

DECLARATION OF EDITH MENDOZA

Petition Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

I, Edith Mendoza, swear and affirm that the following is true and correct to the best of my information, knowledge, and belief:

1. I am a national of the Philippines, and have lived and worked abroad to financially support my family. My family has continued to live in the Philippines during this period. My native language is Tagalog, and I am proficient in English.
2. From January 2015 to June 2016, I worked as a domestic worker for German Diplomat Pit Koehler, his wife, Marieke Koehler and their four children in their Westchester County home. During the course of my employment, my employers treated me as less than human. I felt like a slave in their household.

Background

3. I was contacted by Pit Koehler and Mrs. Koehler in 2014 while working in Qatar as a domestic worker. They found me through the website “greaupair.com.”
4. At the time, Mr. Koehler was working at the United Nations in New York City. He lived with his family in a home outside the City.
5. After my interview, Mr. Koehler offered me employment and agreed to sponsor me for a visa to enter the United States. I entered into a contract with Mr. Koehler “for domestic staff” in 2014.
6. In 2014, I went to the U.S. consulate in Qatar for a visa interview to obtain a G-5 visa.
7. I showed my employment contract to the U.S. consular official in Qatar. No one at the U.S. embassy told me about my rights under the contract or if I had a dispute with my employer. Additionally, no one at the embassy gave me any information about my rights as a worker or my rights against discrimination and harassment under U.S. law.
8. After my interview, I was issued an A visa even though I was seeking a G-5 visa. When I informed Mr. and Mrs. Koehler about this error, they insisted that I nevertheless travel to the U.S. to begin working for them and said that they would convert it to a G-5 after my arrival.
9. When I entered the U.S. in 2015, I showed immigration officials at the airport my passport, visa, and employment contract. No one provided me any information about how to enforce these rights or where to go if I needed legal or emergency assistance.

10. Mrs. Koehler picked me up from the airport and drove me directly to their home. Upon arrival, they took my passport for approximately 5-6 months until they obtained a G-5 visa for me.
11. Soon after I began working for Mr. Koehler and his family, it was clear that they did not care about my rights or about honoring our contract terms concerning hours, pay, or responsibilities.
12. They also spoke to each other in German while at home, a language that I did not understand, though we all spoke English. I felt further isolated and discriminated against because they continued to speak in this language all the time. It was almost as if they did that to pretend I was not there, so they would not have to talk to me or be aware of my presence unless they were talking to me about work.

Working Conditions

13. The employment contract stated that the Koehlers would pay me at the rate of \$10.02 per hour for a 35-hour workweek, and provide room and meals without charge. The contract also required them to pay me at 1.5 times my hourly rate for any hours worked over 40 each week.
14. During my phone interview and again upon arrival in the U.S., Mr. Koehler and Mrs. Koehler said my primary responsibility would be childcare. They said that I would also have to do some "light" housekeeping, as needed.
15. Despite our contract and conversations, my job duties included much more than just childcare. In addition to looking after the youngest child during the day and older children (all under age 10) when they came home, the Koehlers expected me to maintain and complete deep cleaning of the six bedroom, six bathroom-home and two-car garage. This meant that I was required to regularly sweep, vacuum, and mop the floors; scrub the walls; dust and clean air-conditioning vents, light fixtures, windows, and the fireplace; clean the garage and wash the two cars; clean up after the family pets; collect every one's dirty clothes, then wash, iron, and fold all the laundry, with occasional sewing to fix missing buttons or other repairs; change bed sheets, tidy closets; organize the children's toys from smallest to largest in each room; take out the garbage; occasional grocery shopping; prepare breakfast and pack lunch for the children, catering to each child's food preferences; make daily dinner for the family, as well as meals for occasional guests and visitors; seasonal work such as shoveling snow; cleaning after the pet birds (who were uncaged in the home part of the time) and other tasks, if requested.
16. As a result, in spite of what my contract said, I regularly worked over 90 hours per week for the Koehlers. For the duration of my employment, my work schedule was Monday

through Thursday from approximately 6:30am to 10:30pm, Friday 6:30am to 12:30am or 1:00am, and Saturday 7:30am to 4:00pm.

17. Sundays were usually my one day off, but if the family was away for the day or on vacation, I was required to take care of the pets, plants, pick up mail, and other chores.
18. Mr. Koehler and his wife did not permit me to take any breaks during working hours. Because Mrs. Koehler worked from home, if she saw me taking a break, she would remind me there was work still to be done and direct me to something or another. I basically did not have any real break until night, after the family had gone to sleep.
19. Even when she did not say anything, the sheer amount of work I had to complete left me with no time to take a break. She required me to finish a lot of duties during the day, before the children came home since I would have to take care of them when they arrived too. So, for instance, rather than taking a meal break during the work day, I typically ate a little here and there while carrying out my work responsibilities.
20. I was able to get an average of only four or five hours of sleep per night. During the winter, it was hard to sleep even this much because my room was cold and they had asked me to turn off the heater at night because it created a bad smell that went upstairs, where they slept.
21. Throughout the entire tenure of my employment, the Koehlers paid me only \$350.70 per week, which was deposited directly into my bank account.
22. A few months into the job, I asked about overtime pay as was agreed upon in our contract. The Koehlers refused, saying that I was already getting free housing, food, and laundry. Even though these things were part of our agreement and not a substitute for overtime pay, the Koehlers never paid me overtime and instead suggested I was being ungrateful or too demanding by asking them to fulfill their half of the employment contract.
23. There were multiple things I bought related to my work responsibilities with my own money, including things to protect me from inhaling or having contact with the strong chemicals that I had to use for cleaning. They never bought or provided me any protective tools, so I purchased things like gardening supplies, gloves, and face masks myself.
24. Whenever I asked for reimbursement, they would tell me to just remind them later, but they would not pay me.
25. I felt shy about asking my employer repeatedly for payment and also afraid because my visa depended on my position with them. Eventually I gave up asking for the wages or other payments my employers owed me.

26. During the time I was employed with the Koehlers, I did not consult a lawyer about my rights.

Liberty

27. I had never been to the U.S. before my employment with the Koehlers. When Mrs. Koehler brought me from the airport to their home, I had no sense of where I was being taken.

28. Once at their home, I did not know anything about the city in which I was living. I did not know whether there was any local public transportation. I did not know how to contact emergency services or a church I could attend. In fact, early on, I did not leave the house for three months because I did not know the area around me and I had no means of transportation. I slowly learned about taxis, trains, and other basic matters on my own, often through the internet, not because Mr. Koehler or his family provided me any information on how to get around if I ever left the house or needed help.

29. The Koehlers did not inform me, and for months I did not know, that they had placed cameras throughout the home. I only found out when Mrs. Koehler made comments about act/events no one could have seen. The cameras made me feel like I had no privacy.

30. Mr. Koehler and his family also had a security alarm system for their house but they never told me the passcode for turning it off or on. Therefore, I could never leave the house when I wanted to unless I had their permission or they knew I was leaving.

31. Although I was not required to purchase my own food or groceries, I was not free to eat anything I wished. For example, for dinner, I cooked whatever the family wanted and ate some portion of that. Only sometimes, I cooked separate Filipino food for myself. I was never reimbursed for the cost of my own food, even though they had told me meals would be provided.

32. Eating during the day was difficult because of the work I needed to do and because the family did not allow me meal breaks. Between feeling that I was being watched, could not take breaks, had so much work to do, and needed to keep my employer happy, I began eating less and less so that it wouldn't require me to take breaks and no one would notice any missing food. I ate little by little from what I bought for me to get energy.

33. I was unable to go to the doctor until one year after being employed because the Koehlers refused me to give me a day off and I was unable to find a doctor available to see me on Sundays, which was my regular day of rest.

Health and Well-Being

34. In late 2015, I asked for a day off from work to see a doctor because I was feeling very ill, but Mr. Koehler told me I had to wait until they left for vacation, which was not until the end of the year. But because I needed to care for their pets, plants, maintain the house while they were gone and prepare for their return, it was not realistic for me to take time off then to see a doctor. They finally gave me a day off on my birthday, which was the first time I saw a doctor since my arrival around one year prior.
35. I tried to find a doctor in the same town as or close to the Koehlers' home, but I could not find a place that would accept my insurance. The Koehlers provided me no help. I tried multiple places and eventually found a doctor located about an hour away from the house.
36. My doctor told me that I had high cholesterol and asked me about my diet. I explained that I depended on my employers for the food I had to eat and could not do my own separate grocery shopping, given the restraints on my time and freedom of movement.
37. My doctor also told me I needed to take some rest days and he gave me a medical certification saying that I needed at least four days off. When I gave the note to Mr. Koehler and his wife, they were upset and said such time off was not acceptable. They began insisting that I sign a contract saying I agreed that I would not receive two weeks' pay because I was taking time off.
38. I refused to sign the contract, but in early 2016, my illness continued to worsen. I had terrible headaches, felt dizzy, and had blurry vision. My menses was irregular to the point where I was bleeding non-stop for several weeks.
39. During one visit to my doctor, there was a severe snowstorm and I was unable to return to the Koehlers' house. They were furious.
40. I stayed with someone for a few days to rest for my health and to recuperate, all the time scared and stressed about the Koehlers' reaction. When I returned to work, they were very upset and told me my leave was unreasonable.
41. Soon after this event, the Koehlers claimed they had told immigration authorities I was no longer working for them. I was scared that I might be in trouble or my visa might be in jeopardy, and tried to make the Koehlers happy with my work.
42. As I continued to work without a break, my sickness persisted. A few months later, I visited the doctor twice during one month in the spring. After the second appointment, Mr. Koehler threatened to fire me if I missed work again.
43. The following month, I knew I needed to see the doctor again for follow-up care. I knew this also meant that the Koehlers would fire me and that, maybe, they would turn me over to immigration officials, even though my health was declining. Over several weeks, I

gathered the courage to leave their home permanently, without telling them in advance. Over several weeks, I slowly snuck out my belongings a little at a time and left them with some friends. Eventually, all I had left fit in one small bag, and I snuck out one night. Consequently, they fired me.

44. In the first year after I escaped, I had an extremely difficult time. I had nowhere to go, no work. I did not always know where to go for help. Through a Filipino church community, I was connected with free social and legal services through a local organization.

Legal Assistance

45. In the year after I left Mr. Koehler and his wife, I met another woman who also had been a domestic worker for them and who had been subject to the same inhumane conditions. Almost a year after I left my job with Mr. Koehler, and through the help of Urban Justice Center, a community advocacy and legal organization, I filed a lawsuit in federal district court in the U.S. against Mr. Koehler and his wife based on the conditions we were required to work under and the negative impact on our health and well-being.

46. A few months later, the federal court judge dismissed the lawsuit based on diplomatic immunity.

Conclusion

47. I received a T-visa a few months after I left the Koehlers' home which has allowed me to stay in the U.S. because I am a survivor of labor trafficking. I have since made a life for myself here.
48. I currently work as a community organizer at Damayan, fighting labor trafficking, labor fraud and wage theft. I use my experience as a tool to help others demand fair labor standards to achieve economic and social justice for domestic workers and other low-wage workers.
49. However, my experience has had lasting effects on me and my family in the Philippines. In addition to the toll that the long work hours, physical labor, lack of sleep, and poor nutrition had on my body, I am still dealing with the emotional trauma of being totally disregarded as a human being. I fight depression, have difficulty sleeping, feel angry and frustrated, and remember the feelings of helplessness, sadness, and isolation I felt when I worked for the Koehler family.
50. Even while I was working there, connecting with family and making friends was difficult because of my emotional state. That disconnection from my family has had particularly long-term and devastating impact on my family. While working for the Koehlers, because of my long work hours, the time difference, and my own sadness and exhaustion, I could not have regular or meaningful conversations with my teenage daughter in the

Philippines. While I am recovering emotionally now, my daughter has developed depression and attempted suicide in part because of the stress of knowing her mother's living conditions and worrying about me, in addition to her own self and the rest of my family. While working, I was able to provide at least some financial support for them, but that decreased and stopped altogether for a time, while I tried to restart my life after leaving the Koehler house.

51. My story is just a small part of the experience of domestic workers employed by diplomats in the United States. While still traumatic, I continue to share my story so that I can help make a difference for other domestic workers.

52. I believe that just because someone is a diplomat, it does not mean that they can do whatever they want. We are human too, and we deserve to work with dignity and respect.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: /s/ Edith Mendoza
Edith Mendoza

Date: June 7, 2019

City, State: New York, NY