

1 getting the information out is awesome -- and that there are
2 things such as fair housing laws that protect against
3 discrimination.

4 And how very true that we currently do have a lot
5 of Micronesians going through difficult issues with renting and
6 landlords. In Micronesia, we believe having many children are
7 our resource. It's hard to fit those big families in the one-
8 to two-bedroom apartments that are more affordable to our people
9 here.

10 And thank you for making that comment about
11 (indiscernible) having a familiar face. And that's one of
12 beautiful things about this conference is that I think it is, we
13 have familiar faces in all these different important offices and
14 organizations here in Hawai`i, here to support our fellow
15 Micronesians and here to partner with the service providers.

16 And like Josie was representing Dr. Craig
17 (indiscernible) who was also one of my professors during my
18 undergrad years at UH Hilo, how true and important it is to have
19 people who are not Micronesian themselves, but who are
20 advocates, like you again, and can be friendly and understanding
21 and reaching out to the Micronesian students and people. So
22 thank you very much.

23 And with that, I'd like to move on to our final
24 panelist, Ms. Catherine Aubuchon. Catherine is a citizen of the
25 FSM. She was born in Pohnpei and grew up in Kwajalein in the

1 Marshall Islands.

2 After graduating from Tulane law school in 1999,
3 she moved back to Pohnpei to work in government. She started as
4 assistant attorney general at the FSM Department of Justice
5 before moving to Hawai`i in 2003. At the Department of Justice,
6 she worked in the litigation division, prosecuting maritime and
7 fishery violations, as well as white collar crime and election
8 fraud.

9 Now she is an associate attorney at Bronster and
10 Hoshibata, a private law firm in Honolulu, with Margery
11 Bronster, former attorney general for the State of Hawai`i. Her
12 practice areas include business litigation, real estate
13 litigation, commercial litigation, trusts and estates,
14 administrative law, employment law, and civil rights.

15 Although Catherine's current practice does not
16 involve Micronesians on a regular basis, she is called on
17 occasionally to deal with Micronesians who have employment
18 issues or have been charged with criminal offenses.
19 (Indiscernible) contact with people involved in Compact offices
20 here and in the FSM, she keeps abreast of issues involving
21 Micronesians in the United States.

22 Her husband Jason Aubuchon, a former volunteer at
23 PATS, Pohnpei Agriculture and Trade School, used to be the
24 assistant director for Micronesian seminar, and is now program
25 manager for (indiscernible) school (indiscernible) in Honolulu.

1 His (indiscernible) Palau, American Samoa, Saipan, and Guam.
2 They have a seven-month old daughter, Lila.

3 BRONSTER AND HOSHIBATA

4 BY MS. CATHERINE AUBUCHON:

5 Thank you. (Indiscernible; not speaking in
6 microphone.) So thank you for inviting me.

7 Yes, my work currently does not, on a daily basis,
8 involve Micronesians. So I don't work with (indiscernible)
9 Micronesians directly.

10 And just a little bit about my work. The reason why
11 we don't deal with Micronesians (indiscernible) private. And
12 most of our work involves litigation, litigating (indiscernible)
13 corporate board disputes, and (indiscernible) those kinds of
14 issues.

15 So I don't usually work with Micronesians. But I do
16 have a lot of friends, relatives, and friends of relatives who
17 call me and say my nephew's in jail because he's been charged
18 with assault and he doesn't, can't post bail. What does he do?
19 What can he do and (indiscernible) public defender's office.

20 But the most common problem or issue that seems to
21 arise with Micronesians, or at least (indiscernible) the
22 telephone calls that I get from people I know, are in the
23 workplace and they're employment-related issues. They don't
24 know about employment benefits, what they're entitled to, what
25 their rights are. (Indiscernible) what their rights

1 (indiscernible).

2 So that seems to be a pretty big area, an important
3 area that very (indiscernible) for the Micronesians that are
4 here now. And for instance, recently, I received a call from a
5 Pohnpeian woman. (Indiscernible) she lives here now. She's a
6 mother, a grandmother, and is (indiscernible) pretty much the
7 whole family.

8 She worked for a very large retail store in Honolulu,
9 and I won't say which one. But it's huge and (audience
10 interruption). (Indiscernible) known for unlawful and illegal
11 labor practices. Like she's been working there for about three
12 or four (audience interruption) and is (indiscernible) very
13 responsible. She has (indiscernible) support. So I'm sure she
14 really (indiscernible).

15 And when she got hired, she was, you know, ecstatic.
16 She was happy that she had a job with a well-known large
17 corporation.

18 But she was fired. And the week before she was fired,
19 she suffered a work injury. She hurt her arm. I think she was
20 pulling something from the shelves and must have sprained it.
21 So it swelled up. She couldn't use it and had to leave work
22 early.

23 She told her supervisor. But as far as -- I think my
24 understanding of the situation is the supervisor or the employer
25 didn't report it, didn't report the work injury. And by law in

1 Hawai`i and I think elsewhere (indiscernible), all injuries that
2 occur at the workplace has to be reported immediately with the
3 Department of Labor and Industrial Relations.

4 Even when the employer (indiscernible) or doubts that
5 the injury was work related. (Indiscernible) to unwork-related,
6 they still have to report it and I think you dispute it later
7 on.

8 But as far as I know, there wasn't a report. She left
9 early that day. She couldn't get an appointment with the
10 doctor. I don't know if she didn't push it or didn't explain
11 that it was an emergency, she needed immediate medical
12 attention. But she couldn't get an appointment, couldn't get an
13 appointment for a few days.

14 So she couldn't come back to work because her arm was
15 such that she couldn't use it -- and called in to work.
16 Apparently with the company, there's a call-in procedure. You
17 had to call a 1 (800) number and get a -- some kind of
18 confirmation code that sort of gives you permission to be able
19 to come work that day.

20 She called it in, followed the procedure. And a few
21 days later, she received a letter in the mail that she had been
22 terminated for not having followed that procedure.
23 (Indiscernible). She has to find a job. She doesn't think that
24 she has any other, anymore healthcare benefits. She thinks that
25 her healthcare benefits have lapsed immediately.

1 And so she's gonna go to the doctor's and get her arm
2 treated. And her first concern is how am I gonna pay for it,
3 how am I gonna pay my bills, how I find another job.

4 (Indiscernible) another job immediately. And although
5 she feels that she's been wronged, it's more important to her to
6 find another job because she needs to support her
7 (indiscernible) family.

8 So she's not in a very good place right now. It
9 appears that she has been wronged. She's not very interested,
10 at least in this point, in pursuing a wrongful termination
11 aspect. She just wants another job. She wants another place so
12 she can earn a living.

13 She didn't realize that it's unlawful and illegal for
14 employers to fire somebody just because they suffered a work
15 injury. She didn't realize that. She also didn't know what her
16 rights were respect to COBRA, that she can extend her healthcare
17 benefits if she opted to do that.

18 And she didn't know that when you work and you suffer
19 a work injury while you're on the job, you're entitled to work
20 comp benefits. And that includes medical care to make sure that
21 (indiscernible) able to work again and (indiscernible) benefits
22 which means you get paid a certain percentage of your wage until
23 you are well enough to go back to work. She didn't know any of
24 that.

25 And also, she's getting correspondence and letters

1 from her employer that she needs to roll over her 401K fund into
2 another fund (speaker yelling) what. You know, she has no idea.
3 So, anyway, I'm going to see her next week to look over her
4 documents and help her figure out what she needs to do.

5 But (indiscernible) a common problem. It's a lot of
6 Micronesians. They don't understand what their rights are and
7 what benefits they are entitled to as far as workplace benefits.
8 And in Micronesia, we don't have a lot of these benefits
9 (indiscernible) there.

10 And here it's just the whole, the legal system and all
11 the rights and it's all very daunting -- you know -- because
12 Micronesians just want -- they just want to work. They want to
13 bring home a paycheck and earn a living, support their family.

14 So that's one instance. And like I said, sometimes
15 there is -- there are the one instance, and I'm sure there are a
16 lot of other Micronesians who are in the same predicament.

17 I think what would be helpful, and it's not
18 necessarily something (indiscernible) employers need to provide;
19 but it's something that the community can provide is some sort
20 of translation, as to other (indiscernible) commented, on what
21 these rights and in their own languages (indiscernible) to let
22 them know what -- that when you get hired, you're entitled to
23 health insurance, worker's compensation for your injury, and TDI
24 if you're (indiscernible) unwork-related reasons and that cannot
25 be fired (audience interruption) whatever is out. There are

1 certain obligations that employers have to you as an employee.

2 So that's one instance, and I think the employment
3 area is where there are a lot of -- there's a lot of
4 (indiscernible) Micronesians. Another area or problem that I'm
5 aware of is, uh, involves fishermen. There are a lot of
6 (indiscernible) fishermen in Micronesia, obviously, because
7 (indiscernible).

8 (Indiscernible) fishermen to come here to work on
9 fishing boats. And (indiscernible) passports are taken away.
10 And they have to work off their plane fare before they get any
11 wages. And a lot of these fishermen, they probably didn't
12 graduate from high school. So they're (indiscernible). They
13 don't know that much.

14 But my cousin came over. He came over to fish on one
15 of the fishing boats (indiscernible), Korean fishing boat, at
16 least the captain was Korean. But his passport wasn't taken,
17 but he was required to work off his plane fare.

18 He didn't get paid, according to what he was led to
19 believe he'd get paid. He didn't have a social security number;
20 his employer didn't tell him he needed one. So he was working
21 without having paid taxes or the employer withholding taxes and
22 didn't get any benefits at all -- worked for months and months
23 under very difficult conditions and left with barely enough
24 money to pay for airfare back home.

25 And in the end, he could have made much money at

1 staying home. But obviously, he was wronged before
2 (indiscernible). He was definitely on (indiscernible). But as
3 soon as he got on the plane, I'm sure somebody picked him up and
4 took him to the fishing boat and -- to get back to work.

5 So it's for a lot of -- yeah, in a lot of these
6 instances, it's just sometimes there aren't very many
7 regulations or controls over it. And because of the
8 (indiscernible) between (indiscernible), there's very little
9 control. And a lot, you know, a lot of Micronesians (voice
10 trailing away).

11 So these are the areas that definitely need to be
12 addressed. So I hope that this will shed some light on what
13 Micronesians do know or don't know and the challenges they face
14 (indiscernible). But hopefully, we can fix it. Thank you.

15 * * * * *

16 MS. SEGAL: (Indiscernible) thank you for sharing this
17 very personal story of the realities of some of our Micronesian
18 brothers and sisters and what's happening in their lives right
19 now.

20 I hear you repeat the importance of language
21 access and the need for translation of legal rights. So I
22 understand that your work is mostly in terms of representing
23 people, or at least with Micronesians in the workplace, and
24 educating people on their rights in the workplace.

25 And it's so true. Information is empowerment.

1 And what you're doing is helping to empower Micronesians by
2 providing that information. But it's also a responsibility that
3 we don't or shouldn't just wait for others to put on
4 (indiscernible) persons here, we also need to be educating
5 yourselves. But because of people like you, that can happen.
6 So thank you.

7 So time, we have a little bit of time for panel
8 questions. We have until 11:35 and it's 11:26 now. So I'd like
9 to open this time. Looks like I have one person so far.

10 AUDIENCE MEMBER NATHAN KWOCK: I'm Nathan Kwock from
11 Department of the Attorney General (indiscernible) branch. I,
12 too, worked for Margery Bronster. That was my privilege to do.

13 I have one comment and then a question. If an
14 employee has taken away somebody's passport and not paid them
15 the proper wage, that started to sound like human trafficking.
16 And the U.S. Department of Labor, (indiscernible) I think he'd
17 be very interested in knowing about that. He's part of the
18 human trafficking task force that is being set up in Hawai'i.

19 One of the things I deal with on a different
20 matter is violence against women grants. And we fund a lot of
21 service providers, especially in domestic violence and sex
22 assault. And sometimes the providers tell us that one of the
23 issues is that people of some cultures, outreach is needed
24 because they tend not to report the crimes, and therefore they
25 tend not to get services and assistance as victims.