



PAMBANSANG SAMAHAN NG MGA NARS NG PILIPINAS, INC.

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PHILIPPINE NURSES ASSOCIATION POSITION PAPER ON THE SENTOSA CASE

The Philippine Nurses Association (PNA) strongly denounces the prejudiced treatment and excessively unfair situation currently being faced by 26 Filipino nurses who were recruited from the Philippines by the Sentosa Recruitment Agency, a single proprietorship run by Francis Luyun. Sentosa works in partnership with Ben Philipson, a Danish national and a permanent resident of the US who owns and manages 14 nursing facilities in New York. Even upon arrival in the United States, it was already quite evident that Sentosa was shortchanging the 26 Filipino nurses when they were made to work for different nursing facilities other than those provided for in their contracts.

Moreover, these Filipinos were paid, not by the nursing facility where they worked, but by the Sentosa Services Prompt Nursing Employment Agency (which meant that they were not getting their full pay, as the agency gets a certain percentage from the workers' salaries.)

It is further saddening to note that Sentosa did not fulfill several of its commitments, based on the pre-employment agreement, as follows:

- a. That the licensure and certification expenses of the Filipino nurses will be reimbursed; worse, a couple of them were not even reimbursed their plane fares from Manila to New York, earlier promised by the recruiter and likewise reflected in the Sentosa Recruitment Agency flyer.
- b. That immediately upon arrival in the US, all 26 Filipino nurses will work as registered nurses. In fact, a few of them got their limited permits about 3 weeks after their arrival while majority got their limited permits or licenses two months after.
- c. That the nurses will be paid reasonably. It turned out that some of the Filipino nurses started out as "clerks" and were paid only US\$12-\$14 per hour, compared to the prevailing US\$24 per hour wage rate for a nurse. The nursing home where the Filipino nurses worked were paying higher than the prevailing price, at US\$35-\$45 an hour to their staff nurses. Worse, some of the Filipino nurses were not paid for actual work hours rendered; some were underpaid and others were not paid the night shift differentials and even their holiday duty.

We likewise condemn Sentosa's moves to purportedly reprove and discipline the Filipino nurses when they bonded to fight for their rights – first, Sentosa withheld the green cards of the Filipino workers and only released them when confronted with the fact that the US Immigration Service has already confirmed that these cards have earlier been sent to Sentosa Care's office in Woodmere.

Second, Philipson and his group of companies tried to harass the Filipino nurses by filing a counter-complaint against them for alleged breach of contract; later, Sentosa's lawyers also filed administrative cases against the Filipino nurses before the New York State Education Department so that these nurses will not receive their limited permits to work for other employers. The effects of such harassment were most felt when a number of Sentosa employees who claimed to be victims of Sentosa discrimination and exploitation and who voiced willingness to file charges against Sentosa and even signed affidavits to this effect, detracted from their decision out of "fear for their lives".

Aside from the wages issue, the Filipino nurses brought to the fore other problems confronting nurses in the US, such as patient healthcare, understaffing and improper/incomplete orientation or training.

A case for discrimination against Philipson, Sentosa Care, LLC, and Prompt Nursing Employment Agency, has already been filed before the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the US Dept of Justice in

Washington, DC. Moreover, during the last week of April 2006, administrative cases have been filed before POEA against the Sentosa Recruitment Agency for violation of recruitment rules and regulations; also labor claims filed against Philipson and Luyun before the NLRC and criminal cases against Sentosa Recruitment Agency and Luyun for illegal recruitment before DOJ (the criminal cases were forwarded to the Anti-Human Trafficking Division of the DOJ).

What we find most unfortunate, however, was that after a year, nothing concrete has come out of these cases. Further, there were several attempts to quash the case, as follows:

- a. in early May 2006, New York Senator Charles Schumer wrote the New York Consul General of the Philippines, interceding in behalf of Philipson and his Sentosa group of companies. (It is common knowledge that Philipson was one of the big financiers to Schumer's senatorial bid.) Schumer also wrote POEA following the issuance of a preventive suspension order against Sentosa.
- b. Even our own officials were guilty of political interference, to include then Presidential Chief of Staff Mike Defensor who called up POEA Administrator Baldoz to lift the POEA preventive suspension order she signed on May 24, 2006 against Sentosa Recruitment Agency. Also, POEA's Deputy Administrator for General Administrative Support Services, Carmelita Dimzon, told the prospective recruits during a Sentosa recruitment seminar in Manila in May 2006, that Sentosa had no pending cases filed against it.
- c. The preventive suspension was lifted on June 8, 2006, after Sen Schumer wrote Adm Baldoz reminding her not to take any action that she deemed inappropriate and immediately following Defensor's call.

We must throw our full support to the Filipino nurses who continue to face the ordeal of fighting an apparently powerful conglomerate in New York whose tentacles even reach our own government machinery. They are waging a battle not only for themselves but for the entire Philippine nursing sector. We must join hands with other sectors to be heard and we call on our legislators and other government officials to stand by us. MABUHAY ANG PINOY NARS!!



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