

Brief supporting Evidence Report 120

HOW FILIPINO LBTS COPE WITH ECONOMIC DISADVANTAGE

Sexuality, Poverty and Law

GALANG Philippines, Inc.

February 2015



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Background and research focus

In this case study, GALANG seeks to identify strategies in which Filipino lesbians, bisexual women and trans men (LBTs) cope with workplace discrimination and the severe lack of 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 biases over sexual orientation or gender identity/expression (SOGIE) make finding gainful employment especially challenging for sexual minorities, many LBTs have turned to creative livelihood sources to empower themselves economically and to contribute to the 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 the '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.

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 LGBT¹ sector, a limitation that GALANG and other advocacy groups have been consciously trying to address. Efforts to consolidate important data on population, income and unemployment have been standardised and these are easily accessible online. However, their usefulness for sociological research into more marginalised segments of the Philippine population is limited.

This case study includes a brief background on the gaps between labour policies and workplace realities in the Philippines, and an overview of the country's migration policies. Both primary and secondary data were used. Sources that proved invaluable were government statistics (available both on- and offline), news reports, website content and 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)

¹ 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-identifying 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. A. Lim (2011) 'GALANG: A Movement in the Making for the Rights of Poor LBTs in the Philippines' in Batiwala, Sriatha (ed.) *Changing Their World 2nd Edition*, Toronto: Association for Women's Rights in Development.

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 the focus group participants in Hong Kong were officers or members of migrant workers' groups. Two focus group discussions were held with Quezon City-based LBTs, most of whom worked in jobs traditionally limited to men. These were organised by GALANG in partnership with two of its community-based partners. 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 had experience of working as security guards. The sole interviewee in Hong Kong, a member of the Survivors Team, worked as a driver/domestic helper.

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. In some cases, pseudonyms were used to protect the identity of the respondent who stated a preference to remain anonymous.

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.

Summary of findings

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. 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.

SOGIE-based workplace discrimination compounds the problem and further relegates Filipino LBTs to the informal sector or to compel them to work abroad in positions for which they may be overqualified. Foreign domestic helpers 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 people more vulnerable to violence, discrimination and abuse in receiving countries. Because they fall outside 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 the country and overseas, calls for the review and amendment of labour and migration policies to ensure they also receive protection. The wording of the laws regarding the Public Employment Service Office (PESO) and the Technical Education and Skills Development Authority (TESDA) must also be reviewed and amended so that opportunities are equally accessible to LBTs.

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. The desire to contribute financially to the family is a major factor influencing Filipino LBTs to work in the informal sector or to become a migrant worker, and such contributions improve their status in their respective families. In addition, many of them assert that a person's SOGIE should not be a deterrent to their success in life as long as that person has a strong work ethic and determination.

Being family-oriented, Filipinos have an almost irrational culture of self-sacrifice when it concerns their families, spending lavishly on them to make up for long absences, resulting in inadequate family savings or not enough money for the migrant's own needs. Thus, the government should not only implement measures to ensure the physical safety and wellbeing of overseas Filipino workers (OFWs) while in their respective host countries but also to provide assistance in gaining a better understanding of their finances. The government must uphold its duty to protect a Filipino worker's right to work with dignity whether in the Philippines or overseas, and not treat it as a precious commodity only fit for export.

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 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 themselves 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, being deported or jailed for being suspected of homosexual behaviour.

Future studies should explore 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?'

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 (DOLE), the Philippine Overseas Employment Administration (POEA), the Quezon City PESO, other PESOs in the country and the TESDA 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 (DepED), the Commission on Higher Education (CHED) and TESDA to improve access to education for people with diverse SOGIE by promoting the recall of policies on gender-conformity requirements in school, and to ensure that the academic or learning institutions within their respective jurisdictions strictly comply with such changes. This will hopefully contribute to 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 exercising 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, penalising 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.