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Spotlight interview with Zita Cabais-Obra (France – CFDT)

«Keep my passport and your money. I'll see you in court! »

Brussels, 3 February 2012 (ITUC OnLine): Like millions of young Filipino women, Zita Cabais-Obra left her country to earn enough money to support her children. As a domestic worker in Paris she was badly exploited until she ran away, and was helped by the French national centre, the CFDT (1). Now she is General Secretary of the CFDT's Ile de France branch for employees of private individuals. Here she talks about her experience. (2)

What did you do before coming to France?

I was a domestic help in my home country, the Philippines, from the age of 13. I didn't stay on at school because my parents did not have enough money to support me. I was the second child of nine. I got married at 19 and had four children. I was driven out of the Philippines by poverty. I left in 1994 to earn enough money to allow my children to finish their studies. I thought of going to Paris but unfortunately when I got to Budapest (Hungary) I realised that my visa would not allow me to go any further. To reach France I had to go with smugglers. I went through Slovenia, Switzerland and Italy on foot. We walked in the middle of winter, through forests, vineyards, across borders and even rivers, with water right up my shoulders. I was completely exhausted! My journey had cost 10,000 dollars. It took more than a month to get to France.

What were your working conditions like when you arrived?

I was hired as a domestic help by a family living in the smart neighbourhood of the 16th arrondissement in Paris. I often worked from 7 in the morning until midnight or 1 in the morning. I didn't earn anything in the last two years. My bosses took my passport, saying they were going to take care of my documentation. They forbid me to speak to strangers, particularly the building's caretaker who could see I was getting more and more pale and weak. It's thanks to her that one day I came to understand my situation, and thanks to her testimony that I later won my court case.

In March 1999 my employers asked me to do a big spring clean. That is when I found my passport, hidden in a draw. When I mentioned it, my boss got very angry and threw a chair at my face. I wasn't hurt, but I was very frightened! I didn't feel safe any more. On 15 April 1999, I ran away.

I was distraught: no work, no home, and no money to send to my children. I became ill and was hospitalised. In hospital, I had no visits, I had no way of contacting my family, I was all alone. All I had was my courage. When I left the hospital, I was lucky enough to meet a lady on the metro who I used to babysit for at weekends sometimes. She asked me what had happened to me. I told her all about it. She helped me take all the necessary steps, until I reached the CFDT, where I began to campaign.

How did the trial against your employers go?

When I learnt that they were accusing me of theft I was appalled. I got in touch with them to find out why they were telling the children that I was a thief when they still had my passport and owed me unpaid wages. They told me they didn't owe me anything and had nothing to give back to me. I replied "Alright, keep my passport, keep my money, and I'll see you in court" and I put the phone down on them.

In May 2001, at the industrial tribunal in Paris, five minutes before the verdict, my employers tried to buy me off by saying "How much do you want, to call off the trial?". I replied "I don't want your money. I want the truth. I want justice! ». The judgement went against them but it wasn't what I expected. I was only granted pay for half the time I had worked for my employers. I appealed. I wrote to Madame Chirac, the wife of the then President of France, to ask for advice. She replied, and was very encouraging. The whole procedure continued and thanks to the support of the CFDT in February 2003 we won at the Court of Appeal in Paris. The verdict was that I should be paid for all the hours I had worked, with damages for breach of contract and failure to observe proper dismissal procedures, paid leave etc.

In the meantime you had begun working at the CFDT....

Yes. In 2000, after I had been an activist for several months, I was elected as a member of the CFDT trade union council for the employees of private individuals on the Ile de France (3) and a member of the sectoral commission. In October 2003 I was elected general secretary. I am now on my third term of office. I have also been a permanent officer at the CFDT services federation since January 2004.

What sort of things does your union do to help domestic workers?

My union covers three occupational sectors: domestic employees, nursery assistants and employees of private sector personal services companies. Our aim is to gain recognition for these groups and the important work they do by giving them a more professional profile. There are now more than 2 million employees in the sector across the country, with 45% of them on the Ile de France, not counting the large number of undeclared workers.

Our goal is to bring these workers out of the isolation that makes them so vulnerable, to improve their working conditions and to change the way society sees these men and women who do responsible work and who perform useful tasks for us. These workers are all the more vulnerable given that 85% of them are foreigners who don't know the language or the laws of the country, and so they can't express what they are suffering. Our union keeps these isolated workers informed by distributing information leaflets outside the school gates and in the squares and parks where they walk the children they are looking after. I give them individual appointments, meeting them in their homes where I invite them to come to our offices on Saturdays. I strongly encourage all these workers to take language courses so that they learn French, like I did.

There have been several scandals in recent years about the employers of domestic workers in France who are covered by diplomatic immunity....

We have found that the more the employers belong to social elites, particularly those who enjoy diplomatic immunity, the more difficult it is for domestic workers who are being exploited to escape. Most of them face unacceptable conditions, and some are locked in the

house. The summer months are particularly busy with foreign tourists coming to Paris who are rich enough to stay in palaces with their domestic servants. Some of these workers take the opportunity to escape. I get a lot of calls and tip offs from associations such as the Committee Against Modern Slavery (4), associations that cannot deal with this type of case.

There is the example of a young Indonesian woman, Leila, who was employed by a foreign diplomat serving in France, more than ten years ago. She was sent to us by the Committee Against Modern Slavery after being exploited and mistreated. The CFDT took her case to the Paris industrial tribunal. We won, every step of the way, but Leila couldn't get her former employer to implement the court's decisions. Both friendly requests and orders by the bailiffs came up against the employer's diplomatic status. He didn't have to comply, thanks to the immunity he enjoyed under the terms of the Vienna Convention of 18 April 1961. The CFDT didn't give up the legal battle however and today, after more than ten years, Leila is about to be paid the money owed to her. We have asked the French state (the Ministry of Foreign Affairs) for compensation for the harm that France's commitments under the terms of the Vienna Convention has caused to Leila. The Conseil d'Etat supports our argument.

Is human trafficking behind some of these cases of exploitation of domestic workers ?

Yes, and it is not limited to the victims of rich foreign employers staying temporarily in France, or women working in the homes of private employers in the smart neighbourhoods. There are also the victims, usually very young, who have come here with their families from Africa, Asia, South America or elsewhere, on a tourist visa. They find themselves exploited, sometimes ill-treated, by their own family, close relations or distant cousins, sleeping on the floor in the kitchen or the bathroom, working like beasts of burden without even the right to step outside, like 20-year-old Fatoumata from Cameroon. Their living conditions are also unacceptable, intolerable. Fatoumata escaped in the end. I found her temporary accommodation, she found casual employment to survive, and I helped her get back her passport that had been confiscated, so that she could legalise her situation.

The CFDT has helped 50 undocumented workers file their case with the prefecture (local authorities) to legalise their situation, under the terms of a law passed by the French government in November 2007, so that they don't have to face all the authorities alone. We have succeeded in 98 percent of cases.

My own experience has been useful in helping the victims of exploitation and modern slavery through the trade union movement, because I know what they are going through. We take legal action in many cases to ensure that there is reparation for the wrongs done to the victims.

(1) Confédération française démocratique du travail

(2) This interview is based on a speech given by Zita Cabais-Obra at an OSCE conference in Vienna in June 2011

(3) Ile de France covers eight French administrative departments, notably the Paris region

(4) <http://www.esclavagemoderne.org/>

Following the historical adoption of ILO Convention 189 on domestic workers at the ILO Conference in June 2011, the ITUC launched the '12 by 12' Campaign aiming at 12 ratifications by 2012 of ILO Convention C189. The campaign is organised in partnership with IDWN, IUF, PSI, ETUC, Human Rights Watch, SOLIDAR, Migrant Forum Asia and World Solidarity. Check out the '12 by 12' campaign webpage: <http://www.ituc-csi.org/travailleurs->

euses-domestiques,513.html and find us on Facebook '12 >12' :
<http://www.facebook.com/profile.php?id=739448849#!/groups/231305920281513/>

The ITUC represents 175 million workers in 153 countries and territories and has 308 national affiliates.

Website: <http://www.ituc-csi.org> and <http://www.youtube.com/ITUCCSI>

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