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Survey on the work condition of Catholic foreign domestic workers and their opinion on minimum wage

Press Release

*In a survey by the Hong Kong Catholic Commission for Labour Affairs (HKCCLA), of all the Catholic foreign domestic workers interviewed, over 47% of them work more than 15 hours a day, some up to 20 hours, some also face shortage of wages paid. The survey reflects that most of the foreign domestic workers (FDW) favour including them in the minimum wage bill and of this group, 27.62% accept setting the wage level below \$4500, 35.6% accept setting the wage level \$45001 to \$5000, which is quite far apart from what most people perceive, that the minimum wage legislation would push the FDW's monthly wages to above \$10,000. **HKCCLA opines that FDWs already face different degree of adversity working in Hong Kong and as responsible government, Hong Kong should try its best to protect the rights of workers. At the same time, the result of the same survey should help to clarify most of society's worry about the minimum wage pushing FDW's wages to sky high and pave the way for a sensible discussion of minimum wage for foreign domestic workers.***

The Hong Kong Catholic Commission for Labour Affairs has conducted a survey during the Sundays of June and July, 2009. In the survey, foreign domestic workers attending Sunday masses were interviewed by way of a questionnaire to ask about their working condition and to solicit their opinion towards the minimum wage legislation. 1437 foreign domestic workers were interviewed, most of them Catholic foreign domestic workers from the Philippines. The result of the survey is summarized as follow:

1. Long Working Hours

The survey indicates that long working hours are very common among the FDWs. Of the 1437 interviewed, only 1.7% works 8 hours a day. 98.3% works over 8 hours and 47% out of this group works 15 – 20 hours. 3.1% works even more than 20 hours. On average, the interviewees work more than 15 hours a day.

HKCCLA points out that the FDWs live and work at the same place. Hence they may be required by their employers to stand by on duty and to work on demand. However, **FDWs deserve reasonable work hours and at least 8- hour rest per day and hence their working hours should be regulated. The government should require the employers to specify the work and rest arrangement for FDWs, to avoid them from working exceedingly long hours and causing health risks.**

2. Inadequate Food Allowance

The survey indicates that 80.5% FDWs interviewed were provided with meals from their employers. **16.3% were given food allowance, however, amongst them, some gets only \$20 food allowance and 68.4% gets under \$300 as food allowance.**

HKCCLA opines that **although the government has increased the food allowance from \$300 to \$740 starting from 2 September 2009, the mechanism for the increase, just like the minimum allowable wage, has not been transparent and is without any public consultation.** Even that the government has raised the allowance to \$740, averaging \$24 a day, it is still way below the Consumer Price index and it is not enough to cover for three meals. **HKCCLA suggests the government to make reference to some FDW group suggestion, and to set the food allowance level to over \$1500. ***

3. Shortage of wages paid

The survey shows **26.3% FDWs interviewed were paid a wage below \$3580, the minimum allowable wage. Some interviewed were paid as low as \$2580 a month.** Although the survey reflects mostly the conditions of Catholic Philippine workers, some surveys on Indonesia and Thai workers have shown that shortage of wages paid is also very common among them.

4. Un-preparedness to make a complaint on their work condition for fear of losing their jobs

The survey shows **39.9% of FDWs interviewed were not prepared to make a complaint on their work condition for fear of losing their job and worry about their personal safety. HKCCLA feels that the “two weeks rule” imposed by the Immigration Department is perhaps the major cause for FDWs not making a complaint.** The “Two Weeks Rule” requires the FDWs to find a new employer within two weeks after their contract become terminated. Otherwise, they have to return to their country of origin and to apply for a new working visa to come to Hong Kong. Most FDWs come to Hong Kong to work to support their families at home, some have incurred huge amount of debt through the application process. The FDWs are worried that once their contract become terminated, it is hard to find a new employer within a short period of time. In order to be continuously employed and to be able to stay in Hong Kong, most of them are not prepared to make a complaint against their employers even though they might be abused by the employers or being paid less than their normal wages. Some employment agents, making use of the fact that FDWs cannot change employer within a short time and that they have to leave Hong Kong within two weeks once their contract become terminated, have threatened FDWs to agree to a lower wage or ask them to pay an exceedingly high commission fee. **HKCCLA urges the government to relax the “Two Weeks Rule” as this is the only way to encourage FDWs to report to authority about their unscrupulous employers. Government should also impose a stricter supervision on the employment agents and to actively investigate all illegal cases or those cases involving overcharging commission fee.**

5. Ninety percent of foreign domestic workers agree that they should be included in the minimum wage protection

Close to 90% of FDWs interviewed agree that the minimum wage bill should include them as well. Of those agreeing, 27.6% expects that a reasonable and acceptable monthly wage for FDWs should be set below \$4500, 35.6% accept setting the wage level \$4501 to \$5000. HKCCLA points out that their expected wage level coincides with the calculation of minimum wage by most FDW organizations. This is far apart from what most people perceive: that minimum wage would push FDWs' wages to \$10000. HKCCLA hopes that this result should help to clarify FDWs expectation on their wage level and counteract society's worry about a sky-high wage for FDWs. HKCCLA also hopes that a sensible discussion on minimum wage level in society can ensue, especially amongst employers and employees' groups.

The survey also shows that the FDWs, besides remitting money to their home country, are also direct or indirect local consumers, e.g. buying daily necessities (76.7%), spending on communication (84.3%) and contribution to church (75.8%). This reflects that FDWs work in Hong Kong and live in Hong Kong. Apart from being provided with free accommodation and basic subsistence from their employers, they are like most Hong Kong workers, spending and entertaining in Hong Kong. Hence HKCCLA opines that when calculating FDWs' wage level, it should take into consideration their basic needs in Hong Kong.

6. Conclusion

HKCCLA points out that FDWs faces various degree of adversity while working in Hong Kong. As a responsible government, Hong Kong should try its best to protect the rights of FDWs. At this critical moment when the Minimum Wage Bill is in discussion, the government should make reference to this survey and to include FDWs in the minimum wage protection. **HKCCLA reiterates that the enforcement of minimum wage is to ensure that workers could earn enough for a decent living for themselves and their families. FDWs are also workers. Based on the principle of fairness and justice, FDWs should enjoy the same protection on their rights to a decent wage. By the same token, when their wages are to be adjusted, the process should go through public scrutiny and proper legislation. It should not be like the present situation, that the government decides the wage level of FDWs closed door, without any consultation or public query.**

- Source:Asia Human Rihts Commission. A Joint Statement of Civil Groups. "Hong Kong: Transparent and reasonable mechanism for minimum food allowance for foreign domestic workers needed to ensure right to adequate food." 10 September, 2009
- 外傭凍薪膳食津貼加至 740 元. 東方日報, 2009 年 9 月 3 日