



香港天主教勞工事務委員會

HONG KONG CATHOLIC COMMISSION FOR LABOUR AFFAIRS

HOLY CROSS CENTRE, 7/F, 72 YIU HING ROAD, SHAUKIWAN, HONG KONG.

香港筲箕灣耀興道72號聖十字架中心七樓

TEL(電話) : 2772 5918 FAX(傳真) : 2347 3630 E-MAIL(電郵) : hkccla@hkccla.org.hk

WEBSITE(網址) : <http://www.hkccla.org.hk>



Survey on the working and living conditions of Indonesian domestic workers in Hong Kong

Executive Summary / Press Release

16th October, 2011

In the recent times, more and more Indonesian workers come to work as domestic helpers in Hong Kong, outnumbering their Philippine counterparts and becoming the largest racial group among foreign domestic workers. Because their work history is relatively short in Hong Kong, many surveys reveal that they encounter more exploitation as compared to the Philippine workers. For this reason, the **Hong Kong Catholic Commission for Labour Affairs and the Diocesan Pastoral Centre for Filipinos (and other Asian Migrants & Ethnic Minorities), have jointly conducted a survey on the work condition of Indonesian workers in Hong Kong.** The purpose of the survey is to explore (1) characteristics of this population and their seeking help behavior; (2) their work and living conditions including their work hours and how they are treated as workers; (3) whether they are exploited by their employers and recruitment agencies on their pay and rest days.

This survey was conducted from April to July, 2011 and 239 Indonesian domestic workers in Hong Kong were interviewed. The result of the survey indicates that most of the Indonesian workers interviewed are of low education and are very young aged. **Although more than 85.2% of them are aware of the labour law in Hong Kong, when they actually encounter a labour dispute, only less than 6.3% will file a complaint. We believe this has much to do with their low education, lesser years work in Hong Kong, and a weak social network. Other reason** for them not filing a complaint to the Labour Department is because 26.7% are **worried about the complicated process involved which in evidently affects their work.** A further 47.5% are **worried** if they file a complaint, they will **be dismissed by their employer**, thus affecting their livelihood. We believe that the “Two-week Rule” put in place by the Immigration Department which requires workers to leave Hong Kong within two weeks after they no longer have a contract and the fact that they are prevented from taking up any employment during litigation, are the main factors deterring them from bringing forth a litigation.

These workers interviewed have come across different kinds of exploitation, the most common are being underpaid wages (70.4%), confiscation of personal property such as identity card, passport, etc. (67.3%) and undertaking work outside of their contract (48.3%). **Although these exploitations are very common, yet the statistics by the Immigration Department indicate there is a low percentage of prosecution of employers that contravene the Employment Ordinance.** Even if

employers were actually prosecuted, the penalty for them is minimal, reflecting an attitude that the government is not keen on prosecuting employers.

The survey also indicates that Indonesian workers often work long hours. More than 50.5% work an average of 16 hours per day, at the same time, **they are deprived of their normal rest days.** Nearly 49.7% of them interviewed do not enjoy one rest day a week in their first work contract. Even if they were working in the second or third contract, their rest days taken away are still common and most of their employers would not compensate them for these rest days.

Besides, **nearly 47.7% of them are underpaid by their employers and more than 95.6% encounter unscrupulous recruitment agencies which charge them fee far exceeds the legal limit.** In some cases, the recruitment agencies charge a total of \$21000, amounting to almost 7 months of their pay. **This has much to do with the Indonesian government's requirement that all of the workers have to go through recruitment agencies prior to their arrival to Hong Kong.** Most of these agencies have connection with the recruitment agencies in Hong Kong, thus workers terminating their contracts while in Hong Kong are still bound by the Indonesian law which restricts them from freely choosing a new employer. In addition, "Two-week Rule" that indirectly prompts the workers to find new employer within 14 days force the workers to accept the excessive agency charged by recruitment agencies. Recruitment agencies thus have made use of this loophole, and charged workers with excessive agency fee as they know that workers have to go through them to seek another job.

In view of the exploitation faced by Indonesian workers, we suggest the following:

1. Empower Indonesian workers to improve their work conditions in Hong Kong

Because Indonesia is a country that only recently opens its doors to migration of workers to foreign countries, most of its migrant workers are relatively young and most come from poor rural areas. They are often poorly educated and lacking work experience. Couple with a lack of social network, the awareness to seek help when they come across labour dispute is relatively weak. Hence we would like to suggest to **the relevant government departments, particularly the Labour Department and Immigration Department, to focus on the migrants' work conditions and to provide appropriate assistance to them,** such as hold seminars and exhibitions on labour law and workers' rights, to enable the workers to become more aware of their rights and enhance their confidence to seek help.

2. Removal of the limits on workers while they are going through litigation

We urge the Government to amend the "Two weeks rule" and allow workers that are in the process of litigation against their employers or the recruitment agencies be allowed to stay in Hong Kong until the completion of the litigation. In the meantime, the Government should provide them with shelters and food assistance. In the long run, **they should be allowed to continue to work so that they would not lose the means of livelihood.** Only under such improved circumstances would the workers be willing to file for litigation and to protect their own rights.

3. Enhance enforcement of labour legislations and increase the frequencies of labour inspection

We suggest the Government **to enhance the enforcement of labour legislation and be more vigorous in prosecution of employers who contravene the Employment Ordinance and the Immigration Ordinance.** The Government should also **review and increase the penalty** to employers that contravene the law. Moreover, the Labour Department should **help in collecting evidence to assist the workers seeking help in the litigation process.**

Besides, the Government should provide more training to the front line law enforcement officers in the area of employers or recruitment agencies confiscating passports and identity documents of migrant workers. They should treat the act as a criminal act and not just mere labour dispute.

4. Enhance the monitoring of recruitment agencies

We urge the Government **to enhance its monitoring of the recruitment agencies,** actively investigate all cases that contravene the law and cases that charge workers exceeding fee, and **blacklist and make public these agencies.** In addition, the Government should enhance public awareness. Government should make employers aware of the exploitation methods used by recruitment agencies, point out to them what they should know in selecting a recruitment agency and warn them that it is a criminal act to collaborate with recruitment agencies to underpay the workers. Only then could it stop the collection of exceeding fees from migrant workers and the exploitation of them.

5. Maintain regular contacts with those countries where most migrant workers come from, and work together to minimize those illegal acts exploiting migrant workers

The Hong Kong Government does not have contacts or unilateral agreements on labour policies with most of the countries where migrant workers come from. Thus its hands are tied when the complaint is against the recruitment agencies in these countries for charging excessive fees. We suggest the Government should **increase its ties to these countries and work together on improving the labour legislation protecting migrant workers.** The government should regularly exchange information with these countries and plug the loophole that allows recruitment agencies both locally and abroad to charge exceeding fee and underpay workers.