

Diplomat sued for underpaying, overworking Filipina house workers

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Domestic workers Sherile Pahagas (l.), and Edith Mendoza, (r.) are filing a lawsuit against their former boss, a German diplomat for the United Nations, for failing to pay them the minimum wage and breaching their contract. (JAMES KEIVOM/NEW YORK DAILY NEWS)

Two Filipina domestic workers were underpaid by their German diplomat boss for 90-hour weeks that included scraping bird droppings from the wall of his Westchester home, the former employees charge in a new lawsuit.

Sherile Pahagas, 32, and Edith Mendoza, 51, say their pay worked out to about \$4 an hour from Pit Kohler, a German civil servant living in Harrison and working at the United Nations, the pair allege in court papers filed in late June with the Southern District of New York.

"I worked all day cleaning the house and taking care of the Kohlers' four young children," said Mendoza.

The work also included one above-and-beyond task that resulted from the Kohlers' practice of allowing pet birds to fly around the six-bedroom home.

"I was even scraping bird droppings from the wall," Mendoza said.

Before the women arrived to the United States, Kohler and his wife Mareike Kohler agreed to pay them \$10 per hour for a 35-hour work week, plus a room and meals. They would also be getting 1.5 times her hourly rate for over 40 hours of work, according to the court complaint.

"It all turned out to be lies," said Mendoza.

According to the federal complaint, the women allege that they only ended up making \$350.70 per week after being paid half the legal minimum wage, despite being promised that they would receive overtime.

Mendoza worked for the Kohlers from January 2015 to June 2016. When she fell ill, she said Kohlers insisted she continue working and did not set aside time for her to see a doctor, the suit alleges.

The doctor eventually recommended some time off, but the Kohler's did not grant any.

"In May 2016, she visited a doctor twice," the lawsuit alleges. "On the second occasion, Pit Kohler threatened to fire Ms. Mendoza if she ever missed work again. In June 2016, Ms. Mendoza decided to visit the doctor and consequently defendants fired her."

"I'm a human, not a robot," Mendoza said, explaining why she defied her boss to visit the doctor. "I didn't want to die like this."

Pahagas worked for the Kohlers from November 2012 and October 2014. About nine months into her employment, Pahagas complained of the long hours, and her workweek was reduced from 102 hours to 92 hours, she said. But she was never paid overtime, she said.

Mendoza met Pahagas through a chance encounter at a park when Mendoza was working for Damayan, an organization that advocates for migrant worker rights. Pahagas told Mendoza about a German diplomat she was working for who wasn't paying her the wages he promised.

She was able to connect the dots when Pahagas mentioned the names of one Kohler's children and described their pet birds.

"I couldn't believe they had done the same thing they did to me to another person," said Mendoza.

Pahagas said she worked for the Kohlers for about six months but left after she became pregnant and feared that the workload would cause her to have a miscarriage.

Like Mendoza, the Kohlers also breached their contract with her and failed to pay her for all the hours she worked, she claims.

"When I complained to the Kohlers that they weren't paying me like they promised, they just told that they couldn't afford to pay me more," said Pahagas.

Shortly after the women realized what happened, they sued the Kohlers.

"I don't want them to do this to another Filipina or anyone else," said Pahagas.

They are asking the Kohlers to pay them their unpaid wages, legal fees, and unspecified damages for breach of contract.

A judge will determine if Kohler, whose position at the German mission is unclear, is entitled to diplomatic immunity. In 2009, a federal court in New York [ruled that a domestic worker](#) employed by a diplomat in his or her household is not covered under diplomatic immunity because it is not an "official" act.

In that historic case, Lauro Baja Jr., a Filipino UN ambassador, was sued several years after leaving his UN post by Marichu Suarez Baoanan, a domestic worker he hired during his UN days.

Baoanan claimed that she had 126-hour workweeks and was not fully compensated for her time by Baja.

A federal judge in Manhattan ruled in favor of Baoanan and stated that Baja was not entitled to diplomatic immunity because the Baoanan's duties benefitted his personal household needs and were unrelated to his diplomatic functions.

"We don't believe the Kohlers are entitled to diplomatic immunity," said Reena Arora, who is lawyer with the Urban Justice Center and representing Mendoza and Pahagas in the lawsuit.

The Kohlers have until August 18 to respond to the lawsuit. The Kohlers could not be reached for comment. Conrad Haessler, spokesman for the German Mission to the UN, declined to comment on the lawsuit.

