undocumented migrants working in the factories in different parts of South Korea joined their local counterparts as they collectively fight for better working condition, protection of migrant workers who are mostly undocumented and to resist the neoliberal policies of the government that impacts heavily on the livelihood of South Korean peasants and workers.

Last May 7, immigrants joined the Labor Day rallies all over Australia where an estimated 300,000 workers participated.

As shown all over the world, solidarity of local workers - migrants and immigrants - is slowly developing as the impacts of neoliberal globalization are felt by all working people in all sectors. Such solidarity of the working people truly made the recent Labor Day as historic as the first.#

Contributed by MIGRANTE-Japan

Stand Up! Speak Up!

Filipino Trainee in Japan Fights for His Rights

In the early morning of July 28, 2005, Rogelio Bucio, 31, barely had sleep after coming from work the night before at Sanjo Metal Company Ltd., a metal die casting company in Sanjo, Niigata, when he was called upon by his supervisor. It happened before so he thought that maybe he would be asked to do overtime work, or be given instructions for the work ahead. But to his dismay, the supervisor told him that his employment contract had been terminated, and that he needed to pack up his bags and return to the Philippines right away.

Earlier, before taking on the night shift, Rogelio had a brush with fellow Filipino workers because one of them took his work shoes and hid it. Unwilling to go late for work, and worried about getting reprimanded for not wearing proper work shoes, he incessantly appealed to his co-workers, but to no avail. In an apparent outburst, due perhaps to anger and frustration, Rogelio grabbed an old garden hoe and smacked it right on the improvised shoe rack that he and his co-workers built out of small pieces of scrap pallet woods.

No one was hurt in the incident, but it definitely caught the ire of management. Hence, the decision to terminate his contract, and to send him packing back to the Philippines at his own expense, and only after he paid the penalty for not finishing his contract.

Rogelio's case is an oft-told story of unskilled Filipino workers who opted to become trainees in Japan only to find them treated worse than CWs or contract workers. As trainees, there are no laws that protect their rights in Japan, nor do they have social benefits like regular or ordinary workers. They are not paid regular salary, only minimal allowance that ranges from Y 50,000 to Y 80,000. They are called trainees, but many hardly undergo trainings in order to upgrade or acquire new skills. Instead, majority of the estimated 45,000 Filipino trainees in Japan today are engaged in actual production work often in assembly lines and in sweatshops all over Japan. Many are even forced to perform overtime work in exchange for minimal adjustment in their allowance. They are not considered workers, and therefore, they cannot join unions, nor engage in collective bargaining.

The reality in Japan is that trainees are virtually at the mercy of company management and the accepting organization or agency. Any infraction on the part of the trainee, no matter how minor, often results in the outright cancellation of his or her contract, penalties, and immediate repatriation.

Trainees though may upgrade their status and become technical interns after one year and after passing the qualifying test. However, except for the slight salary upgrade and the right to be treated like regular workers – at least in paper - their stay in Japan remains solely in the hands of the company and the accepting agency.

Rogelio is a case in point. He was hired by Sanjo Metal Co. Ltd., in July 2003 as a trainee. After one year, and after passing the qualifying test, he was upgraded to the status of that of a technical intern, and was made to sign a contract that is yet to expire in July 2006. But, in spite of his acquired status, it was fairly easy for the company to terminate his contract.

Foreign trainees in Japan belong to an army of unskilled labor from poor and developing countries like the Philippines, China, Indonesia, Thailand, and Vietnam, among others. Unable to acquire work as regular migrants because Japanese law prohibits the entry of foreign unskilled labor in the local job market, they will grab any offer to work as trainees even if they knew from the start that they will not be given minimum wage.

Japan initiated the trainee system in the 1990s purportedly to help small and medium-sized industries that could not afford hiring regular workers. Clearly the trainee system is nothing but a euphemism for cheap and docile labor which is sufficiently available in many poor countries in Asia.

Rogelio knew that once he agreed to the order of termination by the company, there would be nothing to hold on to. He would lose his job and a big part of his savings, or the sum of all deductions from his monthly pay - Y



Rogelio with MIGRANTE-Japan and APMM while waiting for company representatives for the arbitration/negotiations

40,000 per month - in his two years with the company. Wary also that he would lose the chance to return to Japan and possibly enter into another contract with perhaps another company, Rogelio made it clear to the management of Sanjo Metal Co. Ltd. that he will not accept the order of termination – a right he knew he could assert as a qualified technical intern – so he defied the order of the company and decided to runaway.

Through the help of KAFIN or the Kalipunan ng mga Filipinong Nagkakaisa, a part of the APMM network in Japan, and the local church and NGOs in Niigata, Rogelio negotiated with the management of Sanjo Metal Co. Ltd. and Sanjo Romu Center, the receiving agency, to allow him to return to his work. He also sought the help of the Niigata Labor Standards Inspection Office, but even this proved to be futile. The management of Sanjo Metal Co. Ltd. and Sanjo Romu Center both rejected his appeal, and there was nothing that the Labor Standards Inspection Office in Niigata could do being only a conciliatory body and having no teeth to enforce what is enshrined in the Labor Standards Law.

Rogelio's action may not conform to accepted norms and behavior in the company, or any workplace for that matter. But it is also not a sufficient and acceptable reason to abruptly terminate his contract considering that he has been an exceptional worker as proven by his record with the company in the last two years.

Provisions in the Labor Standards Law of Japan stipulate that no worker may be dismissed or terminated from work without any justifiable cause, and not after giving the

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OWWA no longer accept medical reimbursement

HK head says: course through PhilHealth

Catherine B. Quezon is 52 years old from Lubang Occidental Mindoro. She is working as Emplegada Domestica in Macau for a long time now. She is also an active member of the OWWA (Overseas Workers Welfare Administration) and paid 25 US dollars June 2004 for her membership and hopefully to receive welfare assistance in times of emergency.

Catherine was admitted in Kiang Wu Hospital sometime in the last quarter of 2005. Her hospitalization and medical examination/treatment amounted to MOP7,700 which include the following.

Being an OWWA active member, Catherine sought assistance from POLO-Macau to convey to OWWA based at the PCG-HK her wish to reimburse the MOP7,700 and to provide her financial assistance she will need for her continuing medical treatment. Apparently the assistance requested earlier by Catherine has not reach OWWA-HK. MSP-Macau referred the case to APMM.

In a phone conversation with HK post OWWA head Lisa Mendizabal on 04 April 2006, she disclosed that since mid 2005, they no longer accept medical reimbursement at post as this must be directed to the Phil Health in Manila or in the hometown of the

OFW where there is Phil Health. She advised CBQ to authorize any of her family member to apply for medical reimbursement on her behalf. We also noted that the Phil Health will be the one to assess the medical expenses subject for reimbursement and may not exactly refund the total amount being requested.

The OWWA-HK post head promised to e-mail APMM the contact address of Phil Health in Occidental Mindoro, processes and requirements but we have yet to receive this. Moreover, there is no response yet from her or the Manila offices of OWWA and DOLE referral inquiry.#

Stand Up for Your Rights

This section features welfare cases that APMM handles. Names of clients were changed to protect their identity.

6th Cordillera Day in Macau

Cordillerans call to raise awareness and cooperation of migrant workers to protect the environment, resources and livelihood



Migrant workers from the Cordillera express anew their unity

international event for the Cordillerans and indigenous Filipinos commemorating the martyrdom of their elders and the collective unity of various ethnic tribes in defence of their ancestral domain, respect for self determination and their rich culture that prevented genocide and greater damage to their lives that may have brought about by the mega-Chico Dam project of the government and multinational corporations in the

enlightening talk on the ideology of greed, power, deceit, unabated destruction and plunder of the environment and peoples lives in the name of profit. Norman Carnay of the MFMW also shared about the effect of the deceitful charter change (Cha-Cha) drive by the Philippines president Gloria Macapagal-Arroyo that opens wide the plunder of the natural and mineral resources, the national patrimony and destruction of the environment and source of livelihood of the Filipinos should Cha-Cha is approved. Many of the migrants at the celebration signed the anti-Chacha petition of the Peoples March.

One hundred seventy-three migrants including representatives of migrant's organizations and advocates in Macau and Hong Kong witnessed and took part in the 6th Cordillera Day in Macau. The theme for the day centered around making Cordilleran migrant workers and fellow overseas Filipino workers (OFWs) in Macau more aware and act on urgent and long time concerns of indigenous peoples back in their homelands affecting their families and themselves.

The occasion also served as an anniversary celebration of the MCA.

The MCA chairperson, Cyril Cacay, gave the opening remarks. He imparted briefly that the celebration in the Cordillera region begun in mid-80s that later became a national and

early 80s

Morrison Chapel led by chaplain-in-charge Rev. Judy Ryland expressed her hope for the Cordilleran migrant workers to reflect and practice on the event's theme. Fr. Pedro Balde, Jr. of the Society of Our Lady of the Most Holy Trinity (SOLT) gave a remarkable and

Friends from various churches, religious groups, and migrant organizations such as Migrante Sectoral Party – Macau Chapter), Assosiasi Tenaga Kerja de Indonesia (ATKI-Macau); and the Cordillera Alliance in Hong Kong (CORALL-HK) and the Asia Pacific Mission for Migrants (APMM) also attended the event.

Annually, on a Sunday of April, the Macau Cordillerans Association (MCA) organizes the celebration of the Cordillera Day in Macau. The 1st Cordillera Day in Macau was held in 2001 through the joint efforts of Cordilleran migrant workers in that former Portuguese colony and the APMM, a regional cause-oriented, non-profit migrant centre that advocates for the protection of labour and welfare rights of migrant workers in the Asia Pacific and the Middle East regions. The successful event led to the formation of MCA, a self-help non-profit association, that promotes the unity and cooperation among Cordilleran migrants, other Filipino organizations and other migrants to uphold their rights, dignity and well-being, understanding each other's culture and supporting concerns in their homelands. In the beginning up to present, the Morrison Chapel has been graciously supportive in providing its courtyard as venue for the annual Cordillera Day in Macau.

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worker at least 30 days to either accept or reject the dismissal. Sanjo Metal Co. Ltd. did not follow any of these provisions of the law.

For six months Rogelio, supported by KAFIN and APMM, tried to use every avenue to negotiate with the company only to fail in the end every time because management never really attempted to offer any concession to resolve the issue. Instead, the company is hell bent in removing Rogelio out of Japan just like it did to other Filipino trainees before him. And understandably, it was easy for management to do this because everyone in the company knew that there is a long line of Filipinos back home wanting to take on Rogelio's place.

At the time of his termination, Rogelio still has a one-year contract with the company. For this reason, and because he knew that technical interns have rights under the law, Rogelio decided to forego negotiations and instead pursued the case in court.

On March 29, 2006, barely two months after Rogelio filed his petition in a special labor court, the judge who heard the case handed down the decision, and it was all in Rogelio's favor. The court ruled that while it does not condone the petitioner's demeanor that was obviously used as an excuse by the company to terminate the petitioner's contract, it nevertheless did not constitute justifiable cause. The court ordered Sanjo Metal Co. Ltd. to compensate Rogelio in the amount equivalent to his full salary from July 2005 to July 2006, and no penalty, monetary or otherwise, shall be applied.

Seven days after the court handed down its decision, the management of Sanjo Metal Co. Ltd. filed an appeal for reconsideration in the same court. Rogelio now awaits the result of that appeal while at the same time helping KAFIN and APMM in assisting other disadvantaged Filipinos, and informing the Japanese public about the plight of many Filipino trainees and other foreign trainees in Japan.#



Learning the value of collective actions

APMM, MSP-Macau and advocates rescue sex trafficking victims

Six young women who were promised high paying jobs in Macau ended up in the hands of a sex trafficking syndicate. They were mostly recruited from the province of Nueva Ecija in Luzon and departed from Clark Pampanga Airport in the Philippines.

It was only when they arrived in Macau early in April this year that they discovered the type of job that they would perform. Explicitly, they were instructed to do "massage" work and that they would be paid US\$15 per customer.

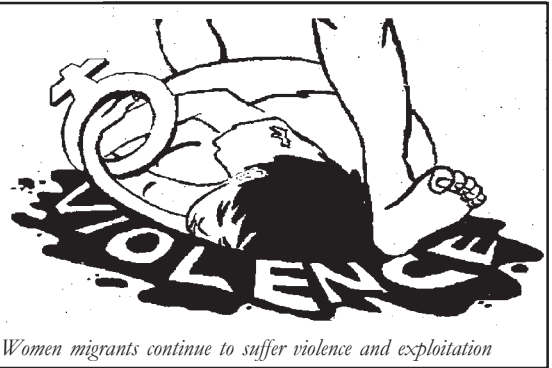
The syndicate was led by Gil Gabion, aka Waway, a Filipino with a resident status in Macau. He acted as the manager, pimp/broker and arranged customers for the newly-recruited women. He also required 100 patacas commission from each customer and 30 stubs for 30 customers from each of the girls.

The women were caught in a tight situation as they were asked to sign an agreement that should they escape they would pay a penalty of 200,000 pesos. Three of the girls managed to go home immediately after they arrived in Macau but three were left behind.

Afraid and desperate to escape, the girls sought assistance from fellow Filipinas in Macau. Immediately, Catalina Yamat, coordinator of the Migrante Sectoral Party in Macau responded and brought the case to the attention of the Asia Pacific Mission for Migrants and migrants advocates in Macau.

After a rescue plan was forged with the girls, the Macau police were contacted. The rescue operation was swift and timely. Not only were the girls saved, their abductor together with his cohorts was also arrested.

Concerned migrants advocates took the girls under their custody while Buhay Bangcawayan, APMM Macau coordinator, sought assistance from the Philippine government about immediate repatriation of the victims.



Women migrants continue to suffer violence and exploitation

It was tough getting the support of the Philippine Consulate General in Hong Kong which also has the responsibility to take care of migrants in Macau. The APMM had to engage additional follow up from the Migrante International in Manila to ensure that the Department of Foreign Affairs (DFA) provide air tickets to the victims as soon as possible.

In addition, APMM asked the DFA that the following conditions be met: 1) The air tickets should be Macau-Manila and NOT Macau-Clark. Immigration and airport officials in Clark who are in connivance with the recruiters should not be given a chance to lay their hands on the victims; 2) Assure the security of the victims upon arrival in Manila. They should be met with sufficient security persons at the airport, quarantined for a couple of days in a safe house in Manila, and then assisted on their trip back to their hometown; 3) Immediately investigate and file charges against the recruiters and talent managers; and 4) Immediately investigate and swiftly act on the report of the victims that immigration and airport officials in Clark are involved in this crime.

Finally, the victims' ordeal in Macau ended as they flew back home on the 29th of April this. But their fight for justice on what they've gone through remains to be seen.#

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