

# IDS

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## How Filipino LBTs Cope with Economic Disadvantage

GALANG Philippines, Inc.

February 2015

The IDS programme on Strengthening Evidence-based Policy works across seven key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

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## HOW FILIPINO LBTS COPE WITH ECONOMIC DISADVANTAGE

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# Contents

- Abbreviations 2
- Introduction 3
- 1 Methodology, scope and limitations 5**
- 2 Case study: how Filipino LBTs cope with economic disadvantage 7**
  - 2.1 Gaps between labour policies and workplace realities 7
  - 2.2 Migration as an option of last resort 9
    - 2.2.1 Compromising gender expression and personal safety to address material poverty 9
    - 2.2.2 Technical education or college? 12
    - 2.2.3 Power of the purse: family acceptance and sexual freedom 14
  - 2.3 Job matching 16
  - 2.4 Micro-enterprises, male-dominated trades and the informal sector 17
- 3 Summary of findings 20**
  - 3.1 Labour standards, workplace discrimination and migrant protection 20
  - 3.2 Economic contribution and status in the family 20
  - 3.3 Financial independence and sexual freedom 21
- 4 Next steps 22**
- Annex 1 23**
- References 24**

# Abbreviations

ADB	anti-discrimination bill
BSK	<i>Balikatan sa Kaunlaran</i> (Shoulder-to-Shoulder Towards Development)
GNI	gross national income
KSA	Kingdom of Saudi Arabia
LAM	Lesbian Alliance Movement: <i>Lakas ng Kababaihan Para sa Karapatan</i> (Women's Power for their Rights)
LBT	lesbians, bisexual women and trans men
LFR	Lesbians for Rights
LGBT	lesbian, gay, bisexual and transgender
OFW	overseas Filipino worker
PESO	Public Employment Service Office
POEA	Philippine Overseas Employment Administration
QC	Quezon City
SOGIE	sexual orientation or gender identity/expression
TESDA	Technical Education and Skills Development Authority
TWC	TESDA Women's Center
UAE	United Arab Emirates
UNLAD	<i>Ugnayan ng Nagkakaisang Lesbyana Laban sa Diskriminasyon</i> (Association of United Lesbians Against Discrimination)

# Introduction

After decades as the so-called 'sick man of Asia', the Philippines has adopted the export-driven model of economic development followed by wealthier Asian countries (Makabenta 2014) and has begun to address the pervasive corruption that has perennially deterred investment. With the Aquino administration's prosecution of high-profile cases of corruption and implementation of various tax reform measures, the country's credit rating has improved tremendously, attracting the attention of investors. Unfortunately, this economic growth has not trickled down to the millions of Filipinos living in poverty and nor has it resulted in job creation. It is in the slums of Metro Manila, far from the buzzing finance district, where GALANG Philippines' constituency of lesbians, bisexual women and trans men (LBTs) struggle against oppressive poverty in the face of the additional burdens of social ostracisation and bigotry. '*Galang*' is the Filipino word for respect. GALANG is also the name of a duly acclaimed feminist human rights organisation that works with economically marginalised LBTs in the Philippines.

One of the most insurmountable obstacles facing the poor is access to gainful employment opportunities. The Aquino Administration's 16-Point Agenda identifies education as the central strategy for investing in people, reducing poverty and building national competitiveness. However, despite these lofty aspirations, the country's education system continues to lag behind others in the region. The K to 12 Programme that covers kindergarten and 12 years of basic education (six years of primary school, four years of junior high school, and two years of senior high school) was rolled out three years ago 'to provide sufficient time for mastery of concepts and skills, develop lifelong learners, and prepare graduates for tertiary education, middle-level skills development, employment, and entrepreneurship' (Department of Education n.d.). However, to this day, school administrators, teachers, parents and students alike have difficulty, as the government has been unable to ensure timely delivery of books and other learning materials for the new curriculum. Teachers must often resort to using personal funds to photocopy textbooks for their students' use (Umil 2013). The experiences of young LBTs in GALANG partner communities are consistent with these observations, with reports of extremely crowded classrooms and severely compressed school hours.

A mismatch of skills between the Filipino workforce and the jobs that are available is another factor that aggravates unemployment. To address this mismatch, the government has also been promoting the importance of technical education and skills development as there is a high demand for skilled workers such as welders, plumbers, heavy machine operators, etc. especially abroad. This strategy must be viewed against the government's commitment not to treat its people as an export commodity and a means to earn foreign exchange, and to make working abroad a choice rather than a necessity for Filipinos.

Poor sexual minorities, including LBTs in the Philippines, face these obstacles in addition to workplace discrimination. LBTs are overtly rejected for being 'immoral' or turned away for their refusal to comply with gender-proscribed uniform requirements. The Philippines has no national law that explicitly protects its citizens from discrimination on the basis of sexual orientation or gender identity/expression (SOGIE). Since 1999, advocates have been lobbying for the passage of anti-discrimination bills (ADBs) that cover not only discrimination in the workplace but also in education, in access to goods and services, accommodation and the military. Proponents of ADBs invoke the Philippine Constitution's Bill of Rights, specifically the equal protection clause, as well as the social justice provisions of the Fundamental Law. But the bills have been stalled due to intense opposition from the Roman Catholic hierarchy and other religious groups in the Philippines, which have consistently campaigned against them as a precursor to marriage equality, which they also oppose.

While the fight for equality stagnates at the national level, there is hope in policy advocacy at the local level, where progressive leaders such as Hon. Vice Mayor Ma. Josefina G. Belmonte and councillors Lena Marie P. Juico and Janet Malaya of Quezon City, have emerged in recent years. Quezon City, or QC where GALANG's work is concentrated, is a city of close to 2.8 million residents, the most populous in the country. QC is also a pioneer in being the first local government unit in the Philippines to have passed in 2003 a local anti-discrimination ordinance, declaring it to be the city government's duty to take 'the necessary steps to put an end to all discriminatory acts against a segment of our society whose conditions may not be of their own choosing', particularly in employment (Quezon City Ordinance No. SP-1309 (series of 2003)). To date, two provinces, seven cities and three *barangays* (villages) have passed similar local laws. On 29 September 2014, the QC legislative council also enacted an expanded version of its 2003 local ordinance. More popularly known as the Gender-Fair Ordinance, the 2014 anti-discrimination ordinance outlines affirmative acts that encourage existing *barangay* help desks combating violence against women and children to address and document cases of gender-based violence against lesbian, gay, bisexual and transgender (LGBT)<sup>1</sup> people, and to institutionalise sensitisation training for law enforcers (Quezon City Ordinance No. SP-2357 (series of 2004)). If the lofty goals of the ordinance were implemented, GALANG's constituencies of community-based LBTs who suffer violence from their family members, neighbours or peers, will hopefully have better access to well-equipped first responders who are gender- and SOGIE-sensitive.

In this case study, GALANG seeks to identify strategies in which Filipino LBTs cope with workplace discrimination and the severe lack of gainful employment opportunities in the country. GALANG argues that Filipino LBTs are more likely to be tolerated by their respective families when they make a substantial financial contribution. Because SOGIE-based biases make finding gainful employment especially challenging for sexual minorities, many LBTs have turned to creative livelihood sources to empower themselves economically and contribute to family coffers in order to gain acceptance.

Additionally, this case study examines the motivations, aspirations and personal lives of LBT Filipino migrant workers in Hong Kong. It tackles the links between and among financial independence, economic empowerment, family acceptance, migration and sexuality, specifically in the context of Filipino LBTs. Homosexuality and lesbianism are often described as 'social costs' of migration. This research goes against the grain of this argument. It seeks to illustrate how financial independence sets the stage for lesbians to better come to terms with their sexuality.

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<sup>1</sup> LGBT refers to a diverse and complex range of identities based on SOGIE. The term is used loosely in this case study to refer to all gender and sexuality non-conforming people, including but not limited to lesbian, gay, bisexual and transgender persons. GALANG's current organising work involves only urban poor LBTs or lesbians, bisexual women and trans men. LBT is distinct from LGBT in that the latter includes not only lesbians, bisexual women and trans men, but also seeks to encompass a wider range of sexual identities including men who self-identify as gay, homosexual or bisexual; trans women or persons labelled as males at birth but self-identify as female; as well as persons who label themselves as transsexual, queer, questioning, intersex, asexual, pansexual or celibate. GALANG decided to focus on organising poor LBTs despite shared issues and advocacies between LBTs and other sexual minorities—or for that matter, between rich and poor LBTs—to acknowledge and better address particular forms of oppression that target only LBTs living in poverty. Hence, GALANG tries to create and foster a separate safe space for economically disadvantaged lesbians, bisexual women and trans men (Lim 2011).

# 1 Methodology, scope and limitations

Qualitative research methods were used to gather the stories and experiences of GALANG's partners and allies who were the subjects of this paper. There is a paucity of demographic studies that estimate the breadth and scope of the Philippine LGBT sector, a limitation that GALANG and other advocacy groups have been consciously trying to address. There is sufficient data on Philippine demographics and economic indicators in general, and with the enactment of the Philippine Statistical Act of 2013, major statistical agencies engaged in primary data collection and compilation of secondary data have been reorganised to create the Philippine Statistics Authority. Efforts to consolidate important data on population, income and unemployment have been standardised and are easily accessible online. However, their usefulness for sociological research of more marginalised segments of the Philippine population is limited. For instance, one may compare employment levels between women and men since government data are sex-disaggregated, but the data does not lend itself to a comparison of employment levels between lesbians and women in general.

This case study includes a brief background on the gaps between labour policies and workplace realities in the Philippines, as well as an overview on the country's migration policies. Both primary and secondary data were used for this purpose. Sources that proved invaluable were government statistics (available both online and offline), news reports, website content, as well as anecdotal evidence based on GALANG's work. Five national laws and three local measures were reviewed as part of this case study, to wit:

1. An Ordinance Prohibiting All Acts of Discrimination Directed Against Homosexuals in Any Office in Quezon City, Whether in the Government or in the Private Sector, and Providing Penalties for Violation Thereof (Quezon City Ordinance No. SP-1309 [series of 2003])
2. An Ordinance Providing for a Comprehensive Anti-Discrimination Policy on the Basis of Sexual Orientation, Gender Identity and Expression (SOGIE) (Quezon City Ordinance No. SP-2357 [series of 2014])
3. Labor Code of the Philippines, As Amended (Presidential Decree No. 442)
4. An Act Amending Republic Act No. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995, As Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes (Republic Act No. 10022)
5. Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act No. 8042), As Amended by Republic Act No. 10022
6. Technical Education and Skills Development Authority Act of 1994 (Republic Act No. 7796)
7. An Ordinance Institutionalizing a Quezon City Public Employment Service Office In Lieu of Industrial Relations Office to Handle the Employment Programs of the City Government, As Enacted By Law Under RA 8759, Providing for Its Functions and To Appropriate the Sum of Ten Million Two Hundred Forty-Two Thousand Three Hundred One Pesos (P 10,242,301.00) For the Initial Operation of the Office (Quezon City Ordinance No. SP-1307 [series of 2003])
8. Public Employment Service Office Act of 1999 (Republic Act No. 8759).

Five focus group discussions were conducted for this case study. Three of these discussions were with self-identified Filipino lesbians who were among more than 100,000 Filipinos working as domestic helpers in Hong Kong. All of the focus group participants in Hong Kong were officers or members of migrant workers' groups, including *Balikatan sa Kaunlaran* (BSK) Hong Kong (Shoulder-to-Shoulder Towards Development), a local chapter of the Philippine-based foundation working for women's welfare; Survivors Team, a basketball team made up of Filipino lesbians and their partners; and FILGUYS Association of Hong Kong and

*Ligalig* (Turbulence), both political organisations and support groups of Filipino LBT migrant workers. The researchers' primary contact in Hong Kong was the president of BSK who selected the participants on the basis of GALANG's request to conduct discussions with self-identified LBT migrant workers in the territory. The respondents' ages ranged from 28 to 60, and their tenure in Hong Kong ranged from one to 29 years.

Two focus group discussions were held with Quezon City-based LBTs most of whom worked in jobs traditionally limited to men. These discussions were organised by GALANG in partnership with two of its community-based partners: Lesbian Alliance Movement (LAM): *Lakas ng Kababaihan Para sa Karapatan* (Women's Power for their Rights) and Lesbians for Rights (LFR). The participants were selected primarily on the basis of their current or past means of livelihood, as recorded in GALANG's database. Their ages ranged from 26 to 52.

In addition to the focus group discussions, three face-to-face in-depth interviews were conducted with respondents based in Metro Manila and Hong Kong. The interviewees in Manila, aged 21 and 37 and both officers of GALANG local partner, *Ugnayan ng Nagkakaisang Lesbyana Laban sa Diskriminasyon* (UNLAD) (Association of United Lesbians Against Discrimination), had experience working as security guards. The sole interviewee in Hong Kong, aged 30 and a member of the Survivors Team, worked as a driver/domestic helper.

Interview questions and answers were exchanged through Facebook messaging in order to interview two GALANG contacts identified to be currently based in the Kingdom of Saudi Arabia and the United Arab Emirates, respectively, and to learn about their experiences of working there either as maintenance crew or utility persons. These online interviews were conducted instead of face-to-face interviews in view of security concerns about travel to the Middle East, as well as resource and time constraints. Both respondents were active in GALANG's community-based partner organisations before they left for overseas work. The researchers also sent interview questions to another LBT community leader who has been working in Russia as a domestic helper for a couple of years now but they received no response.

In all of the focus group discussions and in-depth interviews, the researchers ensured that the respondents were aware of the objectives of the study and the confidential nature of the discussion or interview. Respondents were asked to complete a waiver form to state their consent to being either a discussion participant or interviewee. In some cases, pseudonyms were used to protect the identity of the respondent who stated a preference to remain anonymous. (See Annex 1 for list of respondents for the case study.)

While it cannot be denied that this case study contributes to a growing evidence base on the relationship between family acceptance and the ability of Filipino LBTs to contribute to the family income, the findings of this research relate only to the people and groups with whom the researchers engaged, given the scope of the study and the methodologies employed to achieve its objectives.



## 2 Case study: how Filipino LBTs cope with economic disadvantage

### 2.1 Gaps between labour policies and workplace realities

*In my first job as a security guard in 2013, I was assigned to a video store in a Makati mall. I was required to work for 12 hours straight with no day off. Our salary was very low, around Php 200 (US\$4.50) to Php 250 (US\$5.63) per day. They also kept a portion of my salary as a 'cash bond' or security for loss but this was never returned to me. The way they computed the salary was very complicated. There were days where I was marked absent even if I did go to work.*

(Aubrey, interview)

'There are no jobs for lesbians,' Chubs surmises. She also believes that life is hard for lesbians because of discrimination.

(GALANG Philippines, Inc. 2015)

The Labor Code of the Philippines enacted in 1974 consolidated existing labour and social laws to afford protection to labour, promote employment and the quality of human resources, and to ensure industrial peace based on social justice. The law makes its bias in favour of labour quite clear, stating that '[a]ll doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor' (Art. 4). Despite its vintage, the Labor Code continues to serve as the overarching framework providing standards on the rights of workers.

The Code established that it is the duty of the State to afford 'protection to labor, promote full employment, ensure equal work opportunities *regardless of sex, race or creed* and regulate the relations between workers and employers', but it is silent about SOGIE. The Code further requires the State to 'assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work' (Art. 3, [emphasis added]). In its protection of workers' rights, the Code also sets parameters for work conditions, including length and frequency of rest periods, holidays, leaves, minimum wage and the employment of women and minors.

However, employers in small-scale enterprises rarely comply with these standards and, because jobs are so few and far between, employees seldom complain. Employees in the private sector are routinely required to render unpaid work beyond eight hours—colloquially called 'OTY' or 'overtime, thank you'. Some who do get paid for the additional hours or days worked are rarely paid the premium rate required by law. Aubrey, an LBT respondent in this case study, has worked on and off as a security guard where she has encountered employment agencies that pay far less than the legally mandated minimum wage. Many private firms have taken to using contractual labour to avoid paying social benefits and to have the flexibility of routinely terminating employment.

The required time for paying wages is 'at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days' with strict exceptions. Employers are not allowed to make payment 'with less frequency than once a month' (Art. 103). In any case, final settlement should be made upon the completion of the work (*ibid.*). Jeniffer, another LBT respondent, also worked as a security guard. It has been months since she resigned from the company but is yet to receive her final pay despite persistent follow-ups. Like Aubrey, she felt as if her employer had been giving her the runaround, giving her conflicting statements about why they could not release her salary. Whether heterosexual male and female security guards receive the same unfair treatment from their employers as LBT security guards cannot be established for certain in this case study, but it is certainly possible

that LBT security guards who have limited employment options and are less likely to file a complaint are more vulnerable to discrimination and abuse by unscrupulous employers.

At the core of the Labor Code chapter on women is the prohibition of discrimination. Article 135 declares it to be 'unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex' [emphasis added]. While not expanded and without explicit mention of SOGIE, the clause which mentions 'sex' provides opportunities for broader interpretation and application.

The Code lists the following as acts of discrimination:

- (a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; and
- (b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes. (Art. 135).

To date, there exists no national law, let alone a specific labour policy, that protects Filipino labourers from discrimination on the basis of SOGIE. After more than ten years of encountering many obstacles and challenges to getting a national-level anti-discrimination law passed, not the least of which was strong and organised resistance from conservative religious groups, Filipino advocates have been looking at the US model of passing anti-discrimination and 'hate crimes' legislation to protect LGBTs at the federal and state levels for years. With the passing of QC Ordinance No. SP-1309 (Series of 2003), QC Ordinance No. SP-2357 (Series of 2014), and several other anti-discrimination policies, advocates now recognise the opportunity within the local legislatures. The 2003 ordinance 'prohibit[s] all acts of discrimination directed against homosexuals in any office in Quezon City' and serves as the government's explicit recognition of the plight of sexual minorities. Discriminatory acts under the earlier ordinance are limited to an employment environment (i.e., hiring, treatment, promotion, dismissal) and carry a penalty of imprisonment and/or a fine, but the 2014 ordinance has a broader scope and includes affirmative acts seeking to address SOGIE-based discrimination even before it happens. Considering the brevity of the 2003 ordinance, it is commendable that it focused on this important area of employment which recognises that economics and financial status are at the very heart of discriminatory practices and runs counter to the basic human right of being able to earn a living to support oneself (GALANG Philippines, Inc. 2014). The ordinance may be invoked in cases such as that of one respondent who was told by the hiring manager that while their agency does not have a problem with LBTs, their client, arguably the biggest grocery chain in the country, does not hire lesbian security staff. Her last job as a guard found her being assigned to another popular grocery chain where pay was better but they 'had to take a chance not to be assigned to a supermarket branch that required its "lady guards" to wear a skirt uniform' (Aubrey, interview).

Unfortunately, the ordinance only applies to cases of discrimination committed in Quezon City. Ian, a domestic helper in Hong Kong, shares her first experience of blatant discrimination while still based in Manila:

*In a job interview at a Manila university hospital where I also finished my midwifery course, they refused to hire me even if I graduated at the top of my class and placed in the national licensure exams. I asked them if it was because I am a lesbian. They just told me, 'What exactly are you applying for? Are you not applying for a midwife position? What will patients think of us?' I asked them why they even allowed me to study in their school if they thought I could never practise my profession. Besides, why are male doctors allowed to assist in births but not lesbian midwives?*  
(Ian, focus group discussion)

While Ian's case is clearly one of discrimination in the workplace, she cannot invoke the Quezon City ordinance to file a case against the errant hospital which is in the City of Manila, a mere 13 kilometres away. With Quezon City taking the lead in passing progressive local legislation and institutionalising SOGIE rights in its programmes, nearby cities, municipalities and *barangays* are slowly following suit. This wave of progressiveness at the local level should not, however, deter activists in different parts of the country from continuing to pursue the enactment of a comprehensive national anti-discrimination law. Instead, LGBT organisations should continue documenting workplace and other forms of discrimination in their respective areas of concentration to strengthen the case for equal rights in the Philippines.

## 2.2 Migration as an option of last resort

### 2.2.1 Compromising gender expression and personal safety to address material poverty

*Back home, the work I did was never well compensated. I decided to go abroad because the work back home was so hard but the salary was not commensurate... I enjoy it here because even if life is hard, I enjoy my income more because board and lodging is free and all you have to pay for are incidentals like cellular phone use and the like.*

(Mark, focus group discussion)

In 2013, the Philippine Statistics Authority estimated that there were about 2.2 million Overseas Filipino Workers or OFWs deployed abroad. The Philippine Overseas Employment Administration estimate was slightly lower at around 1.8 million. In any case, these figures represent 1.88 to 2.26 per cent of the total Philippine population of around 100 million people (Alliance of Progressive Labor, Hong Kong and Progressive Labor Union of Domestic Workers in Hong Kong 2013). The Amended Migrant Workers and Overseas Filipinos Act of 1995 (RA 10022) defines 'OFW' or 'migrant worker' as a 'person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas' (Sec. 3a).

OFWs are also hailed as 'modern-day heroes' in recognition of their significant contributions to the country's economy and the sacrifices that they make by working overseas, away from their families and sometimes in harsh working conditions. Statistics show that OFW remittances play a significant role in keeping the Philippine economy afloat. In 2012, a study of the contributions of OFWs found that remittances indeed boost the gross national income (GNI) as they contribute to increased household final consumption expenditures and gross capital formation. In 2011, OFW remittances amounted to US\$20.11bn or about 6.8 per cent of the country's GNI (Albert 2012). However, researchers have argued that migration leads to the breakdown of traditional nuclear families and that the effects are most detrimental when it is the mother, colloquially referred to as the 'light of the home', who has gone abroad to work (Carandang 2012). In such cases, fathers sometimes find themselves at a loss and the children become over-burdened with the responsibility of acting as the parents (*ibid.*). In 2013, there were more male OFWs than female. While 46.5 per cent of the male migrant workers were employed in trades as related workers, machine operators or assemblers, more than half or 51.4 per cent of all female OFWs were unskilled workers such as household helpers, cleaners, launderers and related workers. In general, most OFWs are land-based, and about a third of newly-hired land-based OFWs were deployed as Household Service Workers, currently the most in-demand category of workers (Alliance of Progressive Labor, Hong Kong and Progressive Labor Union of Domestic Workers in Hong Kong 2013).

Despite equal opportunity policies in Hong Kong, some LBT respondents experienced public humiliation based on their actual or perceived SOGIE. As with many documented cases of SOGIE-based discrimination in the Philippines, the issue of toilet use came up.

*Once when I was in line to use a public toilet, the attendant kept looking at me but I did not say a word. Soon enough, a security guard came and asked me to transfer to the men's room because I was in the ladies' room. I had to explain that I was not a man and that I can read the sign that said 'Ladies and Women'. Thankfully, they apologised to me.*

(Ivan D., focus group discussion)

More than a fifth of all Filipino migrant workers deployed in 2013 went to work in the Kingdom of Saudi Arabia (KSA), putting the Middle Eastern nation at the top of the list of leading destinations for OFWs (Philippine Statistics Authority-National Statistics Office 2014). It is followed by the United Arab Emirates (UAE), Singapore, Qatar and Hong Kong (*ibid.*). Only Hong Kong made it to the initial list of compliant countries certified by the Department of Foreign Affairs in accordance with RA 10022, implying that at that time, only Hong Kong was safe for deployment (Philippine Overseas Employment Administration (POEA) 2011). As of mid-2012, the POEA had issued a resolution including both the KSA and the UAE among the list of compliant countries (Philippine Overseas Employment Administration 2012). The issuance of this certification is consistent with the requirement of the law for receiving countries to (1) have existing labour and social laws protecting the rights of workers, including migrant workers; (2) be a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; and (3) have concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino workers, provided that the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the above guarantees (Sec. 4). Although there may not be enough respondents from the Middle East in this study to draw a comparison between them and migrant workers in Hong Kong, the stories of the Hong Kong OFWs of being able to express their sexuality freely in the territory seem to show that it is more tolerant or accepting of sexual diversity.

The precursor to RA 10022 was the Migrant Workers and Overseas Filipinos Act of 1995 which made the promotion and protection of migrant workers' rights the pillar of the government's policy towards OFWs. The enactment of that law was the Ramos administration's response to massive uproar among migrant groups and across the nation to the execution of Flor Contemplacion, a Filipino domestic worker who was convicted of murder in Singapore. Born out of long, massive lobbying efforts of migrant groups to ensure the protection of OFWs, the law serves to establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress. The law's aspiration to 'uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular' is evident in its declaration of policies. One of the earlier cases documented by GALANG involves an LBT domestic helper who worked for a middle-aged couple in Saudi Arabia in the 1990s.

*Her female employer would wake her up in the middle of the night to make her clean the house. When her employers left the house, they would lock Jezz in and prohibit her from talking to anybody else besides her employers. On her days off, her employers' son would go out with her and watch her every move. Jezz remembers that to keep herself sane despite the absence of contact from the outside world, she would exchange notes with other Filipino domestic helpers when they passed each other in the hallways and alleys to throw out garbage.*

(GALANG Philippines, Inc. 2015)

Adherence to international standards of human rights has been made more pronounced in RA 10022, mandating the State to ‘continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to [our] migrant workers, and endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers’ (Sec. 1, a). Cases such as that of Ruth, a respondent who was nearly raped by her male employer in Dubai, only illustrate that the Philippine government must continually monitor the situation in receiving countries despite the fact that they have been deemed compliant.

*When he got home, he started to embrace me and kiss me on my neck and this startled me. I had no choice but to hit him with the spatula that I held then, ran into the room, and jammed the door with my bed so that he could not enter. When the wife returned, they fought about what happened and the man threatened to hit me with a wooden bar... The following day, my female employer gave me my plane ticket to return to the Philippines. It was ironic how things ended because they wanted to hire me thinking that as a lesbian, I would not have relations with a man.*  
(Ruth, focus group discussion)

One respondent from Hong Kong likewise reported of ‘jealous’ female employers who prefer lesbian domestic helpers because lesbian domestic workers are more likely to refuse advances by the ‘man of the house’ (Mark, focus group discussion).

In some cases it is not so much mistreatment but evasion of the existing policies that seek to protect migrant workers. Marites used to work in Singapore where employers are required to pay a ‘long service award’ to domestic workers who have worked continuously for a minimum of five years. To evade this obligation, employers release their employees after four years (Marites, focus group discussion).

LBT OFWs also experience discrimination from other actors and institutions involved in the deployment process. At present, foreign employers are required to go through licensed Philippine recruitment agencies to hire applicants from the country. In one case, an employment agency that deploys to Hong Kong was even more discriminatory than employers.

*Even if the agency knows that you’re lesbian, it would still require you to wear a dress femininely for the interview. During the time that I applied, there were others who were forced to grow their hair longer, and wear dangling earrings and hair clips during the interview.*  
(Ian, focus group discussion)

In another case, it was a foreign consular officer who gave the LBT applicant a hard time in the process of securing a visa to go to Saudi Arabia. During the interview, the foreign consul asked her if she was indeed a girl and refused to believe that she was a woman—the sex stated in her Philippine passport and other supporting documents—because she did not look feminine in her passport photograph. The respondent simply answered by saying ‘Yes, I am a girl’ (Tonette, interview).

The gender-neutral legal definition of the term ‘migrant worker’ downplays the fact that OFWs from certain segments of society do not have equal access or opportunity to work as migrant workers, by virtue of their economic or political position. It maintains and reinforces the general notion of work, or ‘productive work’ which is often seen as a male domain. While all migrant workers are subject to precarious conditions and rendered vulnerable, women migrant workers face further discrimination and exploitation on the basis of their sex, and some women are further persecuted for their non-traditional SOGIE. As the law on migrant workers lacks a view on sexuality and gender, there may be a constricted or narrow interpretation of labour and social laws, multilateral conventions, declarations and bilateral agreements pertaining to the rights of migrant workers. The provision is silent on countries

where there may be discriminatory or criminalising laws in relation to sexuality and gender. This poses a danger when deploying OFWs of diverse SOGIE to countries where they have a greater chance of being discriminated against, exploited and criminalised. In Saudi Arabia, for example, a married man engaging in sodomy or any non-Muslim who commits sodomy with a Muslim can be stoned to death. In both KSA and UAE, both top OFW destinations, all sexual acts outside marriage are illegal (Rupar 2014). This is of great concern to organisations like GALANG that are aware of the deployment of LBT individuals in these destinations. One of the LBT respondents for this case study, who, along with her female partner, shared a house with other Filipino workers, was threatened with betrayal by their co-workers, who might have disclosed their relationship to their foreign employer knowing that homosexuality is illegal in Saudi Arabia and that discovery may have been punished with deportation or even jail. Their housemates took photos of the two women asleep in their bed, and threatened to show these to the authorities (Tonette, interview).

It is easy to understand why Filipino LBTs who work abroad, especially in conservative Middle Eastern states, tend to mask their sexual orientation or repress their gender expression to avoid persecution. The right to life, liberty and property should not be marred by a forced diversion from the truth. However, addressing the material conditions of poverty through migrant work has taken precedence over the pursuit of freedom at its purest. In addition, the influx of remittances from OFWs has continued to lull the Philippine government into complacency about the employment problem, easing the pressure to create jobs and address job mismatches.

Around 2 per cent of the Filipino population works abroad, mostly beyond the ambit of the Philippine government's protection at least for the duration of their work as migrants. If SOGIE-based anti-discrimination policies were enacted in the Philippines, this would make some jobs more accessible to sexual minorities in the country but it would not increase domestic jobs as a whole—that is, LGBTs might have a better shot at a slice of the pie but the pie is not getting any bigger. It is therefore not enough for the government to pass laws addressing discrimination but also must institute economic reforms that would encourage the creation of jobs locally.

### **2.2.2 Technical education or college?**

Benj decided to take up plumbing because life was hard and she wanted to help her family. At present, her job in Dubai involves not only plumbing but also cleaning the school premises as a janitor. Benj now earns roughly Php 30,000 (about US\$670), more or less what a mid-level manager in the Philippines would be paid and far more than she used to earn as a mobile phone technician.  
(Benj, interview)

The Hong Kong-based respondents had many different tales about how they ended up as OFWs. One common denominator was their decision to migrate due to lack of access to gainful employment because of the way they look or dress, for some even despite having professional credentials. Most of the respondents were college graduates and had held white-collar jobs but were poorly compensated. Sanna, who is 46 and was formerly a banker and accountant, has been in Hong Kong for 29 years.

*At the bank, I needed to dress in office attire. I had to wear make-up, leather shoes and skirts and I was really appalled by it. Oh my goodness, those heels! I tried my luck landing a factory job instead but even for that I had difficulties. The guard told me that if I wanted to work in their factory, I had to dress appropriately. Appropriate meant wearing make-up, which did not make sense because the factory uniform was t-shirts and pants.*  
(Sanna, focus group discussion)

Unlike Sanna and most of the other respondents working as domestic workers in Hong Kong, Benj only finished high school because her family could not afford to send her to college, yet her technical training as an industrial plumber gave her access to the post in Dubai. Interestingly, she has one of the highest salaries among all the migrant worker respondents in this case study, and this is despite the fact that she had been in her post for only three months at the time. It is also telling that compensation in male-dominated professions such as plumbing is much higher than salaries for those engaged in domestic work, such as cooking, cleaning, taking care of an employer's children and pets, etc. Benj's case seems to indicate that the Philippine government's move to promote technical and vocational education may indeed be a step in the right direction to address job mismatches between the demand for labour overseas and the skillsets of the Philippine labour force. The next and more important step should be to ensure that the Philippine labour force is prepared for the jobs that are available in-country.

Through GALANG's partnership development efforts, four of its community-based LBT partners have completed a free short course on industrial plumbing at the Technical Education and Skills Development Authority (TESDA) Women's Center (TWC). Within a few months from training completion, two of them were deployed to Dubai as maintenance staff in a school. The other two also wish to work abroad but processing their paperwork is still ongoing. TWC is a training centre under TESDA that provides competency-based training courses for women in various fields such as commercial cooking, dressmaking, food processing, food and beverage services, housekeeping and pharmacy, as well as traditionally male-dominated areas such as automotive, electronics and welding. The demand for female utility workers in the Middle East is high purportedly because of strict cultural norms about maintaining female-only spaces.

The authority was created by the TESDA Act of 1994 which seeks to develop high quality Filipino 'middle-level manpower' [sic] that will be responsible to and in accordance with Philippine development goals and priorities (Sec. 2). Towards this aim, support is provided by way of (1) providing 'relevant, accessible, high quality and efficient technical education and skills development'; and (2) encouraging 'active participation of various concerned sectors, particularly private enterprises'; with the latter regarded as the 'direct participants in and immediate beneficiaries of a trained and skilled work force, in providing technical education and skills development opportunities' (Sec. 2).

Among the goals and objectives of the law is to 'inculcate desirable values through the development of *moral character with emphasis on work ethic, self-discipline, self-reliance and nationalism*' (Sec. 3, e; [emphasis added]). This provision on 'desirable values' raises the question as to what constitutes 'self-discipline, self-reliance and nationalism'; and what would be seen as deviant to the same. The vagueness of this provision poses a danger of reinforcing discriminatory stereotypes which in the process impairs the enjoyment and avilment of certain groups of the entitlements that the law provides. In GALANG's meetings with representatives of TWC, GALANG was assured that the centre is committed to gender equality and that LBT applicants are screened based solely on competency. However, it is important to note that industry standards play an important role in selecting and assessing TESDA students. In food and beverage courses, for instance, the industry requirement that female hotel and restaurant staff be willing to wear skirts, heels and make-up is applied to trainees, thus serving as a deterrent to the advancement of LBTs with a masculine gender identity/expression who might otherwise be interested in this field. Benj, one of the plumbing graduates now in Dubai, has never experienced discrimination personally but she knows that 'LBTs are not accepted because people do not trust us. People in Dubai hold the same belief' (Benj, interview).

### 2.2.3 Power of the purse: family acceptance and sexual freedom

*I became the breadwinner when my father died. When my elder brothers died, I became both father and elder brother to my siblings.*

(Sanna, focus group discussion)

The option to work abroad and earn substantially more than they could in the local job market is seen by LBTs as a way to gain a degree of acceptance from their families. In the Philippines, children who show signs of non-conformity with gender expectations such as young boys who prefer to play with dolls, or girls who shun party dresses, are often punished by their parents and elders early on. Whether this is because Filipino culture simply has very rigid gender norms, or parents recognise early on that gender non-conformity is likely to have an impact on their children's contribution to the family income is worth exploring in future studies. What is evident in this paper is that some of the respondents shared stories of being scolded and subjected to various forms of corporal punishment from their families when they were younger whenever they 'acted out' or showed that they were more masculine than their peers. As current breadwinners of the family, however, they no longer suffer from such treatment. In fact for some of them, becoming the main income earner for their families catapults them into the status of primary decision-maker. The story of Marites, the youngest in her family, is one such example.

*When one of my brothers passed away while I was in Hong Kong, our eldest brother refused to bury him on top of our father who had long been dead and buried in the small family plot. I told him that if he had money to buy a separate plot then he should go ahead and buy one. But if the family were to rely on me (and my contribution) then I will make the decision and bury our dead brother on top of our father [emphasis added]. My brother asked me, 'if we were to do that, where would we bury our mother once she passed away?' I insisted that we should concern ourselves more about the living than the dead. Thank God my mother is still with us!*

(Marites, focus group discussion)

Marites is proud that she has been supporting her 87-year-old mother since she left for overseas work in the 1990s, keeping her promise to take care of her mother which Marites made to her father. She also sends tuition money for one of her nieces. Marites' hard work in Hong Kong has not only helped her family pull through but has also enabled her to broaden her horizons. Her job as a domestic worker has taken her to North America, Asia and Australia as her employer would take her whenever their family would go on vacation.

Before Ivan R., a Hong Kong-based respondent, left to work overseas, her father had a hard time accepting that she was gay, especially since Ivan R. used to look more feminine than her 'butch-identified' sister. Her father hit her on occasion but verbal abuse was common. At present, what Ivan R. considers her greatest achievement is the fact that she has gifted her mother a family home in a nice neighbourhood. She pays a substantial monthly mortgage of Php 37,500 (roughly US\$835.38) and borrowed Php 300,000 (about US\$6,683) from a small financing company to cover the initial down-payment. She has five years to settle the full amount. Despite her salary increase, this monthly mortgage is quite onerous considering that it represents more than half of her salary of US\$1,547.08 per month. During the interview, she did not seem to consider this as a problem.

*We don't have a house of our own because my mother was not able to save up for it when she was working abroad. She used to buy us everything that we had asked for and kept nothing for herself. This house is for her.*

(Ivan R., interview)



Ching, a lesbian in her sixties who has been working as a domestic helper in Hong Kong for 24 years now but a total of more than 30 years in different parts of the world, is wary of the spending habits of Filipino migrant workers who tend to give everything to their families and leave nothing for themselves. While she also continues to send financial support to her family, she is proud that through the years, she and her partner have been able to invest in some apartments in their hometown and build a small business which give them additional income and a sufficient nest egg for Ching's retirement in the Philippines. This financial freedom has allowed her to live her life independently and without judgement from her close-knit family in the Philippines.

The Hong Kong-based respondents in this study were lesbian-identified even before they were deployed overseas. However, they shared anecdotes about many Filipino migrant workers coming out as lesbian once settled in Hong Kong. Some of them are in a heterosexual marriage and have children back home.

*The environment here is more accepting of lesbians unlike in the Philippines. There are also many lesbians here, both local and Filipino. Maybe this also has to do with the fact that most OFWs here are women.*

(Ian, focus group discussion)

For Ivan D., these 'transformations' may be more because of loneliness and the need for companionship.

*There are very few Filipino men here—a ratio of about 1 to 10. We cannot discount the possibility that some Filipina OFWs turn gay in Hong Kong to meet their need for sex.*

(Ivan D., focus group discussion)

It is also possible that the LBT OFWs find Hong Kong more open and accepting as a society and this encourages closeted lesbians to come out once they move to the territory. In any case, Ian emphasised that 'one of the women needs to be masculine and the other ought to be feminine because otherwise it would be discomfiting'. These anecdotes of 'straight women' coming out as gay once they are deployed abroad and role-playing between OFW couples may be investigated in future research endeavours.

Some OFWs in Hong Kong have worked in the territory for decades, some for as long as 30 or 40 years. However, in 2013, the Court of Final Appeal ruled that foreign domestic helpers cannot apply for permanent resident status and are 'obliged to return to the country of origin at the end of the contract' as they are 'told from the outset that admission is not for the purposes of settlement and that dependants cannot be brought to reside in Hong Kong' (Vallejos v. Commissioner of Registration). It is noteworthy that many of the Hong Kong-based respondents for this study expressed a desire to remain in the territory as permanent residents and not be compelled to return to the Philippines once their respective contracts end. For Ian, the important question is: 'are you prepared to work as a maid forever?' She has been planning for her future to be able to enjoy the fruits of her labour later in life.

*Of course, life is good here especially since you have a support group to lean on. But who wants to be away from one's family forever, right? Even if your partner is here, it is still different if your family is with you [emphasis added].*

(Ian, focus group discussion)

Ian's partner is also a domestic worker in Hong Kong and they are able to see each other on a regular basis especially as their respective employers are same-sex partners themselves. Curiously, Ian does not consider her partner as 'family', reflective of the traditional notion that only those to whom one is bound by ties of blood or marriage should be considered as family.

For another respondent, the decision whether to return to the Philippines was an issue of practicality.

*It will be hard for us to get used to living in the Philippines again where you have to pay for everything. Back home we will have to pay taxes, our own board and lodging. Here in Hong Kong, everything we need is free.*  
(Bojhoi, focus group discussion)

Non-profit organisations like Enrich, Hong Kong's premier training organisation for financial literacy, entrepreneurship and communications for migrants, have been established in recent years to ensure that migrants not only learn to save and develop wise consumption habits but also make sound investments for a comfortable retirement in the Philippines. When asked what they would like the Philippine government to do to address the needs of OFWs, the initial reaction of most respondents was a call to solve the corruption problem in the bureaucracy. They also call on the government to adopt equal opportunity policies where hiring is based purely on merit and competency.

For years, the respondents in this case study have done what they could to cope with the economic disadvantage that faces sexual minorities in the Philippines. At least two of the respondents used to work as teachers in the Philippines but opted to work as domestic workers in Hong Kong. One left the country because of school-based discrimination and the other because her family refused to support her decision to pursue what could have been a prestigious military career, a profession traditionally considered masculine in the Philippines, and instead encouraged her to seek greener pastures in Hong Kong. The tenacity of the Filipino labour force does not mean, however, that the Philippine government can be absolved of its responsibility to find effective and sustainable solutions to the critical issues of access to gainful employment and social services for its people. The government must also take quick action to address SOGIE-based discrimination that further restricts access to employment.

### **2.3 Job matching**

As part of its Policy Advocacy and Networking Programme Component, GALANG has been bridging the services of the QC Public Employment Service Office (PESO) to its partner LBT people's organisations in Quezon City. Quezon City Ordinance No. SP-1307 institutionalised the QC PESO to handle the employment programmes of the city in lieu of the Industrial Relations Office. The ordinance was born out of the analysis attributing the 'perennial' problems of unemployment and underemployment to factors such as '(1) inability of our economy to generate jobs, (2) labor market imperfections, and (3) lack of information about market supply and demand.' Underlined in the ordinance is the local government's aspiration and commitment to strengthen the 'employment promotion programmes toward the upliftment of human resources in Quezon City.' The creation of the QC PESO was pursuant to the Public Employment Service Office Act of 1999 which mandated the establishment in all capital towns or provinces, key cities and other strategic areas of a PESO which would be community-based and maintained largely by local government units and a number of nongovernmental organisations or community-based organisations, state universities and colleges (Sec. 3).

Through the years, QC PESO has held presentations and skills enhancement seminars for GALANG's grassroots partners, but LBTs continue to encounter difficulties in finding gainful employment through PESO. Neither the PESO Act nor the Quezon City PESO ordinance mentions gender or sexuality in their provisions. The framework of the legislation is tilted towards employment facilitation without highlighting employment or work as a fundamental right of workers. While the law and ordinance both provide for employment facilitation services without distinction, PESO agents are not bound by any requirement to avoid discrimination in the provision of PESO services. There are also no explicit provisions

encouraging employers to hire persons of diverse SOGIE. Thus, even if GALANG partners come for face-to-face interviews with employers referred by QC PESO, they are still refused employment based on their actual or perceived sexuality. This is an area that GALANG seeks to influence through its continuous engagement with QC PESO that is mandated to '[u]ndertake *employability enhancement trainings/seminars* for job seekers, as well as those who would like to change career or enhance their employability' and '[p]rovide *employment or occupational counselling, career guidance, mass motivation and values development activities*' (Sec. 5, [emphasis added]). By working with QC PESO, GALANG seeks to ensure that these 'trainings/seminars for job seekers', 'employment or occupational counselling', and 'values development activities' tread carefully between pressuring LBTs to suppress their sexuality to secure employment and encouraging them to make short-term sacrifices to address material poverty.

## 2.4 Micro-enterprises, male-dominated trades and the informal sector

*I think there were many tibo<sup>2</sup> in my course because society thinks that criminology is a course for men, and we as tibo feel like we are men. For me, men's work and women's work are all the same and the important thing is that a person can perform the job.*

(Aubrey, interview)

Filipinos as a people are known to be very resilient, able to adapt even to the direst of circumstances and capable of laughing at themselves and their lives even if the odds are against their very survival. Perhaps this is what several hundred years of colonial rule, over two decades of martial law and regularly having dozens of 'supertyphoons' and other natural calamities can do—it all builds character and encourages the belief that, when all else fails, one can rely on no one but oneself.

The odds are indeed against Filipino LBTs finding and keeping jobs that would put food on their table and allow them to provide for their families. As the previous sections illustrate, there are few jobs to be had in the formal labour sector and legal protections against SOGIE-based discrimination are almost non-existent. Whether out of necessity or frustration at the difficulty in finding jobs in the formal labour sector, many Filipino LBTs have taken up jobs in traditionally male-dominated areas both in the formal and informal sector. One such occupation is that of security guards or 'watchmen' [sic].

Any Filipino citizen aged between 18 and 50 years old can become a licensed security guard provided that s/he is a high school graduate and has undergone an accredited pre-licensing training course. Although in recent years, more and more 'lady guards' are hired to watch over small retail stores or boutiques at shopping malls, security guards in the country are still predominantly male. In banks, jewellery shops and other high-risk facilities, where pay for security personnel is much higher than the industry standard, male security guards are preferred purportedly because they are perceived to be stronger and more capable of defending the property which they are hired to protect.

Aubrey, one of the respondents, has worked as a 'lady guard' in both a convenience store and a video store. She grew up wanting to become a law enforcer and this encouraged her to enrol in a criminology course to prepare her for a career in the Philippine National Police where one of the entry requirements is having a bachelor's degree. Aubrey had many classmates who, like her, were gay. Several respondents in this paper shared that they, too, at one point or another either entered or hoped to go into law enforcement. When Aubrey

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<sup>2</sup> 'Tibo', short for 'tomboy', is a Filipino colloquial term for 'lesbian'.

had to drop out of her criminology course because her family could no longer pay her tuition, one of her instructors advised Aubrey to consider working as a security guard or fire fighter where compensation and benefits are nearly the same as that of the police. This encouraged Aubrey to undergo a security guard training course held in a police camp in Quezon City and work towards getting a security licence. She eventually passed the training and got her licence, but she was disappointed to find out that while the entry-level salary in the police force is about US\$400 per month, it is only about US\$223 per month for some security guards whose work conditions are less regulated and much harsher.

Ruth, another respondent, spent most of her life working abroad either as a domestic helper or as a driver. Ruth was 27 when she first tried working as a security guard in a local factory. She recalls enjoying her job because she was able to express herself freely and did not need to keep being gay a secret from her co-workers. For her the pay was not bad as she was earning each month Php 5,500 (US\$209.52 at that time) and worked 12 hours a day for six days a week. Back from her latest tour of duty as an OFW in Saudi Arabia, she is working once again as a security guard in a boarding house in Quezon City.

*My job right now is not hard and I am able to rest even while on duty. The problem is that the pay is terribly low. I only earn Php 7,000 (US\$156.28) a month. I hope to put up a small business with some capital from my brothers to augment my income, or eventually go back abroad.*

(Ruth, focus group discussion)

The various anecdotes from the respondents indicate that the Philippine government must tighten regulations in the security industry and seriously rethink its policies on the contractualisation of labour.

Another type of job where Filipino employers often prefer men over women is as drivers or transport vehicle operators. Drivers of trucks, buses, taxis, motorised and non-motorised cycles in the Philippines are still predominantly male. Work conditions tend to be more flexible if not much better if the driver owns his or her vehicle. Onse, an LBT respondent, has been driving her own pedicab for three years now. Armed with only a high school education, she has some experience working as a messenger. She wanted to go to college but her family's financial situation prevented this. Pedicabs are cycle rickshaws human-powered by pedalling which, because of their relatively compact size and narrow girth, are used mostly in slum areas where streets are particularly narrow.

*I drive my bike in the morning and take a rest in the afternoon. I drive again late in the afternoon until the evenings. Money is good when it rains because almost everybody takes the pedicab. When money is slow in coming in, I drive until 10.00 in the evening. I use the money to buy rice and other necessities for me and my mother. On a good day, I earn about Php 300 (US\$6.68) per day. On a slow one, just around Php 150 (US\$3.34).*

(Onse, focus group discussion)

Both Kwatro and Bentidos have had experiences working as pedicab drivers like Onse. Kwatro spent 11 years working for the local government as a public street sweeper and *barangay* utility staff member, and in a garments manufacturing plant as a factory worker. At one point, she earned her keep by driving her own pedicab.

*I bought my bike for Php 4,500 (around US\$100) and assembled it myself. I used to earn about Php 150 (US\$3.34) per day. I only stopped driving the pedicab when I started work in canteens so I sold it.*

(Kwatro, focus group discussion)

Currently, Kwatro works as a gym attendant in the *barangay* health facility where most gym-users are men. She feels comfortable in her work environment as she has always felt like she is 'one of the boys'. As a gym attendant, she currently earns Php 3,000 (about US\$67) a month. At 46 years old, Kwatro is happy to have a job knowing how difficult it would be to find work given strict age requirements.

When she was between the ages of 14 and 15, Bentidos also worked as a pedicab driver for which she earned about US\$2.00 to US\$3.35 per day. Years later, she worked as a 'delivery girl' for a pizza chain, driving a motorcycle. When between jobs, she would also drive her brother's tricycle to ferry passengers in their *barangay* to and from the nearest local transport hub, or work as a barber. At 32, Bentidos has worked in many other male-oriented jobs such as welding and construction.

Unlike Onse, Kwatro and Bentidos who drive pedicabs and tricycles, Ivan R. drives luxury vehicles for her employer in Hong Kong. She first started working for her boss as a domestic helper but when she went home to the Philippines to visit her family two years ago, her employer gave her some money for driving lessons.

*I'm very lucky because now that I'm a driver, my income increased. I used to earn only HK\$3,940 (US\$507.97) but ever since I started working as a driver, I have been receiving HK\$12,000 (US\$1,547.08).*

(Ivan R., interview)

Like the respondents who worked as migrant workers abroad, local LBT respondents put a very high premium on their ability to contribute financially to the wellbeing of their respective families or sought to at least not be a burden to them. Onse is proud that since the age of 22, she has been able to provide for her own needs and stopped being dependent on her parents. She also takes pride in being one of only five women pedicab drivers among 200 members of the local pedicab drivers' association on their route. Bentidos beamed when she discussed the lengths that she had gone to through the years to find work and support her family. She proudly shared that her parents consider her as the breadwinner of the family.

*I strive to help and support the needs of my nieces and nephews especially in their studies. I give them money for their everyday needs. It's okay even if I did not graduate from high school for as long as they graduate. I make sure that I give everything that I can to my nieces and nephews, even if I end up with nothing.*

(Bentidos, focus group discussion)

For LBT micro-entrepreneurs, the challenge is to scale up their operations and ensure the sustainability of their various ventures to keep themselves and their families out of poverty. Additionally, it would be useful to explore models such as cooperatives or social enterprises in organising LBT drivers in setting up their own businesses. Public and private sector actors can also facilitate this process by making credit more accessible to people living in depressed areas, whether LBT or not, who rarely have access to collateral.

As part of its Institutional Development and Sustainability Programme Component, GALANG has connected with Micro Rainbow International, a UK-based non-profit organisation that shares GALANG's mission of addressing material poverty among sexual minorities, to explore the possibility of accessing minimal start-up capitalisation for budding LBT micro-entrepreneurs in the Philippines. The existence of groups that are willing to invest in economically marginalised sexual minorities determined to get themselves out of poverty is a positive sign that the crucial connections between poverty and sexuality are slowly being made in the right places.

## **3 Summary of findings**

### **3.1 Labour standards, workplace discrimination and migrant protection**

Social justice policies are only as good as their implementation, and in the Philippines where many laws exist seeking to protect labour, these same laws are flouted shamelessly. The experience of most of the respondents in this study show that employers in the Philippines take advantage of the oversupply of labour and have found creative means to circumvent standards. Flexible work arrangements are misused and threaten workers' rights to security of tenure. The use of employment agencies, as in the case of the security industry, also makes it easier for establishments to evade rules on proper compensation and benefits, maximum work hours and required rest days. While LBTs like several of the respondents may be willing to accept work even in these unjust conditions, jobs may still be inaccessible to them because of unreasonable hiring requirements that are neither based on merit nor competency.

SOGIE-based workplace discrimination compounds the problem and further relegates Filipino LBTs to the informal sector or compels them to work abroad in positions for which they may be overqualified. Nearly all of the focus group discussion participants in Hong Kong held college degrees and many shared stories of difficulty in adjusting from being a respected professional in the Philippines to their new life as domestic workers. Foreign domestic helpers including OFWs are, in a sense, treated as 'second-class citizens' in Hong Kong as they are not allowed to apply for permanent resident status. Despite their difficulty in adjustment, most of the migrant workers are grateful for the opportunity to earn more than they could back home. Most would opt to work in the Philippines if well-paying jobs were available.

The absence of any mention of SOGIE in the law on migrant workers leaves LBT OFWs more vulnerable to violence, discrimination and abuse in receiving countries. Because they fall beyond the ambit of the protection of Philippine law, several respondents especially those deployed to the Middle East resorted to masking their gender expression. The precarious situation of Filipino LBT workers both in their own country and overseas calls for the review and amendment of labour and migration policies to ensure that ample protection is given to sexual minorities. The wording of the laws on PESO and TESDA must also be reviewed and amended so that the opportunities that they present are equally accessible to LBTs.

### **3.2 Economic contribution and status in the family**

One recurring theme among the respondents for this case study is their strong drive to contribute to the household income as a way of proving their worth and gaining family acceptance of their sexuality, an observation that is consistent with evidence that GALANG has collected in its grassroots work through the years. The desire to financially contribute to the family is a major factor in influencing Filipino LBTs to work in the informal sector or become a migrant worker, and such contributions improve their status in their respective families. In addition, many of them assert that one's SOGIE should not be a deterrent to one's success in life as long as one has a strong work ethic and determination.

Being family-oriented, Filipinos have an almost irrational culture of self-sacrifice when it concerns their families. OFWs are known to spend lavishly on their families to make up for their long absence, resulting in inadequate family savings or sometimes not even enough money for the migrant's own needs. Thus, the government should not only implement measures to ensure the physical safety and wellbeing of OFWs while in their respective host countries but also to provide assistance in gaining a better understanding of their finances to

secure their future. The government must uphold its duty to protect the Filipino worker's right to work with dignity whether in the Philippines or overseas, not treat it as a precious commodity only fit for export. It should intensify its efforts to stimulate the economy to create jobs that benefit not only those in the financial sector.

### **3.3 Financial independence and sexual freedom**

Most OFWs working in Hong Kong who participated in this study reported having more freedom to express their sexuality when they migrated. In fact, not only do they tell stories of their own sexual liberation but also of the curious fact that they have observed many 'straight' women 'come out' as gay when they arrive in Hong Kong. Narratives on labour migration often portray OFWs as victims of 'foreign masters' and homosexuality as one of its social costs. These are debatable at best and not consistent with the overall outcome of the focus group discussions and in-depth interviews conducted for this study.

Unlike the Hong Kong-based respondents, however, those based in the Middle East sacrificed their freedom of expression in the purest sense to gain financial independence for them and their families. To get deployed and stay employed, the LBTs had to mask their gender expression or run the risk of not getting hired at all or being deported or jailed for being suspected of homosexual behaviour.

Future studies can explore and attempt to establish the links between migration and sexuality, and between financial independence and sexual freedom especially among migrant workers. One key question to ask might be, 'does migration promote homosexuality or lesbianism?'

## 4 Next steps

As a result of this study, GALANG proposes that:

- A. SOGIE rights advocates study the economic implications of exclusion and discrimination, to underline the cross-cutting nature of gender and sexuality issues. Institutions and individuals already working in the sphere of policy and advocacy for economic justice must be engaged in this type of analysis and capacity building. Strategic alliances must also be formed with trade unions and migrant groups to intensify efforts in putting pressure on the government to make good on its commitment to create jobs and reduce poverty.
- B. SOGIE rights advocates work with the Department of Labor and Employment, the Philippine Overseas Employment Administration, the Quezon City Public Employment Service Office, other PESOs in the country, and the Technical Education and Skills Development Authority in improving access to gainful employment for people with diverse SOGIE. This can be done by sensitising employers, recruitment agencies, human resource personnel, school administrators and teachers about SOGIE issues.
- C. SOGIE rights advocates work with the Department of Education, the Commission on Higher Education and the Technical Education and Skills Development Authority in improving access to education for people with diverse SOGIE by promoting the recall of policies on gender-conformity requirements in school, and ensuring that the academic or learning institutions within their respective jurisdictions strictly comply with such changes. This will hopefully contribute in preventing SOGIE-based bullying in schools that encourage LBT students to drop out.
- D. SOGIE rights advocates challenge the 'victim' discourse in migration and highlight the impact of increased financial independence on the exercise of SOGIE rights. Broader research on the relationship between migration and gender expression based on this initial case study should be undertaken for this purpose.
- E. Policymakers, development actors and researchers investigate the links among SOGIE, labour and migration, and conduct further studies that can measure the impact of financial independence on the exercise of SOGIE rights.
- F. Donor agencies and other potential partners and allies increase resources for SOGIE rights advocacy groups to enable them to participate in policy advocacy surrounding social justice legislation including laws on labour and migration, not just laws explicitly benefiting LGBTs. They can also provide financial support for LBT micro-enterprise initiatives that seek to get LBTs out of poverty.
- G. The Philippine government immediately enacts an anti-discrimination law that covers workplace discrimination based on SOGIE, and penalises the imposition of gender-conformity criteria such as uniforms, hair length, etc. In the absence of such a national law, the immediate passage of similar anti-discrimination local ordinances is called upon as an interim measure.



# **Annex 1**

The following is a list of respondents contacted as part of the case study for this report.

## **Interviews by Anne Marie Kristine Lim**

Aubrey, Quezon City, 25 July 2014

Benj, online/Facebook, 9 July 2014

Jeniffer, Quezon City, 10 June 2014

R., Ivan, Hong Kong, 13 July 2014

Tonette, online/Facebook, 25 July 2014

## **Focus group discussions held by Anne Marie Kristine Lim**

Bentidos, Quezon City, 5 August 2014

Bojhoi, Hong Kong, 13 July 2014

Ching, Hong Kong, 13 July 2014

D., Ivan, Hong Kong, 13 July 2014

Dhon, Hong Kong, 13 July 2014

Ian, Hong Kong, 13 July 2014

Josie, Quezon City, 15 July 2014

Kwatro, Quezon City, 5 August 2014

Marites, Hong Kong, 13 July 2014

Mark, Hong Kong, 13 July 2014

Mars, Hong Kong, 13 July 2014

Onse, Quezon City, 5 August 2014

Ruth, Quezon City, 15 July 2014

Sanna, Hong Kong, 13 July 2014

Syete, Quezon City, 5 August 2014

Ton Ton, Hong Kong, 13 July 2014

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