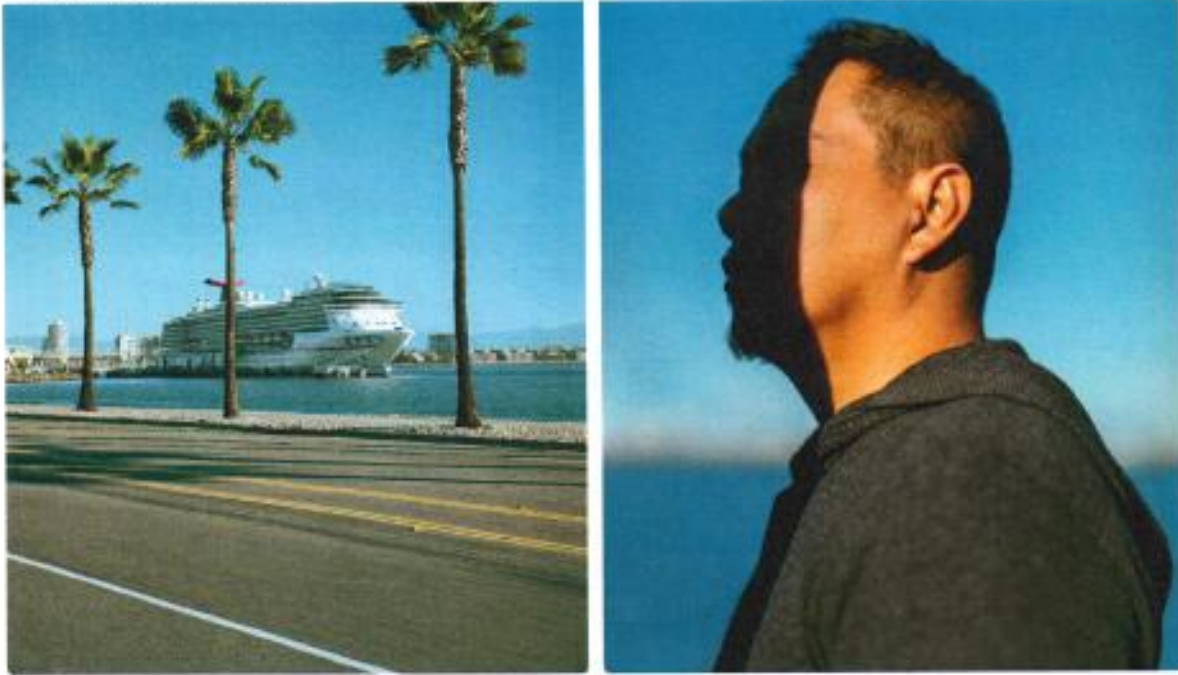


By California Sunday Magazine



FEBRUARY 2, 2017

Filipinos make up nearly a third of all cruise ship workers. It's a good job. Until it isn't.

By Lizzie Presser
Photographs by Kevin Kunishi

The clearest sign that Regie Lagarde was under pressure came with the sale of his beloved Violeta, a vintage lavender-colored Mitsubishi Lancer. He cut a bad deal and sold her for just \$1,800. He'd spent the previous nine months applying for cruise ship jobs, and he was flat broke. Regie was 28 years old and lived with his wife, Ira, and their two small children in a tiny house on the slope of a poor mountainside neighborhood in Olongapo City in the Philippines. His job cleaning rooms at a seaside resort brought in only \$190 a month. If his kids were to have something more, Regie decided he would have to work abroad, like many of his siblings.

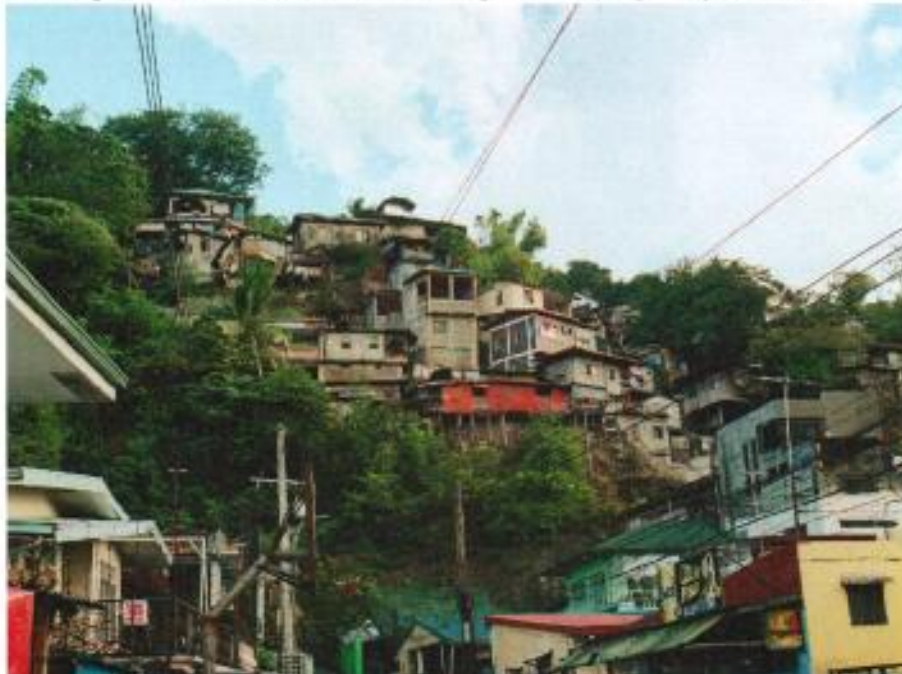
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still, considered to be the kind of job that only the well-connected or the lucky can get. So Regie had started skipping hotel shifts to hand out his résumé in Manila, four hours east. He'd taken so many days off he'd needed to quit. That's where the sale of Violeta came in.

After a year of nothing, on a summer evening in 1999, Regie lingered in the stone courtyard outside a manning agency, a labor-recruitment company that hired workers for Carnival Cruise Line. "Anyone here a waiter?" a manager asked the group. Regie shot his hand up, and the man glanced at his résumé. "You're not a waiter," Regie recalls the manager saying. "I'm a room attendant," Regie replied. "But I also bus out dirty dishes from the rooms and bring them to the restaurant." Regie wore his confidence in his tall shoulders. Big ears poked out from under his fine black hair, and when he smiled, a lone dimple formed near his mustache. Regie's bravado landed him an interview, which soon led to a \$450 monthly contract with Carnival Cruise Line, not to wait tables, as he had hoped, but to wash dishes on a ship out of Tampa Bay, Florida.



Olongapo, Philippines, where Regie grew up and his family lives

Filipinos make up about a third of the workforce on cruise ships — by far the greatest share from any country. They carve sea-creature ice sculptures in apartment-sized freezers, rappel from ropes to scrub the ship's hull, give manicures and massages, dance to "Livin' la Vida Loca" for dinner guests, and bus three-course meals from double-decker dining halls. Although the pay is attractive compared to jobs at home, the trade-off is a contract that offers little protection.

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enough to send his kids to private school, and the 48-hour workweek sounded standard. Regie didn't notice that his \$450-a-month pay was fixed, even if he put in up to 70 hours a week. He also didn't see the clause at the bottom of the third page that barred him from seeking protection under U.S. law if he were injured.

In the weeks leading up to his departure, Regie borrowed cash from his mother-in-law to pay for his medical exams and the processing fees for his work papers. Ira fretted over how she'd take care of their kids on her own, but she masked her anxiety, helping Regie pack crisp new T-shirts and brown leather sneakers. Their son, who was 3 at the time, sneaked his teddy bear into the suitcase when Regie wasn't looking.

Late on a rainy September night, Regie and his wife walked to the bus station, he balancing overstuffed duffel bags, she eight months pregnant with their third child. They kissed goodbye, and she waved as his bus lurched into the dark. Regie watched from the window as he wound past the church where he'd been baptized, down highways flanked by rice fields, through Manila's perpetual gridlock to the airport. He couldn't will himself to sleep. "I wanted to see the ship. I wanted to see America."

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Every morning, Filipino men crowd Manila's waterfront districts looking for employment on ships.

BEFORE REGIE SIGNED his contract, he'd joined thousands of Filipinos hunting for seafaring jobs in Manila's waterfront districts — the wide, modern thoroughfares of Malate and the cobblestone, old-city streets of Intramuros. More than 4 million Filipinos work abroad, 400,000 on the water. Through the heart of these neighborhoods runs leafy Kalaw Avenue, where the sweet steam of corn wafts from wood-slat wagons, and chess masters draw crowds of seamen. Early every morning, men weave through the jam-packed sidewalk, backpacks strapped against their stomachs. Some stop to talk to recruiters, who hold clipboards with job postings ("URGENT: Cook, Chief Officer Needed, Electrician w/ U.S. Visa"). Others approach manning-agency booths, where languid agents send them to apply for jobs at their companies' offices on nearby streets.

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United States, often in Panama or the Bahamas. This practice is known as flying a “flag of convenience,” and it began in the 1920s when American ship owners reflagged their ships in Panama to skirt Prohibition. When others learned they could operate under foreign regulations, the trend caught on, and now the most common countries for cruise ships’ flags are also known for their loose labor codes. The cruise industry has argued, for example, that Panamanian law doesn’t require overtime wages and that Bahamian minimum wage doesn’t apply to seafarers.



A manning-agency booth on Kalaw Avenue, Manila's main strip for seafarers

When Regie was applying in 1999, the cruise industry was experiencing a period of rapid expansion that has continued unabated. In the past 20 years, cruising has become the fastest-growing category in the global tourism market; in 2016, more than 24 million passengers set off on cruise ships. During the same period, the industry consolidated, so now three companies — all headquartered in Miami — control nearly 77 percent of the \$35 billion industry. Carnival Corporation, whose subsidiaries include Carnival Cruise Line, Holland America Line, and Cunard, is the dominant player with a 42 percent share. It’s followed by Royal Caribbean Cruises (which owns Celebrity Cruises, among others) and Norwegian Cruise Line.

Since Regie started his job, the number of cruise employees has more than doubled to nearly a quarter million. Amid the boom, many describe systemic wage theft and 80-hour workweeks with no days off for eight to ten months at a time. Many also say they are pressured to keep working when injured. Dozens of interviews, hundreds of pages of legal documents, and photographic evidence corroborate these claims. Although crew members have lodged complaints against all three of the major cruise companies, employees of Carnival Cruise Line speak of some of the harshest conditions. Most of these allegations, though, are sent to foreign arbitration and hidden from public view.

Like Regie, most Filipinos looking to work on the water focus more on the promise of a better salary than their rights. Recently on Kalaw Avenue, a maritime lawyer with a microphone addressed a group of about 50 men. “If you’re sick or injured, get documentation,” he began his lecture on Filipino arbitration. “You sign your contracts, but do you read them?” he asked. Two men raised their hands.

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A dormitory on Kalaw Avenue, where crew members often stay before flying to ports to meet their ships

WHEN REGIE STEPPED aboard the *Sensation*, his first ship, he was enchanted. Built by Carnival in 1993, it was huge — 14 stories tall and nearly three football fields long. Regie had never used a dishwasher, but now he was spending ten hours a day, every day, loading and unloading one and steaming pots as big as bathtubs. In his cream-colored, windowless cabin two levels below deck, there was the thrill of waves thudding against the hull, startling him awake. Even the routines felt exciting. He cleaned his navy-blue uniform in the evenings and reported to the kitchen, on deck eight, at 6 each morning.

Navigating the crew's social hierarchy was another novelty. Regie had never worked with non-Filipinos, and the different nationalities seemed to receive different treatment. The 920-strong crew, mostly men, lived on the three bottom decks of the ship, which Regie told his wife looked "like the downstairs in *Titanic*." Many of the dining managers were Indian, the casino dealers Eastern European, the dancers American, and the senior officers Italian. The bulk of the kitchen and housekeeping staff were Latin American, Caribbean, and Asian, like Regie. They ate meals in one mess hall, while those in higher positions dined in an adjacent cafeteria, which had fancier fixtures and offered more choices of food.

This ethnic stratification on cruise ships dates back, in part, to colonial ties. When the United States colonized the Philippines more than a century ago, the Navy began hiring Filipino seamen to clean rooms and serve meals to officers. Even after the Philippines gained independence, the

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were enlisted in our military. By 1970, more Filipinos were working in the U.S. Navy than in the Philippine Navy. Almost all, though, worked as mess boys and stewards, at the bottom rung of the career ladder. The U.S. military didn't draw down Filipino recruitment until the 1990s — around the time the cruise industry began to take off. Other cruise lines have similar ties to former colonies. Holland America, a Carnival subsidiary that was once Dutch, runs training schools in its former colony of Indonesia, and 48 percent of its crew members are Indonesian. P&O Cruises, another Carnival subsidiary based in Britain, has recruited in India since the 1850s.



The Thread: Femi Adeyemi with Katie Stelmanis

Presented by Mailchimp

Regie's wages washing dishes — which came to about \$1.75 an hour — were on the lower end of Carnival's pay scale. He figured that if he was giving up time with his family, he might as well make as much money as he could. When he noticed a hall mate, Delson Reyes (not his real name), pocketing extra cash from side jobs, he asked to team up. Delson, who was 25, liked to party, but Regie knew that he was also supporting his family back home.

Delson came from Iloilo, a city some 300 miles south of Olongapo, and he'd been hustling since the age of 4, when he peddled candy on the streets with his mother. He and Regie had joined Carnival with the same belief: Work hard, and your family's life gets better.

Waiters on the ship clocked long hours and made good tips, so Regie and Delson offered to clean their cabins for a fee. When the ship docked in Florida's ports each week, the pair hurried to the nearest Asian supermarket and filled bags with Filipino noodles and buko juice to sell at a markup on board. Two colleagues who ran a video-rental shop from their cabin went home between contracts. After buying the business for \$400 with Delson, Regie moved into their room, where the walls were lined with DVDs in English and Tagalog. They rented the movies for a dollar a day, double for porn.

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4 p.m. to spend his evenings running side gigs on the lower decks where crew held Bible study, sang Filipino folk songs, and took stints in the makeshift barbershop. The extra work distracted him from his homesickness. When Ira had gone into labor with their third child during his first contract, he'd phoned from a Mardi Gras-themed party in New Orleans. "Wait, I need to give beads to this lady," he'd joked, as Ira mixed giggles with wails on the other end of the line. Regie didn't meet his baby girl until she was 8 months old. He could only dial home from a pay phone at port twice a week, but it was usually 2 a.m. in Olongapo, long past his children's bedtime.

By his second contract, Regie's side hustles increased his earnings to more than \$1,500 a month. His income piqued the interest of Jimmy Marcelino, one of his closest friends, who'd been in and out of dead-end jobs for years. "You got to work on the ship," Regie nudged Jimmy, prepping him for interviews and letting him know when Carnival was hiring. He thought the steady job would help Jimmy, who used to tool around in *Violeta* while Regie worked his hotel shifts. He also knew that, as a natural charmer, Jimmy would make a killing in tips.

In those early years, Regie never complained. He had accepted that the monthly two-and-a-half "paid leave days" in his contract would not be honored. Instead, he worked every day. If he was lucky, his managers gave him two daytime hours off each week, sometimes four. Of the 28 workers I interviewed from across the major cruise lines, all spoke of similar experiences. Many say they work more than 75 hours a week with no days off, even though their contracts now promise four-and-a-half paid leave days each month. (A Carnival Cruise Line spokesperson, when reached for comment, noted that the maximum number of hours employees are scheduled to work is 70 per week, though occasionally it can extend longer — up to 91 hours is legal. "Time off usually consists of a half day in a port of call, and employees are given additional time off wherever possible We

Regie in front of the *Triumph* in 2000In his room on the *Triumph*On the *Sensation*, his first ship, in 1999

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contract.”)

Sometimes, at night, Regie would cry. “It’s like you’re in jail, but you’re earning money,” he says. Ira reminded him on their weekly phone calls of how much he was providing. “If you come home, there’s no job here. Where will we get the money?” she’d tell him when he sounded low. So Regie continued to renew his contract and built up a new side business. He studied how to tattoo, and he began inking koi and swirling skulls onto the backs of his colleagues for \$50 and up.

Six years on, Regie had moved his family to a three-bedroom rental in a middle-class neighborhood. They now had a prim lawn and two golden retrievers. The kids were enrolled in private school. When Regie came home between contracts, usually for two months, they paraded him around their elementary school halls and introduced him to classmates and teachers. “This is my dad!” they’d shout. “Told you I had a dad!” The family, which had grown to six, hosted feasts, where Regie handed out gifts: Spam for his parents, iPads for his nieces, low-top Nikes for his nephews. In the weeks before he left to return to the ship, when his kids begged him to stay, Regie retreated behind his bedroom door to steel himself. “They didn’t understand what I was going to do there, that I was working for them.”

Regie’s friends on board were also upgrading their lifestyles back home. Because Delson’s marriage had dissolved, he sent most of his income to his mother and siblings. He bought them two condominiums, moving them out of the half-wrecked bamboo house where he’d grown up. Jimmy bought a red Yamaha motorcycle; its photo hung by his bed on board. When he returned to Olongapo between contracts, he drank late at the neon-lit bars and gambled on cockfights.

After eight years in nontipping jobs, Regie was promoted to waiter — the last of the three friends to be offered the position. The monthly salary was only \$45, but he could make more than \$2,000 in tips if he won over his guests. The contract still stipulated a 48-hour regular workweek, but he was working from 12 to 14 hours a day, seven days a week; he and Delson no longer had time for side jobs. They started hauling crates of plates and silverware to and from the ship’s dining halls between courses. They covered three shifts a day, with short breaks between each meal. They’d crawl into their bunk beds around midnight and set their alarms for 5 a.m. “It’s hard



With some of the kitchen staff on the *Imagination* in 2003



In the dining room of the *Imagination*

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The three logged their hours on the ship's time-sheet software, called "Fun Time" (Carnival Cruise Line's motto is the "Fun Ship"). But when the number exceeded ten hours, it appeared red on the screen. No matter how many extra hours they tapped in, their pay slips rarely showed that they worked more than ten or 11 hours a day. Regie didn't understand why he wasn't paid for the extra work, and when he asked management, no one provided an answer. "What's your proof?" Regie says his supervisor shot back.

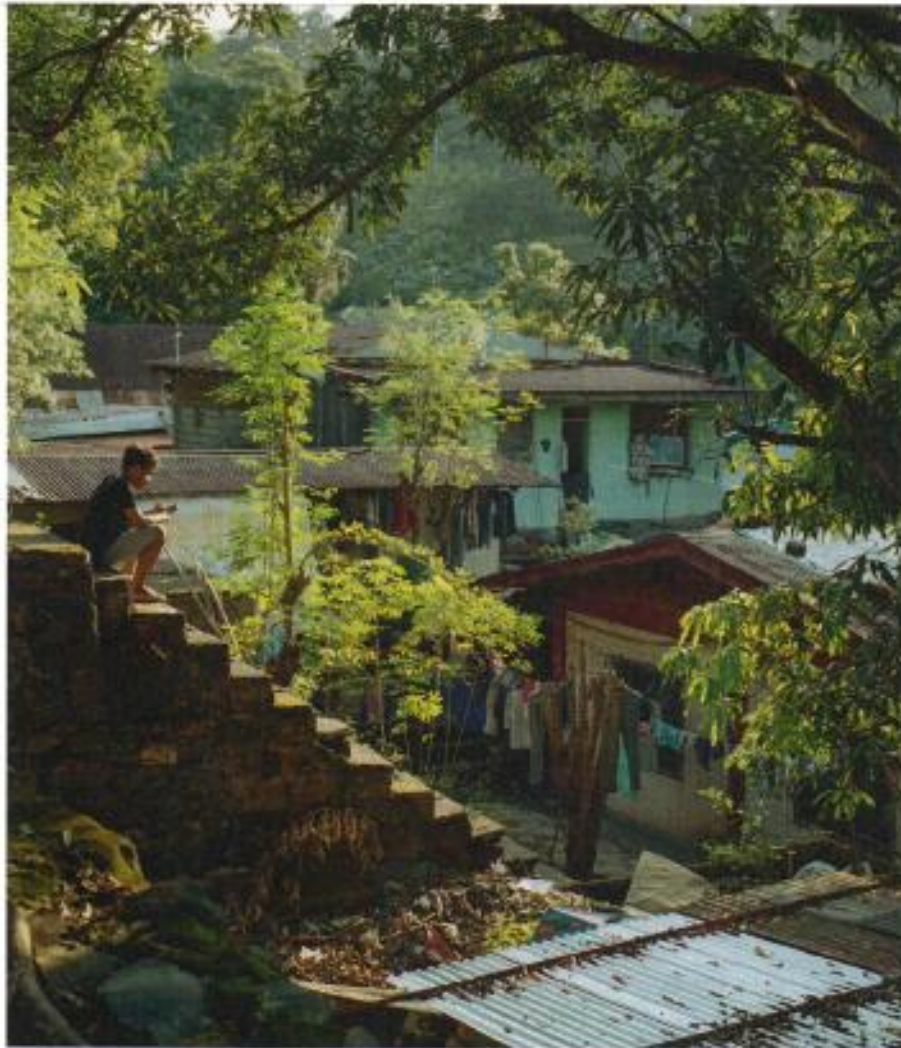
Many tip-earning Carnival Cruise Line workers told me that when they raised the issue, their managers would punish them by assigning them fewer guests, which meant fewer tips. That's what happened to Regie when he protested that one of his supervisors was piling on late-night cleaning duty: He was assigned half his usual number of diners. (Carnival says that such practices would violate company policy.) "After that, I didn't complain," Regie says. "You're not going to win. Every time, you lose."

In interviews with ten Carnival Cruise Line employees with a combined 70 years of experience on different ships, all said that the number on the Fun Time screen appeared in red when they logged more than ten hours. Room stewards, cooks, and waiters explained that, in these cases, a supervisor would call them, reduce their hours to ten (or, in rare instances, 11), and then ask that employees sign back in to Fun Time to approve the adjusted time sheet. To avoid being chastised, many said they logged just ten hours, even though they had worked longer.

In 2006, Carnival settled a class-action lawsuit that charged that its subsidiary, Carnival Cruise Line, altered employee time sheets. David Brill, one of the attorneys who brought the case, says that despite the settlement, the practice continues: "It should not be happening, but it's rampant." When asked for comment, the Carnival spokesperson responded, "Our company does not tolerate any workplace harassment or inappropriate adjustment of recorded hours, and anyone found to be in violation of company policy is subject to strict disciplinary action up to and including termination of employment."

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Regie's son Giordan in Olongapo

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Ira, Regie's wife (center), and their four children

IN 2009, A FEW WEEKS into his eleventh contract, Regie was finishing breakfast in the mess hall. When he went to bus his tray, he couldn't lift himself out of the chair. An ache pulsed above his tailbone. He couldn't feel his legs. As the room cleared out, Regie caught the attention of a friend who helped him up.

Regie reported to the onboard doctor that his legs had gone numb, but the doctor assured him it was only muscle pain. He prescribed Regie muscle relaxants and ibuprofen and sent him back to work. At night, Regie asked his roommate to rub Bengay cream around the base of his spine. In the morning, he lingered in the shower, spraying hot water against the small of his back. Still, the pain grew sharper and crept down his legs. Over the next few months, Regie says that he went to the infirmary three more times to ask for an X-ray, but instead the doctor prescribed pain medication. "You just came here. Do you want them to send you home?" Regie remembers the doctor telling him on the fourth visit. "You Filipinos are always like that, saying you have pain."

Six months after his first scare, Regie was on dinner duty waiting by the kitchen counter when his legs gave way beneath him. His back slid against the white wall, his tailbone thumped against

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Angeles found that a slipped disc in Regie's lower spine was crushing the sciatic nerve running down his legs. Without immediate surgery, he said, Regie could be paralyzed.

No one knows how many workers are injured on cruise ships each year. Different flag states have different reporting guidelines, as do ships' insurance providers. A study of P&O Princess Cruises, a Carnival subsidiary, suggests that roughly 4,500 crew members across the industry are sent ashore every six months. But since cruise companies self-report injuries and shipboard doctors can choose to restrict onshore treatment, the number of injured crew is believed to be higher. A 2008 study led by a former cruise doctor lends credence to this theory. Over a three-year period, he found that, on a ship staffed with 630 workers, one in two crew members reported an injury, and nearly a third of the injuries required time off from work or medical attention on land. "Injuries reported to the medical staff on a cruise ship were frequent and far more so than official statistics would indicate," the study concluded.

Regie's experience of ship doctors who brush off complaints of injury and offer painkillers instead of treatment is common, according to a dozen crew members and many of the maritime lawyers I spoke with. Ship doctors, who treat both passengers and crew, can be trained and licensed in any country. Since the mid-1990s, when the American Medical Association found that less than half of ship doctors had board certification, it has lobbied for U.S. government regulation with no success. The larger issue, according to attorney Michael Guilford, who has practiced maritime law for more than 30 years, is that cruise lines penalize doctors who arrange for too much shoreside care. "The doctors are accountable for how many people are on sick leave, for how long, and if they have to send someone ashore for treatment," he says. "If you're a doctor sending too many people off for sick leave for too long, you're going to be in trouble." (When asked about these allegations, the Carnival spokesperson responded, "This is not accurate. We very much want our crew to be healthy and strive to provide all necessary medical care both shipboard and shoreside to treat any illness or injury that a team member may experience.")

Once Regie's MRI revealed the extent of his injury, the doctors on the ship sought approval from headquarters to send him home. After one more cruise, the company booked him on a plane to



The hospital in Manila that houses the clinic where Regie went to treatment

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chandeliers and into the plush Marine Medical Services waiting room. *It's like we're spoiled.* Leaning on his wife, he watched seamen from different ships enter the crowded clinic. Some wore bandages on their arms; others rolled on wheelchairs. Patients traded stories about their accidents, and a few passed around the business cards of injury lawyers.

Regie's contract mandated that he see Carnival's designated doctor if he wanted the company to cover his medical treatment and pay his wages while he was recovering. Cruise companies retain doctors in hospitals around the globe as coordinators for their crews' care. Regie's appointment was with Dr. Robert Lim, the director of Marine Medical Services. After reviewing reports from a specialist, Dr. Lim's assessment would determine Regie's treatment, compensation, and whether Carnival would hire him back.

Under all Filipino seamen contracts, employers can end sick wages after four months, no matter the workers' medical conditions. Companies are only required to pay up to eight months of medical care, but the standard is 120 days. Once a company-sponsored doctor writes that a seaman is "fit to work" or that he has reached his maximum recovery, the patient is on his own. The law allows for a second opinion, but many ill or injured crew members don't seek one. Maritime lawyers told me that, at least at first, most of their clients usually trust their assigned doctors but also don't want to pay for another consultation, which would come out of their own pockets.

Dr. Lim told Regie that the MRI he ordered showed a bulging L4-L5 disc in his lower back and he would refer him to a surgeon for an operation. Regie and Ira had a list of questions — *What is an L4-L5 disc? What are the risks of surgery?* — but they say Dr. Lim rose and ushered them out before they could raise any. At the front desk, Regie asked for his full medical record, but the secretary refused to provide it. She said it was the property of Carnival Cruise Line.

Regie began to grasp the oddity of the clinic. As he walked to the parking lot, he realized this wasn't the VIP treatment he had thought. Instead, it felt like a trap. He worried that if he accepted surgery, the operation could go wrong, but if he declined, Carnival would not rehire him. Without his medical records, he didn't have any proof that he had been injured while on the job. In the waiting room, Regie says he heard other patients try and fail to get their records, too. One Filipino lawyer I spoke to says that of the approximately 200 cruise workers he's represented, 90 percent have been unable to obtain their medical records from clinics or cruise lines. (According to the Carnival spokesperson, all crew members have the right to their medical records, and they are available upon request. "We are not aware that in the Philippines they are not provided with their medical records.")

In February 2010, Regie underwent a laminotomy, in which surgeons removed a part of the wall around his spinal canal; Carnival paid for the operation. He went to physical therapy, which

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Regie still relied on Ira's help to get out of bed and to put on his pants. The doctor assured Regie that he'd be fine — his pain was normal — but advised that he not lift more than 33 pounds. He handed him a piece of paper to sign that read: "In recognizing this Certificate of Fitness for Work, I, Regidor Lagarde, hold ... the agent Carnival Cruise Line free from all liabilities as consequence thereof." Regie didn't feel fit to work — in his condition he was sure he would be reinjured.

Another patient in the waiting room had told him that if he signed, he'd be waiving his rights, so he didn't. Dr. Lim explained that if he didn't sign, he wouldn't be hired back. "It's a matter of protocol, yes," says Dr. Lim, when asked if patients are required to sign before their re-employment.

Carnival Cruise Line stopped paying Regie's medical bills. A month earlier, he'd reached the end of his four months of sick wages. Money was getting tight. He hadn't thought to budget for a second opinion to fight the claim. He had hoped he'd improve and get rehired. Without an income, Regie couldn't continue physical therapy, so he took to exercising in his living room, mimicking the squats and lunges that he'd learned at the clinic. His eldest daughter was in college studying to be a medical technologist, which cost \$1,000 a term, so he borrowed against the family minivan to help cover her tuition. But after a few months, a letter of re-employment still hadn't come. *How did this happen? What did I do wrong?* Regie wondered, late at night, after the kids had fallen asleep.

Regie wasn't the only one of his Carnival Cruise Line colleagues in this situation. That summer, Delson learned that the migraines he'd been fighting were triggered by slipped discs in his neck, and he needed surgery. (Maritime lawyers and doctors say back injuries and herniated discs are among the most common injuries at sea.) For years, Delson had been asking onboard doctors for tests to identify the cause of his migraines. Now, Carnival was sending him back to Manila, for treatment under Dr. Lim.

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After his injury, Regie could not find work on a cruise ship.

SINCE THE EARLY 19th century, the United States has granted special legal status to seafarers. In a landmark case, a federal court ruled that, out on the ocean, seamen were too powerless to defend themselves from their employers, so they needed the protection of the state. The Jones Act of 1920 gave seafarers — no matter their nationality — the right to sue their U.S.-based employers in U.S. court. When Congress passed the Federal Arbitration Act a few years later, it specifically exempted seamen from being forced to settle legal disputes by arbitration.

Seafarers kept that right to a U.S. jury trial until the past decade, when major cruise lines began arguing in court that foreign arbitration should be enforced for employees who had signed international commercial contracts. A federal court ruled in the industry's favor in 2005, basically equating Filipino seafaring contracts with contracts between businesses. When Filipino seafarers

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But arbitration in the Philippines is nothing like the American judicial system. In the United States, seamen can file for damages on the basis of dangerous working conditions or shoddy medical care, for example. They can receive payments that cover any future loss of wages and ongoing medical expenses, which can span a lifetime. In the Philippines, on the other hand, seamen are offered payouts based on a predetermined compensation chart, in which each body part has a price tag. If there's a spinal injury and the company-sponsored doctor says a seafarer's back has lost a third of its mobility, it's valued at \$7,465. If a crew member loses his penis, he's paid \$20,900. If a worker dies: \$50,000. The maximum payout, for permanent disability, is capped at \$60,000. Unionized workers can receive more, but Carnival Cruise Line crew members are nonunion.

Regie decided to sue Carnival in the United States. Even though he knew the odds were against him, he believed the risk was worth it: The rewards in American courts far exceeded compensation in the Philippines. He hired a well-regarded maritime lawyer in the States, Tonya Meister, who alerted Carnival that Regie was unable to get his medical records. Only after months of repeated requests did Carnival authorize the clinic in the Philippines to release Regie's complete record — it never did. As the case dragged on, Regie pawned his family's oak ottoman and marble coffee table and digital cameras, everything down to the Prada sunglasses he'd bought in the U.S. Virgin Islands. He pulled his daughter out of college. After months of not paying rent, the family moved out of their home in Olongapo and onto couches in Regie's sister's house in Laguna, 150 miles south. Then, in late 2012, two and a half years after he filed the case, a Florida state court ruled that it had no jurisdiction — that the case had to go to arbitration in the Philippines.

The Filipino judicial system is notoriously corrupt: Arbitrators are known to sell favorable rulings to the highest bidder. Over dinner one night in Manila, a maritime lawyer showed me strings of text messages he said were from middlemen who traded arbitrators' decisions for the right price. When Regie finally sought arbitration in the Philippines, he was wary of the system and also hamstrung. Without a second opinion, his lawyer couldn't contest Dr. Lim's medical assessment that he was fit to go back to work. Regie eventually settled for \$25,000 — after attorney fees were taken out, roughly equivalent to a year's middle-class income in the Philippines.

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Delson also entered arbitration in Manila. Dr. Lim had given him a disability rating for “slight stiffness of neck,” which meant he’d be granted \$5,225, according to the compensation chart. He had saved enough to seek a second opinion, and that doctor reported he was permanently disabled. Delson says his case settled for \$30,000 — a fraction of what he could have won in a U.S. court.

Recently, the cruise industry has pushed to pass a law that would prevent all foreign cruise workers in U.S. waters — not just Filipinos — from protection under U.S. law.* The industry’s trade organization, Cruise Lines International Association, spent more than \$1 million lobbying Congress in 2016, and Carnival Corporation itself gave \$900,000 in political contributions. Senator Bill Nelson of Florida, a Democrat, has fought hardest for the legal change, which nearly passed twice in the past year and a half. In 2016, Nelson received more in political donations from the cruise industry than any other member of Congress.

“If cruise lines know their workers are kept from holding them accountable in court, they’ll have little incentive to provide them with a safe work environment,” says Senator Richard Blumenthal of Connecticut, a Democrat, who opposes the change. He and others expect a fresh attempt by the cruise industry in 2017.

When the courts gave seafarers special protection in the early 1800s, the law recognized that because seamen were far from sight, they were left to the whims of their employers in a way that other workers were not. To some, the cruise companies’ ability to bypass American maritime law is a window into a future where more and more labor is globalized and out of view — and corporations can pick the jurisdictions most favorable to them. “The cruise industry is a free-market dream,” says William Terry, a professor at Clemson University who studies labor in tourism, “but it means that workers on their own are more vulnerable.”

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Regie commemorated the birthdates of each of his children on his left hand.

NO ONE KNOWS what happened to Regie's friend Jimmy. The last Regie heard, he was sent back to the Philippines for medical care, and, soon after, he left Olongapo and disappeared. Delson's experience mirrored Regie's, except that he eventually landed another job on a cruise ship. He lived on savings while he recovered, and when the money ran out, he sold off his rice fields and his gold chain-link bracelets. Two years ago, after he'd applied to more cruise jobs than he could count, he received a phone call for an interview with a German line. When the agent asked him why he'd left Carnival, Delson lied, saying he was tired of the United States and ready to see Europe. He's been on board ever since, trying to take care of his neck. "God heard my prayers," Delson told me.

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all went to sleep hungry. A year after his surgery, Regie handed out résumés to go back on cruises, but despite his ten years of experience, he never got an interview.

Regie borrowed money to join his brother in New York City, serving at a buffet in Queens until his visa ran out. He joined his sister in Guam, taking a job as a caregiver. Then Ira had a serious stroke. But Regie wasn't able to go home — the family needed what he earned overseas. Recently, Ira moved back to the mountain in Olongapo, just steps away from their first home. It's been two years since Regie's been back, but he chats with his wife and kids on Facebook, his messages pinging on their phones, sometimes hourly.

Last summer, while Regie was in Los Angeles, I spent a few days with him in the city and down in Long Beach, visiting haunts from his cruising days. When he sits, he changes positions continually — kneeling, cross-legged, squatting — to manage the pain in his back. On his left hand, the birthdates of each of his children are inked in black onto the sides of his fingers. A small anchor marks the joint on his thumb. "I'm a seaman," he beamed, when he caught me looking.

When I asked him why he reapplied to cruise jobs after all he'd been through, his tone shifted. "If you asked me straight, 'Do you like to work on the ship?' I'd say, 'No. I don't want to anymore. I don't like it.' I had to do it. I didn't have any choice." His only choice now, he said, is taking jobs abroad. His daughter promises that when she graduates from medical school in five years and gets hired, she'll fly him home for good. There's one hitch in the plan to bring the family back together. Regie and Ira's youngest son, Giordan, says he wants to be a seaman, too.

This article was reported in partnership with The Investigative Fund at The Nation Institute.

"The word 'any' has been deleted from the original sentence. If the amendment backed by the cruise industry's main trade association becomes law, a foreign crew member who is injured within U.S. territorial waters — that is, within 12 miles of U.S. land — would theoretically be able to sue a cruise line in U.S. court. In reality, though, it would be extremely unlikely that the few foreign crew members who are hurt in U.S. waters could find protection under U.S. law, because nearly all cruise lines use employment contracts that mandate arbitration under foreign law.

LIZZIE PRESSER is a writer based in New York. Her work has appeared in *The Guardian*, *The Independent*, and *Harper's* online, among other publications.

KEVIN KUNISHI is a photographer from the San Francisco Bay Area currently working on long-term projects throughout the Philippines.

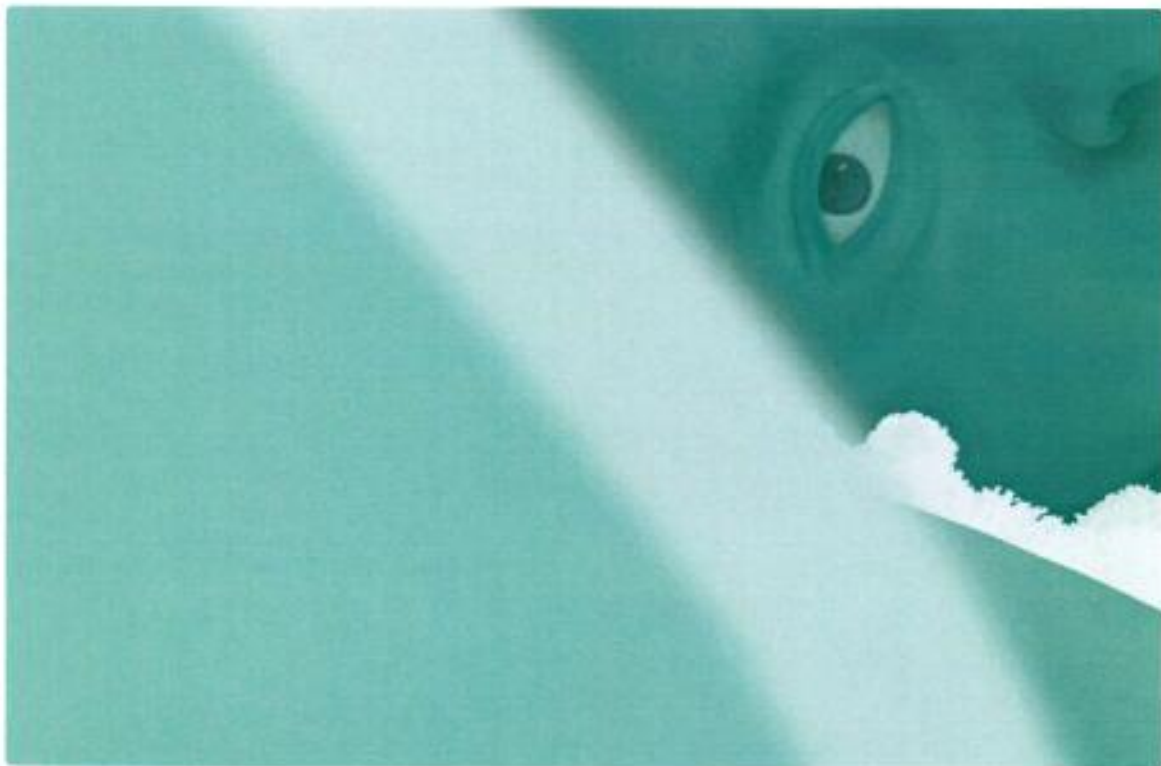
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