

UNDERPAYMENT 2

The Continuing Systematic Extortion of Indonesian Migrant Workers in Hong Kong

An In-Depth Study of Indonesian Labor Migration in Hong Kong

By:

Asian Migrant Centre (AMC)

Indonesian Migrant Workers Union (IMWU)

The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)

Supported by:

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**2006 Survey: Underpayment of
Indonesian Domestic Workers in Hong Kong**

Research Summary

In 2005 the Asian Migrant Center (AMC) published “UNDERPAYMENT: Systematic Extortion of Indonesian Migrant Workers in Hong Kong”. This research, originally conducted in 2004, highlighted the multiple vulnerabilities of Indonesian Migrant Domestic Workers (IMDWs) in Hong Kong. It examined issues around recruitment, working conditions and the return home. The 2005 study found, among other things, that 42% of IMDWs in Hong Kong were underpaid. The Asian Migrant Center, wanting to follow up on the 2004 survey conducted a new survey in Hong Kong during late 2006 by interviewing 2097 Indonesian migrants’ domestic workers working in Hong Kong. The results of that survey are detailed here.

1. Introduction

I asked my employer why do I have to sign a receipt for HKD 3,270 when you only give me HKD 1,800? My employer said because you are new to Hong Kong and can't speak Cantonese well.

My employer gave me so many tasks that it was impossible to do them all in one day. It was impossible to escape the verbal abuse. I finally ran away one night because I knew that it was impossible to ever do the job.

– An interview with migrant worker ‘1’
from Malang, East Java

Around 1985 Indonesian migrant workers began arriving in Hong Kong. Initially the numbers of Indonesian migrant workers in Hong Kong remained low, that is until the 1990s when the government of Indonesia began cooperating with the government of Hong Kong to place Indonesian migrant workers in Hong Kong. This cooperation led to the explosive growth of Indonesians migrating to Hong Kong in search of work, virtually all of whom are domestic workers.

In 1990 there were approximately 10,000 Indonesian migrant workers in Hong Kong. According to data from the Hong Kong Immigration Department, as of February 2007, Indonesian migrant workers in Hong Kong have reached 105,320 persons. This is an incredible average yearly increase of 5,600 workers. This rapid growth is only projected to continue in the future. Currently according to Hong Kong immigration data, there are around 225,000 domestic workers in Hong Kong, very soon half of whom will be Indonesians.

Hong Kong has become the premier destination for many Indonesian migrant workers because of its relatively higher salaries and atmosphere of freedom. Even with these perceived advantages, better salaries and greater freedom, migrant workers in Hong Kong are confronted, daily, with numerous problems. Many of these problems may be instigated by employers, but they can only exist because of persistent government (Hong Kong and Indonesia) apathy and discrimination; and also because of the employment agencies rampant violations of the law and migrant’s human rights in the search for greater profits. Violations faced by workers include excessive working hours, denial of rest days and holidays, forced confinement in training camps, forging of documents, excessive agency fees, misrepresentation by agencies, placement with employers that have violated the rights of previous workers and more. However, underpayment of workers, in its various forms, is the most prevalent and damaging problem.

There is a minimum wage set by the Hong Kong government for domestic workers in Hong Kong known as the Minimum Allowable Wage (MAW). The Hong Kong government implemented a HKD 50 raise applicable to contracts effective from May 19, 2005 raising the MAW to HKD 3,320. Then in

the last two years (May 2006 & June 2007) the government again increased the MAW by the still insufficient amount of HKD 80. Even though the minimum wage is now only HKD 3,480, the law is commonly broken by employers and a significant number of Indonesian migrant workers are underpaid. Employers also find a myriad of other ways to underpay workers from denial of legally mandated rest days and holidays, to forced work in other locations to excessive daily working hours. Illegal reduction of salaries and denial of other legally mandated benefits is often related to recruitment mechanisms required by the Indonesian government and implemented by Indonesian employment agencies (known as PJTKI), often in collaboration with each other.

Underpayment is not the only type of violation of workers rights. Abuses are numerous, and include violations in the type of work migrants are legally allowed to do, violations in the required weekly rest hours, and violations in allowing the legally mandated holiday time. There is systematic verbal and physical violence directed toward migrants.

Many people consider the Indonesian migrant workers in Hong Kong to be lucky because they work in a destination with relatively good laws, good regulations and good conditions for migrant domestic workers. The conditions in Hong Kong are better than in the other major receiving countries for Indonesian domestic workers. However, just because the conditions in Hong Kong are better, that doesn't mean that they are good. The fact that the poor conditions in Hong Kong are considered 'good' when compared to other destinations is a sad testament to the appalling work conditions for migrant workers in those other countries. It is not an indication that Hong Kong is in any sense without systematic problems. This notion that Hong Kong conditions are 'good' has been supported by the fact that the government has allowed trade unions such as the Indonesian Migrant Workers' Union to organize and demonstrate for migrant rights. Despite the continued plight of Indonesian migrant workers in Hong Kong, a great number of NGOs, trade unions believe and activists believe Hong Kong to be in no need of further social justice work, this is utterly false.

This report is a follow-up to the 2005 the Asian Migrant Center (AMC) study "UNDERPAYMENT: Systematic Extortion of Indonesian Migrant Workers in Hong Kong". The 2005 study highlighted the multiple vulnerabilities of Indonesian migrant domestic workers in Hong Kong. It examined issues around recruitment, working conditions and the return home. The 2005 study found, among other things, that 42% of Indonesian migrant domestic workers in Hong Kong were underpaid. The Asian Migrant Center, wanting to follow up on the 2005 study conducted a new survey in Hong Kong during late 2006. The results of that survey are detailed in this report.

This report does include some of the same information as the 2005 study, in particular the background material as that essentially has not changed. For more information regarding the situation of Indonesian migrant domestic workers in Hong Kong, and of Indonesian migrant workers in general, please see the 2005 study "UNDERPAYMENT: Systematic Extortion of Indonesian Migrant Workers in Hong Kong" as it covers additional topics and covers some topics more in-depth.

This report was compiled from research conducted in late 2006 (see Chapter 2 below for research methodology). During that time the Asian Migrant Center (AMC), the Indonesian Migrant Workers Union (IMWU) and the Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO) conducted a detailed baseline survey of 2,097 Indonesian domestic workers in Hong Kong. The survey is known as the IDW baseline survey.

2. Primary Recommendations

The agency [in Indonesia] told me my salary would be HKD 1,800. They said if someone asks you about your salary you must say HKD 3,600 because if you say HKD 1,800 the police will put you in jail. They told us not to talk to anyone [in Hong Kong] even if they are Indonesian.

Why do they send us here to be underpaid when everyone knew before we left that we would be underpaid?

– An interview with migrant worker ‘2’
from Malang, East Java

Following are our primary recommendations, details of which can be found in the last chapter of the report:

- The Hong Kong government must establish a system of monitoring employers to ensure that existing regulations protecting migrant domestic workers in Hong Kong are enforced
- The Indonesian and Hong Kong governments must increase bi-lateral dialogue in order to ensure the continuous protection of migrant workers throughout the international migration process and work towards the harmonization of policies protecting migrant workers
- The Indonesian government must stress protection as a key element when drafting policies aimed at migrant workers. The Hong Kong government should encourage the Indonesian government to maximize its efforts in the submission of a bilateral agreement under the International Labor Organizations’ (ILO) eight main labor principles.
- The Hong Kong government must immediately repeal the ‘New Conditions of Stay’ and ‘Two-Weeks’ regulations as they are not only discriminatory but violate international standards
- The Indonesian government must stop the ubiquitous practice of employment agencies in Indonesia placing migrant workers in situations of debt-bondage through the assessment of excessive agency fees. The Hong Kong government must enforce its statutory limitation on excessive agency fees which is currently broken by virtually all employment agencies operating in Hong Kong.

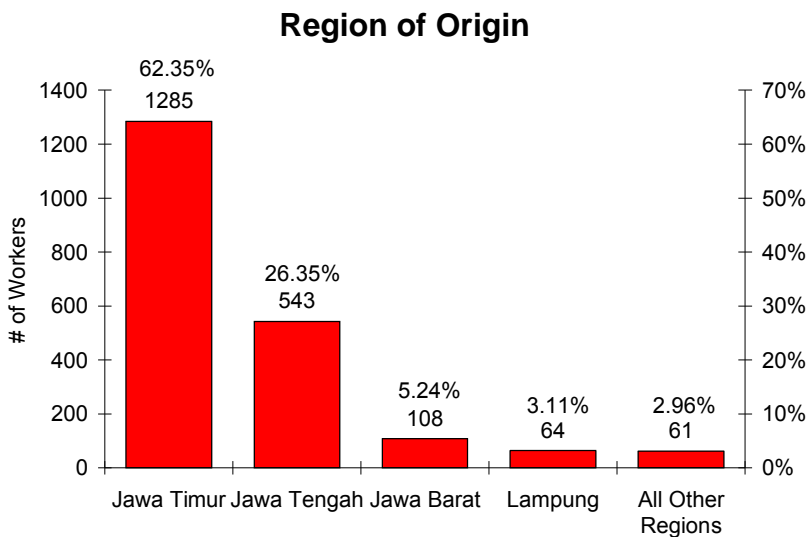
The survey was administered by IMWU members, KOTKIHO members and shelter residents. Surveys were conducted over a four-month period from September to December 2006, not just on Saturday and Sunday but throughout the week. The survey generally required one hour complete.

Limitations of the research: Survey administrators found they experienced some difficulties in explaining the purpose of the research and some questions in the surveys. The administration of the survey took quite a bit of time, up to 50 minutes because many times many migrants were scared to answer the questions. Some respondents were reluctant to participate due to the length of time required to complete the survey as well as distrust regarding the purpose of the survey. Despite this the survey administration was educational for many migrants being interviewed as they were asking more questions about labor rights and so on. In addition it was an education for the interviewer as well. A number of respondents repeatedly

3. Profile of Indonesian Migrant Workers in Hong Kong

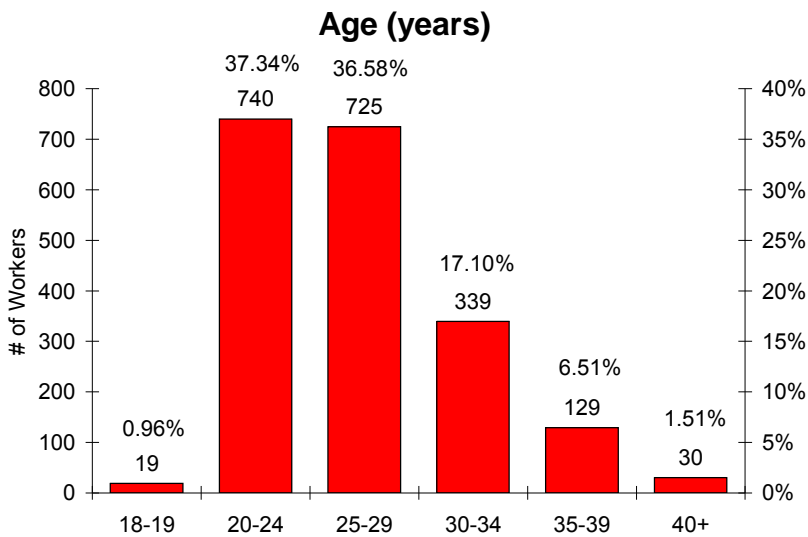
3.1 Demographic Profile of Survey Respondents

Over 99% of the Indonesian domestic workers (DWs) surveyed were female. 95% of domestic workers came from the island of Java. The majority of domestic workers come from Java since Java is Indonesia's center of administration and business both of which are integral to the migration process. In addition it is cheaper and easier to use migrants from Java since the majority will pass through the major airports in Jakarta or Surabaya. Specifically, 62% came from East Java which was the most common region of origin. East Java has long been known as the primary source of migrant workers from Indonesia due to the regions longstanding poverty and previous repression due to its former role as a base of support for the Indonesian Communist Party that Suharto violently repressed. 26% of migrants came from Central Java and 5% came from West Java. All other regions of Indonesia are below 5% representation. In total DWs came from 17 different regions of Indonesia



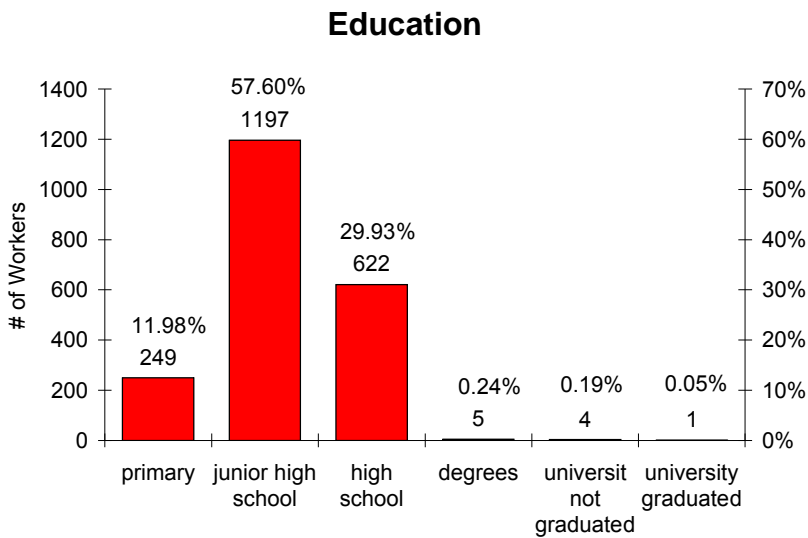
Source: IDW Baseline Survey

While most Indonesian domestic workers are between the ages of 20 and 29 there was a wide variety of ages reported. The youngest reported age was 18 and the oldest was 53. The most common age of migrant workers is 24. The average age is 27 years with 30 different ages reported. 12% of workers were 24 years old. 10% of workers were 25 and 9% of workers were 23. 74% of workers were between the ages of 20-29 with all other ages constituting the remaining 26%.



Source: IDW Baseline Survey

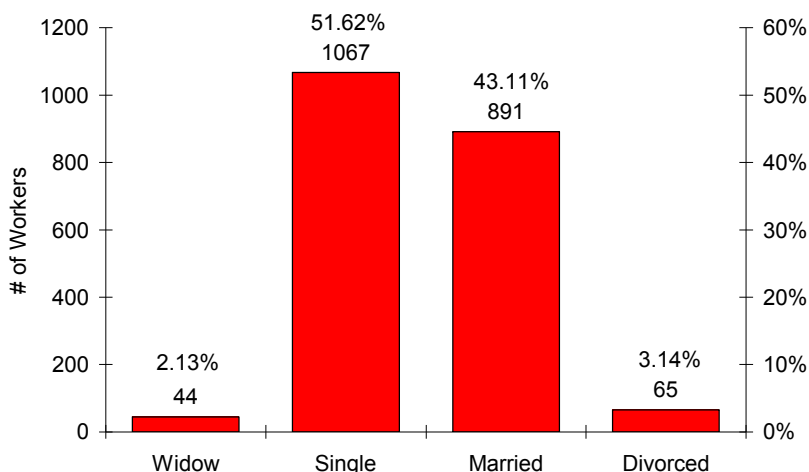
One of the primary reasons women seek work as migrant domestic workers is that it is the one job they can get without significant formal education. Indonesian migrant domestic workers in Hong Kong tend to have low levels of educational attainment. The majority, 58%, of workers had only completed their junior high school education. Less than 1% of DWs had more than a high school education. Only 30% of migrants had completed their high school education. 12% had only completed their primary education.



Source: IDW Baseline Survey

The majority of migrant workers were not married. 52% of DWs were not yet married. 43% were already married. 3% were divorced and 2% were widowed.

Marital Status



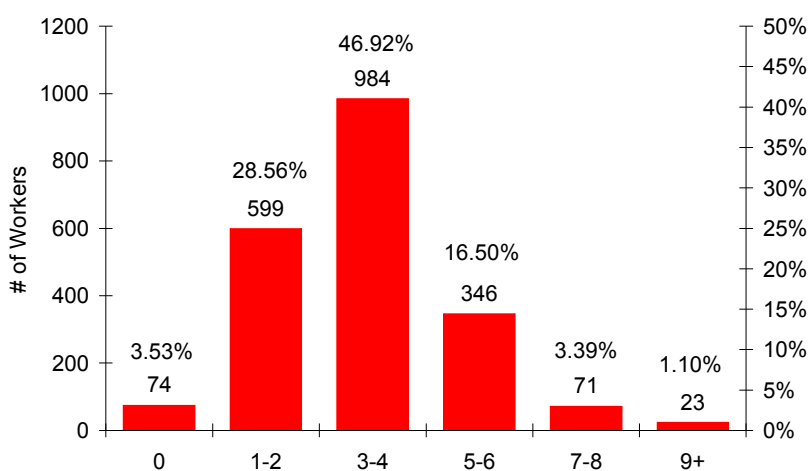
Source: IDW Baseline Survey

The vast majority of migrant workers are not working for themselves alone; they are working to support their families and communities back home. Over the last 12 months, including children, parents, husband and other relatives, 96% of DWs were supporting at least one dependant back home. It is very significant that virtually all Indonesian domestic workers in Hong Kong are supporting people back home. Not only are migrant workers easing Indonesia’s unemployment by working abroad and support Indonesia in the form of remittances and increased foreign exchange but further support Indonesia by providing for people that otherwise would look to the government or community for social support.

The average number of dependants per migrant worker is 4. The most common number of dependants is 3 per migrant worker, 25% of workers had 3 dependants. The next most common was 2 dependants per worker at 24% and then 4 dependants per worker at 22%.

As of early 2007 there are 105,320 DWs legally working in Hong Kong, if the average worker is supporting 4 dependants that means DWs in Hong Kong are supporting almost half a million people in Indonesia. This shows that the effect of migrant work on the economy and social structure in Indonesia goes far beyond the individual worker that migrates to Hong Kong.

Number of Dependants

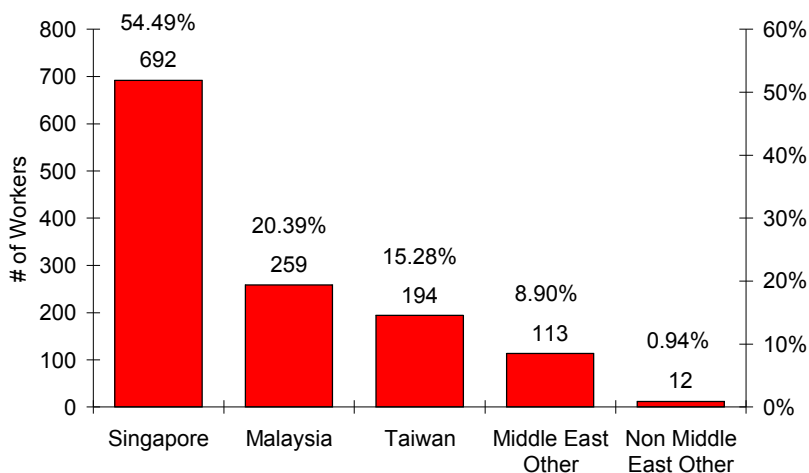


Source: IDW Baseline Survey

Prior to migrating abroad for work the majority of DWs had jobs in Indonesia. Only 2% of DWs identified themselves as jobless. If you count housewife as jobless then 12% of MWs were previously jobless. The most frequent previous occupation for MWs was farmer for 25% of workers. The next most frequent was general worker for 16% of workers then factory worker for 13% of workers. Previously 5% of DWs had worked as domestic workers. (Note: there were only 1140 responses to this question out of 2097 surveys completed. This may mean that those non-responses were due to the worker not having a previous occupation and not answering the question “What was your occupation before coming to Hong Kong.”).

Not all Indonesian migrant domestic workers in Hong Kong have previous experience as migrant workers in other destination countries but a majority have already worked abroad prior to their arrival in Hong Kong. This is important because it shows that for most workers Hong Kong is not their first destination country and that they arrive in Hong Kong with previous experience as a migrant domestic worker abroad. The majority, 59% of migrant workers in Hong Kong have previous experience working abroad in places other than Hong Kong. For 41% of migrant workers Hong Kong was their first destination. The most common previous destination was Singapore for 54% of workers with prior experience, then Malaysia for 20% of workers with prior experience and then Taiwan for 15% of workers with prior experience.

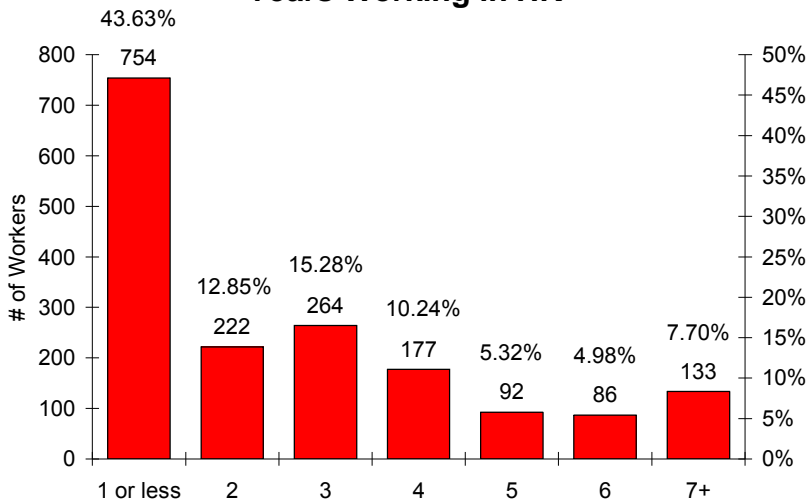
Previous Work Overseas



Source: IDW Baseline Survey

This survey found that the majority of workers are on their first contract and many have been in Hong Kong for one year or less. 44% of migrants have been in Hong Kong for one year or less. 13% have been in Hong Kong for two years. 15% of migrants have been in Hong Kong for 3 years and 10% for 4 years. The longest length of time reported working in Hong Kong was 14 years. The average amount of time working in Hong Kong is 27 months.

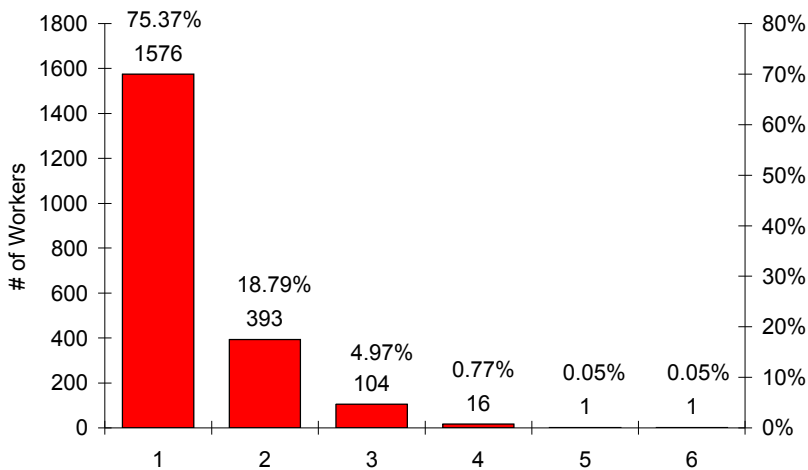
Years Working in HK



Source: IDW Baseline Survey

Most DWs in Hong Kong have had only one employer. The majority, 75% of domestic workers have had only 1 employer. 19% of workers have had 2 employers, 5% have had 3 employers and 1% have had 4 or more employers. The highest number of employers reported is 6.

Number of Employers



Source: IDW Baseline Survey

4. Recruitment and Pre-departure Issues

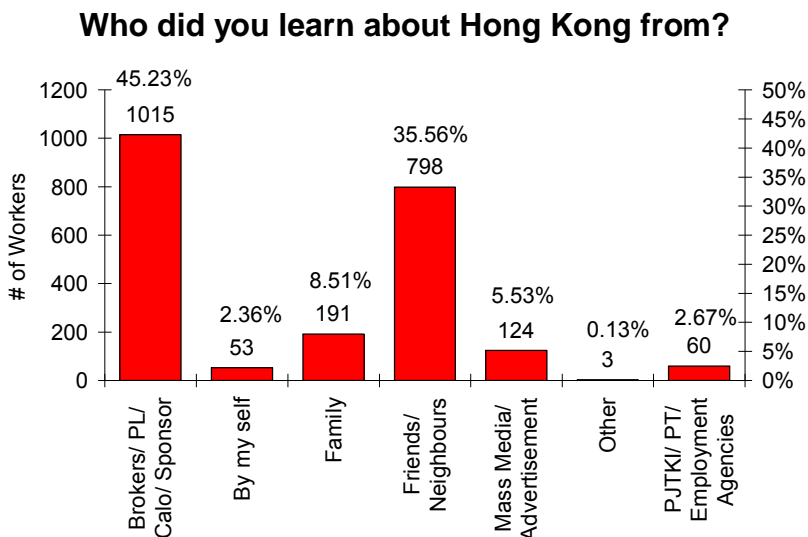
I was in the training center for 3 months before departing for Hong Kong. During this entire time we were never allowed to leave the camp. There were around 300-400 women in the camp at that time but there were only 12 bathrooms which were not enough. We all had to sleep on the floor.

- An interview with migrant worker '4' from Salatiga, Central Java

4.1. Lack of Information

The Indonesian employment agencies do a very poor job informing and educating prospective migrant workers about the migration process and their rights as migrant workers. In addition, the Indonesian government does very little to inform migrant workers about the migration process or their rights. What information prospective migrants do have about becoming migrant workers they get from many different sources. Unfortunately many of these sources are unreliable and often purposely mislead prospective migrant workers. Sources such as brokers, sponsors or *calo* are notorious for misleading potential migrant workers. In addition many employment agencies intentionally withhold information from migrants so that they can market them as more docile to prospective employers.

Migrant workers have to learn about working overseas from someone. The most common source to learn about working in Hong Kong was from a Broker/PL/Calo/Sponsor. 45% of migrant workers reported that they learned about working in Hong Kong from a Broker/PL/Calo/Sponsor. The second most common source to learn about working in Hong Kong was from Friends/Neighbors for 13% of workers. The third most common source was from family for 9% of workers.

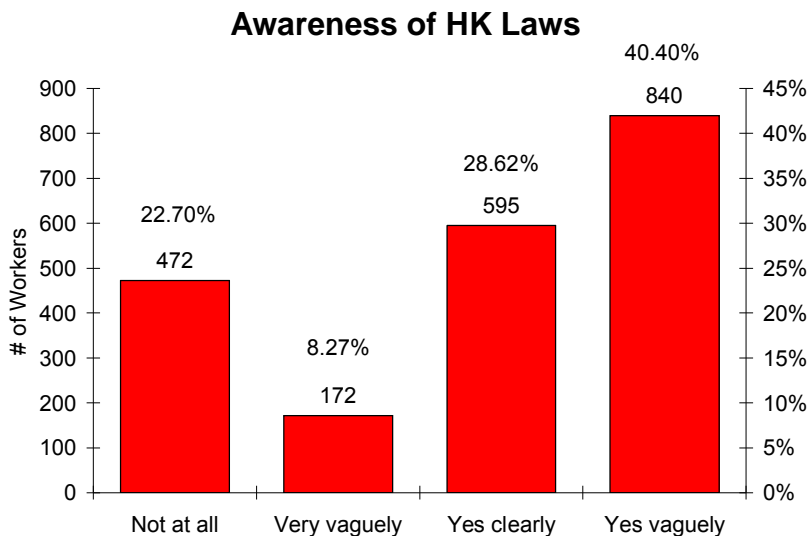


Source: IDW Baseline Survey

Employment agencies have a responsibility to inform the migrant workers about their rights and responsibilities throughout the migration process. The sad truth is that not only do employment agencies do a poor job of informing migrant workers they often intentionally withhold information from them in an attempt to keep them from exercising their rights. These agencies 'sell' Indonesian workers to employers in Hong Kong as a more exploitable version of worker compared to Filipino domestic workers.

34% of migrant workers say they were not informed by the employment agency or recruiters about their wage, annual leave, rest day, etc. before departing for Hong Kong. 64% of DWs were informed about some portion of their rights. The chronic lack of information causes many problems throughout the migration cycle and seriously hampers the empowerment of migrant workers. Since Indonesian migrant workers are so poorly informed about their legal rights migrants they have been vulnerable to becoming trapped in the illegal processes of recruitment, blackmailing, deception and debt-bondage.

Regarding Hong Kong laws, 40% of migrant workers reported that Hong Kong laws were vaguely explained to them prior to departure by the employment agency. 29% had the laws clearly explained to them, 8% had Hong Kong laws explained very vaguely and for 23% Hong Kong laws were not explained at all.



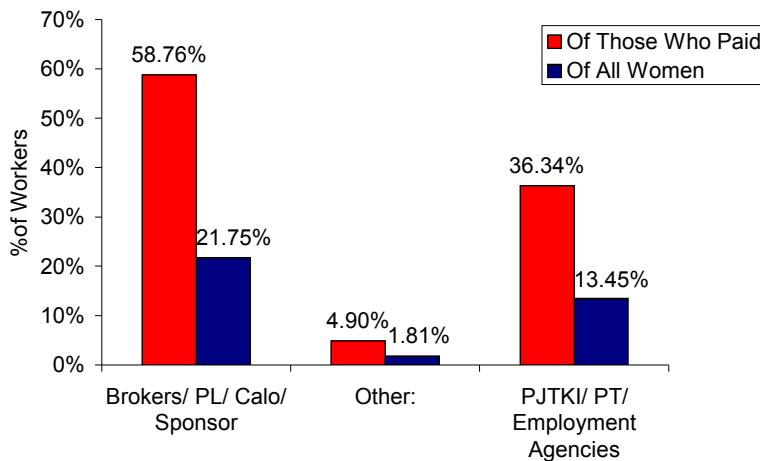
Source: IDW Baseline Survey

4.2 Brokers (Calos)

As was highlighted in AMC’s 2005 Underpayment report, brokers constitute a major problem for migrant workers. These brokers are also known as Calos and “PL Fixers” (placement fixers). As we saw there is a distinct lack of accurate, reliable information available for prospective migrant workers in Indonesia. In a situation such as this where information is lacking, sponsors or brokers are highly sought after as a source of information. Sponsors also work as agents for PJTKIs and the existence of sponsors is considered a problem by the government. The Labor Ministerial Decree of 104.A/2002 banned the practice of sponsors working for agencies. Nevertheless, sponsors continue to sign one-year contracts with agencies while local authorities turn a blind eye to the practice. Even though they are operating under illegal circumstances, and are unreliable, they are often the only viable option for those who want to go abroad. Because of this lack of information, prospective migrant workers believe that they need sponsors to process their documents.

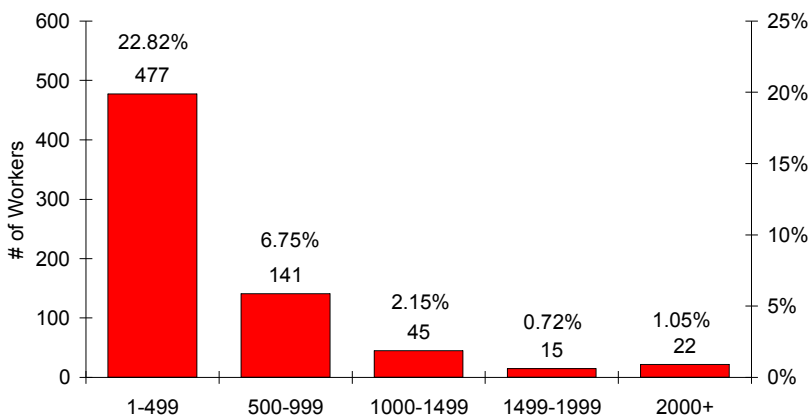
Of course, brokers or calos don’t work for free. Often times payment is required in Indonesia prior to departure, this is in addition to the excessive agency fees. 34% of migrant workers reported having to pay someone in Indonesia prior to departure. The broker was the most frequent recipient of money paid in Indonesia. Of those workers that had to pay the majority, 59%, paid a broker/PL/Calo/Sponsor, 36% paid a PJTKI/Employment Agency and 5% paid someone else. Of all respondents, including those that did not have to pay 22% paid a broker/PL/Calo/Sponsor, 13% paid a PJTKI/Employment Agency and 2% paid someone else. Of those workers that had to pay the average payment was HKD 495. The average payment for all workers including those that did not pay was HKD 166. The most common amount paid was HKD 500, the second most common amount paid was HKD 300 and the third most common amount paid was HKD 200.

Payment In Indonesia



Source: IDW Baseline Survey

Amount Paid in Indonesia (HKD)



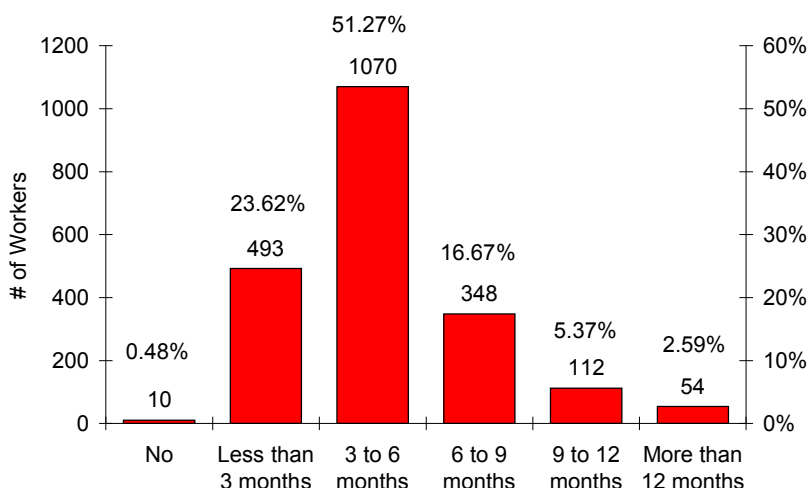
Source: IDW Baseline Survey

4.3 Training Camps

After a prospective migrant worker has registered with an Indonesian employment agency, PJTKI, they will be sent to a training camp prior to departure. These camps are usually situated in large cities far from the migrant's home. Prior to 1996 it was not required of migrant workers to stay in these camps prior to departure. Since then the justification for having these camps is to teach the migrants skills they will need to work as domestic workers abroad. Anecdotal evidence has shown that the training migrants receive in these training camps is often perfunctory and used mainly to justify the extreme fees charged by agencies.

There are many problems with the training camp system. One of the main problems is the very long time prospective migrant workers are forced to stay in the training camps prior to departure. Over 99% of all workers stayed in a training camp prior to departure. The majority of migrant workers, 51%, spent 3 to 6 months in the training camp prior to departure. The second most frequent length of time spent in the training camp was less than 3 months for 24%. The third most common length of time was 6 to 9 months for 17% of workers. 5% of workers stayed in a training camp for 9 to 12 months and 3% of workers stayed for more than 12 months.

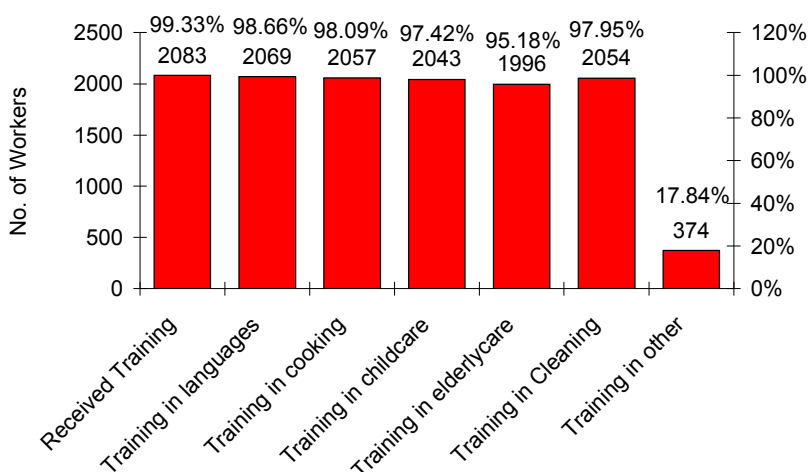
Time Spent in Training Camp



Source: IDW Baseline Survey

Prior to departure, all prospective migrant domestic workers in Indonesia as required pass through the training camp system in Indonesia. At these camps workers are supposed to be trained in the skills necessary to perform their jobs in Hong Kong. However, the training provided and the quality level of that training varies widely between training camps. More than 99% of the migrant workers did receive some form of training prior to departure with more than 95% receiving training in the 5 main areas of language, cooking, childcare, eldercare and cleaning. While the majority of MWs did receive training, that the training is often cursory and primarily used to justify excessive fees. Migrant workers have reported attending language classes with hundreds of students where it was virtually impossible to learn anything.

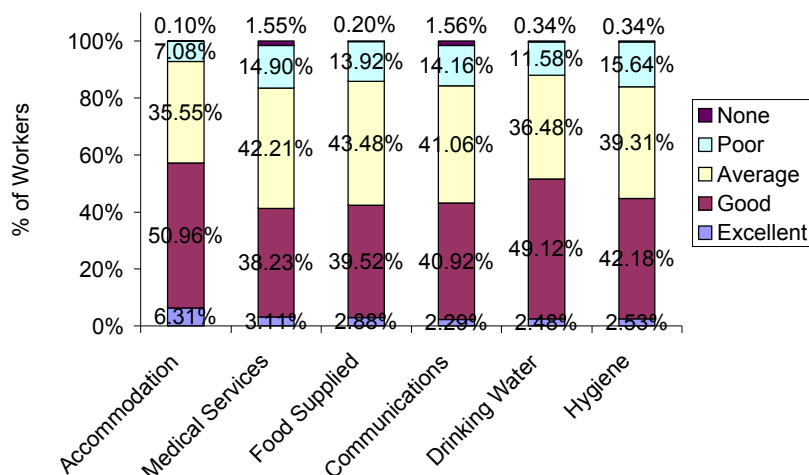
Training Received



Source: IDW Baseline Survey

In addition to the training provided, the camps also differ in the facilities they have. While responses varied there were trends for facilities provided. Most training camps provided most facilities, less than 2% of workers reported that any of the basic facilities of accommodation, medical services, food supplied, communications, drinking water or hygiene as nonexistent. Between 80% and 85% of all workers reported that the facilities were either good or average. The lowest rated service is medical services which 16% of workers found to be poor or non-existent.

Training Camp Facilities



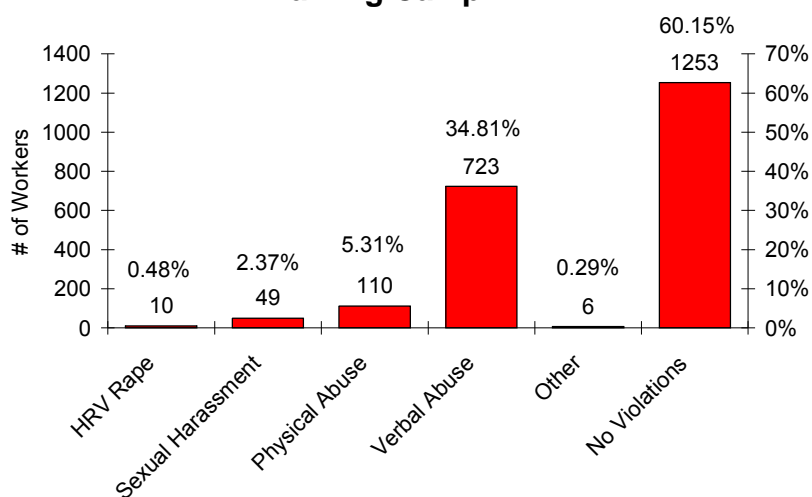
Source: IDW Baseline Survey

Many DWs experience human rights violations during their stay in the training camp. For examples and personal stories about migrant workers experiences and violations in training camps please see the 2005 Underpayment report.

40% of workers reported some type or types of violations during their stay in the training camp. The most common violation was verbal abuse which 35% of migrant workers experienced. 5% of workers experienced physical abuse, 3% sexual harassment and less than 1% rape. 60% of migrant workers reported no human rights violations in the training camps.

The fact that 60% of migrant workers responded that there were no human rights violations in the training camps is not an indication that there were no human rights violations. It is really an indication of the low levels of awareness and empowerment among Indonesian migrant workers about their basic human rights.

Training Camp HRV



Source: IDW Baseline Survey

As was reported in AMC’s 2005 Underpayment research interviews with migrant workers have shown that many camps provide insufficient bathroom facilities. Workers reported having to rise as early as five o’clock in the morning in order to queue for toilets and showers. One worker stated that her training camp had no toilet; instead, workers had to share a public toilet with passers-by. It is not

uncommon for as many as five workers to share one shower at the same time, thus removing any sense of privacy or personal security from the workers.

An additional significant problem is that many DWs are required to work while in the training camp. This work can vary from part time domestic work to working in shops or restaurants. While some are paid small amounts for this work many did this for no salary whatsoever and prospective migrants were therefore essentially forced into slavery.

5. Issues in the Workplace

My employers were very bad. They were always insulting me, using bad words towards me. Nothing I did was ever good enough for them. Almost every day they would call me stupid or say that I am trash.

If one shirt was not ironed perfectly, she would throw all of the clothes on the floor and I would have to do all of them again. It was the same for cleaning the dishes or making the food. Every day I had to clean everything and every day it was dirty and never good enough.

– An interview with migrant worker ‘2’
from Malang, East Java

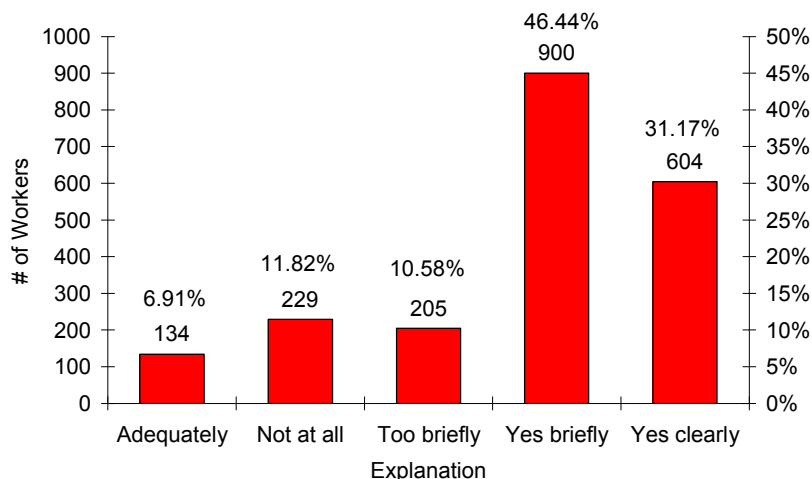
One migrant worker told us “I will tell my friends that someone who works in Hong Kong is lucky and also unlucky. Some workers are underpaid, some employers are good. I will tell them the truth”. This statement accurately sums up migrant workers experiences in Hong Kong. While some migrant workers do have good experiences with employers that do not violate their rights, many migrant workers do not have good experiences and are placed with employers that underpay, overwork and abuse them. Whether or not they have a good experience is entirely by chance, not by design. Migrant workers coming to Hong Kong can not expect to have a good employer with acceptable work conditions. The main violations migrants face in the workplace concern working hours, verbal and physical abuse, underpayment, lack of annual leave and statutory holidays, and contract termination.

5.1. Employment Contract

Research conducted by AMC for the 2005 Underpayment report discovered that on average, respondents signed work contracts a few days before deployment. Some workers also signed a second work contract with the agency and the employer when they arrived in Hong Kong. A few respondents did not sign any contract whatsoever.

Moreover, the late 2006 survey has found that 95%, the vast majority of migrant workers did sign a contract or other documents before leaving for Hong Kong. Only 5% of workers did not sign anything prior to their arrival in Hong Kong. However, just because a contract was signed that does not mean that the workers understood the contents of that contract. Many employment agencies do not explain to the migrants what the contents of the contract are, or if they do, they do so only briefly. 31% reported that the contract/documents were explained clearly. 7% said the contents were explained adequately, 47% of migrant workers reported that the contract/documents were explained briefly, 11% said the contents were explained too briefly and 12% report that they were not explained at all.

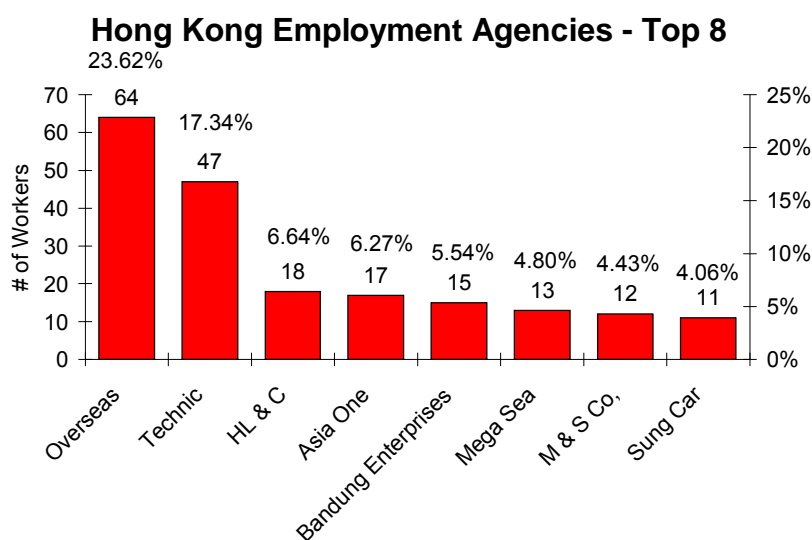
Explanation of Documents Signed



Source: IDW Baseline Survey

5.2. Employment Agencies Used

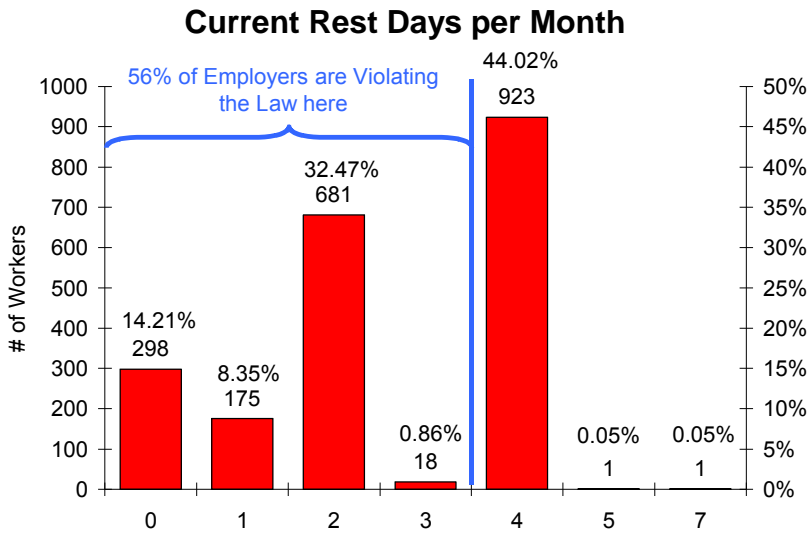
The Indonesian migrant domestic workers surveyed used 271 different employment agencies when on their first contract. The most common agency was Overseas for 24% of workers. Below are the 8 agencies most frequently used by workers for their first contract. The other 263 agencies were used by less than 3% of workers each are not included in this table.



5.3. Rest Day, Time Limits and Types of Works

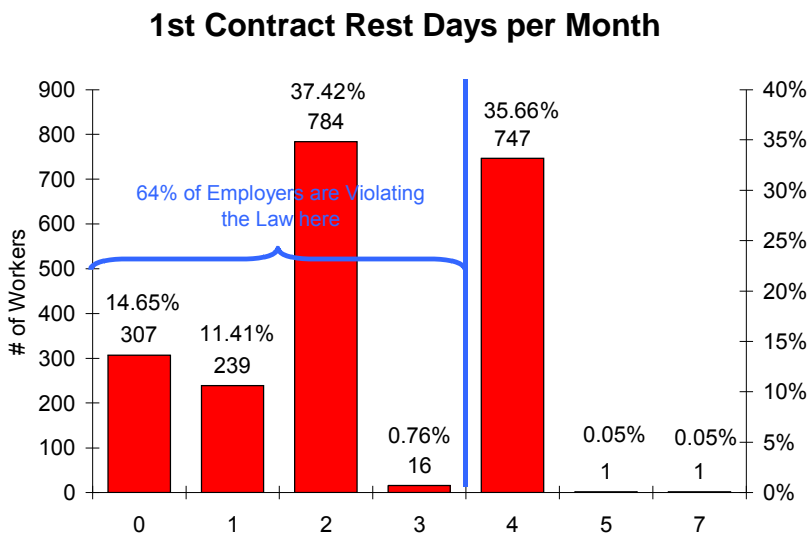
The Government of Hong Kong does guarantee certain basic rights for migrant workers through Hong Kong's labor laws and the standard contract. Unfortunately because there is no system to monitor employer's compliance with these laws they are commonly broken with little repercussion for the employers. Basic rights such as the right to four 24 hour rest days per month and guaranteed statutory holidays are routinely violated. The majority of Indonesian migrant domestic workers in Hong Kong do not get their legally mandated four 24 hour rest days per month, do not get their legally mandated statutory holidays and must work excessive hours.

According to Hong Kong law domestic workers must receive one rest day each week. Unfortunately, only 44% of IMDWs receive their legally mandated 4 rest days per month. 56% of workers do not receive at least 4 rest days a month and their employers are violating the law. 14% of workers receive no rest days at all and must work seven days a week, every week. 8% get one rest day, 32% get 2 rest days, 1% get 3 rest days, 44% get 4 rest days and less than 1% get more than 4 rest days per month.



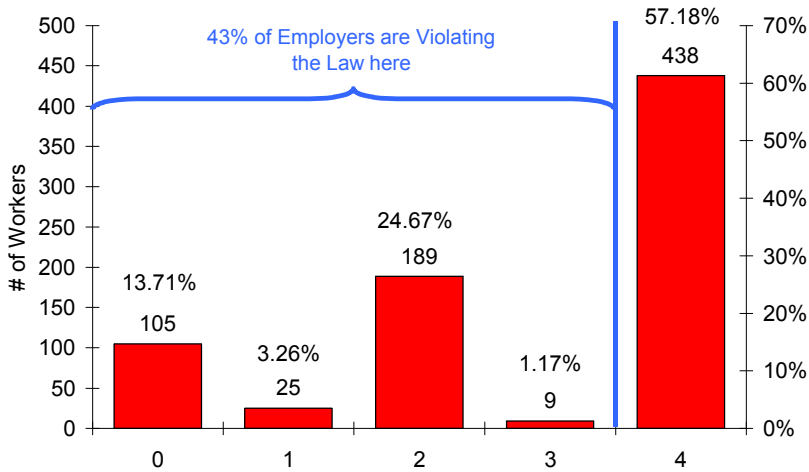
Source: IDW Baseline Survey

These numbers can be compared between contracts. During their first contract 64% of workers did not receive their legally mandated rest days. During their second or more contract 43% of workers do not receive their legally mandated rest days. This is an improvement from the first to later contract, however close to half of all DWs on their second or later contract have employers that are still violating the law by not granting the mandated four rest days per month.



Source: IDW Baseline Survey

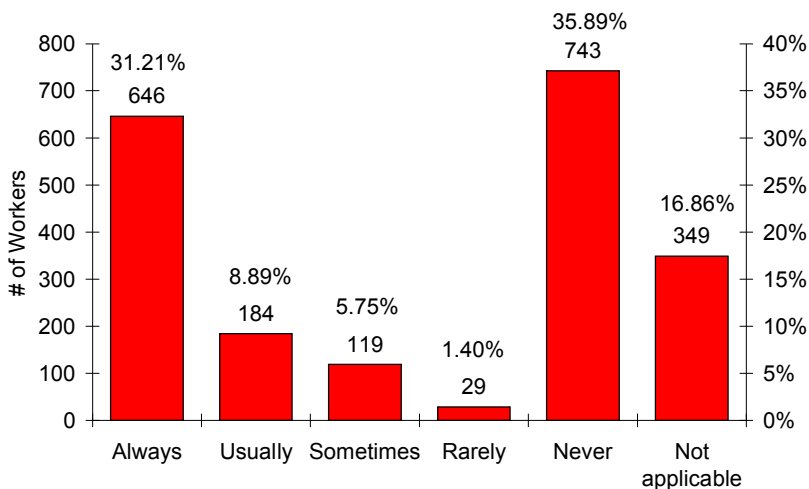
2nd or More Contract Rest Days per Month



Source: IDW Baseline Survey

Even those DWs that do regularly receive rest days are sometimes still required to work on those days. When they do have to work on rest days 36% of workers are never compensated when they are required to work in rest days. Only 31% of workers are always compensated when required to work on rest days. 9% are usually compensated, 6% are sometimes compensated and 1% are rarely compensated.

Compensated for Rest Days Not Taken

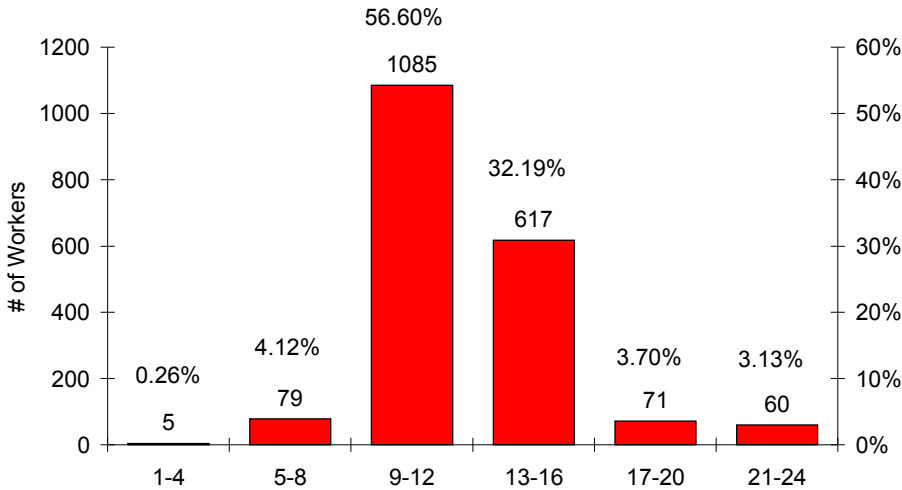


Source: IDW Baseline Survey

5.4. Hours Worked

When rest days are received the hours off still vary. Not only does Hong Kong law say that employers must give four rest days per month, but it also stipulates that those rest days must be for 24 hours each. We have already seen that most migrant workers do not receive the four days a month off. When they do get rest days they also usually do not receive the full 24 hours off. The most common number of hours off on rest days, for those women that do have rest days, is 12 hours for 31% of women. The next most common is 13 hours for 17% of women then third most common is 10 hours for 12% of women.

Hours Off on Rest Days

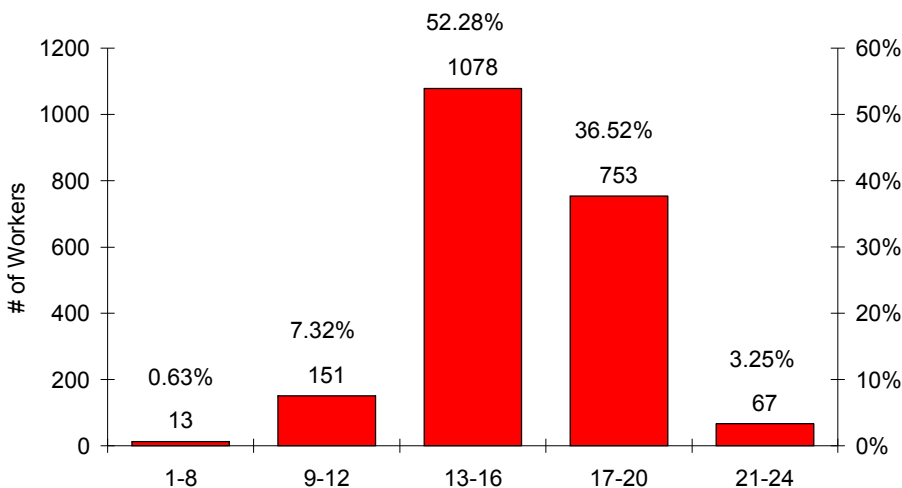


Source: IDW Baseline Survey

Underpayment is not just a function of how much the worker gets paid, but also how much work must be done to receive that payment. Not only are migrant workers in Hong Kong underpaid, they are also required to work excessive hours to receive that salary. Less than 1% of Indonesian migrant workers in Hong Kong work 8 hours or less a day.

Over half of all migrant workers worked 13 to 16 hours each day. The most common number of hours worked per day is 16 hours for 23% of workers. The second most common number of hours worked per day is 15 hours for 15% of workers and third most common is 18 hours worked each day for 15% of workers. The average number of hours worked per day is 16 and of the 2032 responses to this question only 13 workers worked 8 hours or less per day.

Hours Worked Per Day



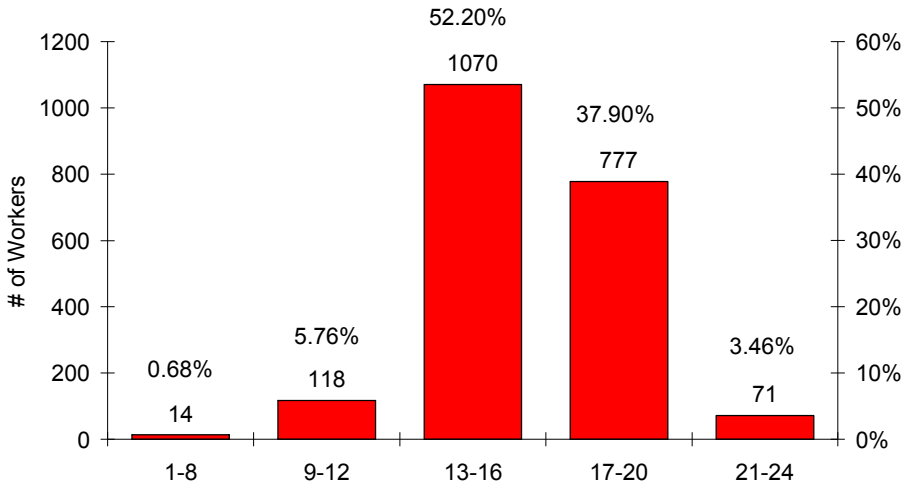
Source: IDW Baseline Survey

When looking at only the first contract workers worked an average of 16 hours per day. For the first contract the most common number of hours worked per day is 16 for 22% of workers, second most common is 15 hours for 17% of workers and third is 18 hours worked per day for 15% of workers.

For workers on their second or more contract the average number of hours worked per day is 15. The most common number of hours worked per day is 16 for 23% of workers. The second most common is 15 hours for 17% of workers and third is 17 hours for 13% of workers. 47% of workers experienced

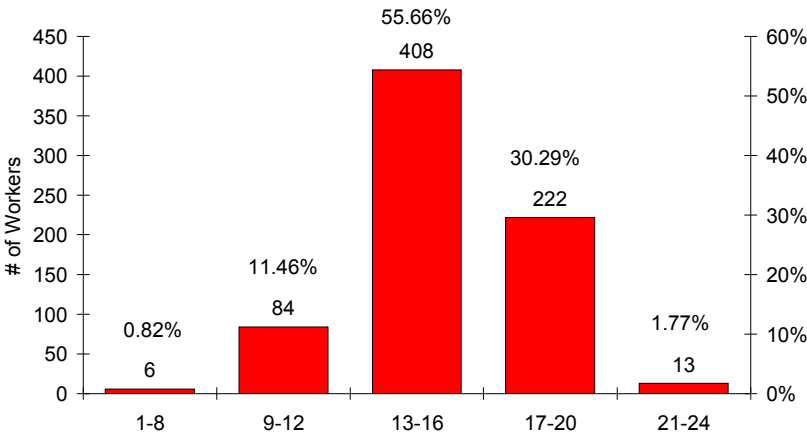
no change in the number of hours worked per day between their first and current contracts. 32% of workers worked fewer hours than during their first contract and 22% are working more hours than their first contract.

1st Contract Hours Worked Per Day



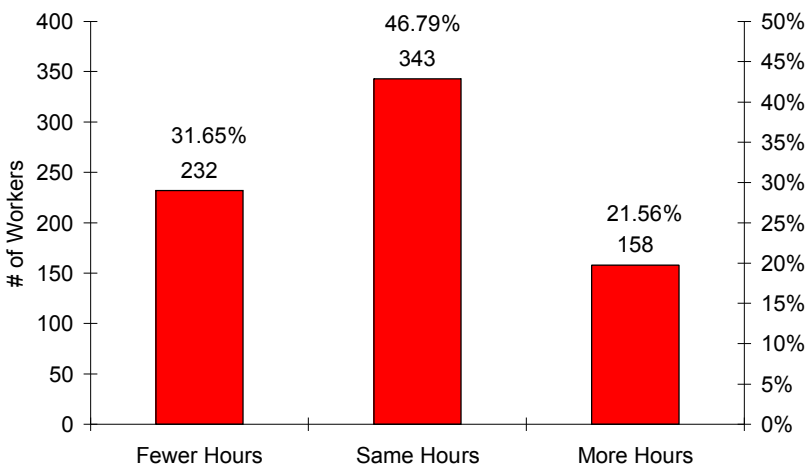
Source: IDW Baseline Survey

2nd or More Contract Hours Worked Per Day



Source: IDW Baseline Survey

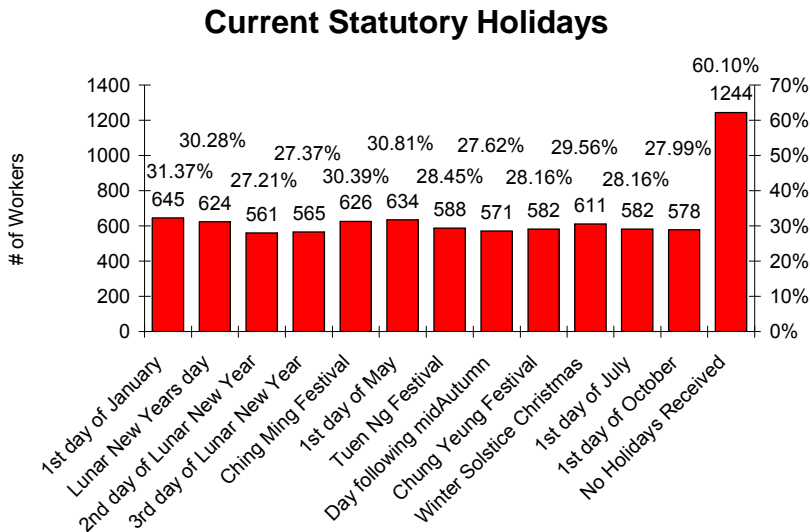
Change in Hours Worked per Day



Source: IDW Baseline Survey

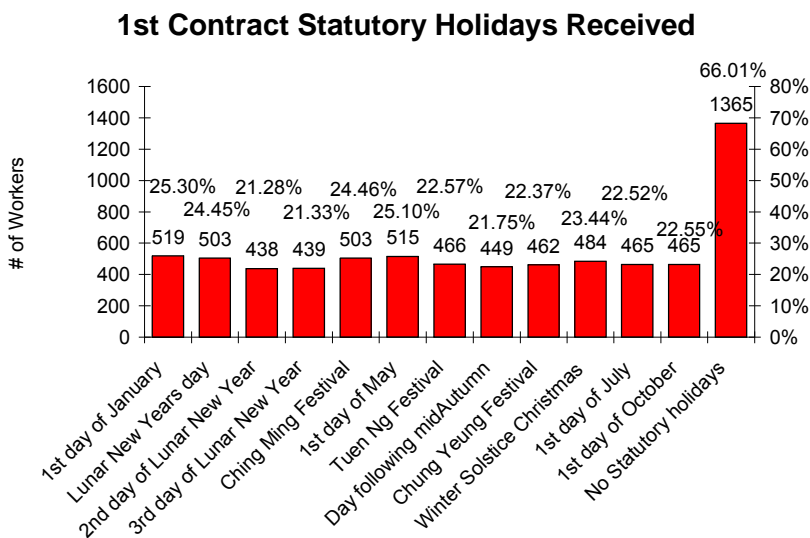
5.5. Statutory Holidays

In addition to requiring the four rest days per month, Hong Kong also has 12 legally mandated statutory holidays each year. All domestic workers are entitled to having these days off however 60% of Indonesian migrant domestic workers do not receive any of the 12 legally mandated statutory holidays. When workers do receive a holiday day off from work, any of the 12 holidays were granted between 31% and 27% of the time. The most common holiday received is the First Day of January which 31% of workers get. Second most common is the First Day of May 31% of workers and third is the Ching Ming Festival for 30% of workers.



Source: IDW Baseline Survey

During their 1st contract 66% of workers did not receive their legally mandated statutory holidays. Of those holidays that they did get the frequencies ranged between 25% for 1st day of January and the 1st day of May to 21% for 2nd day of New Year and 3rd day of New Year.

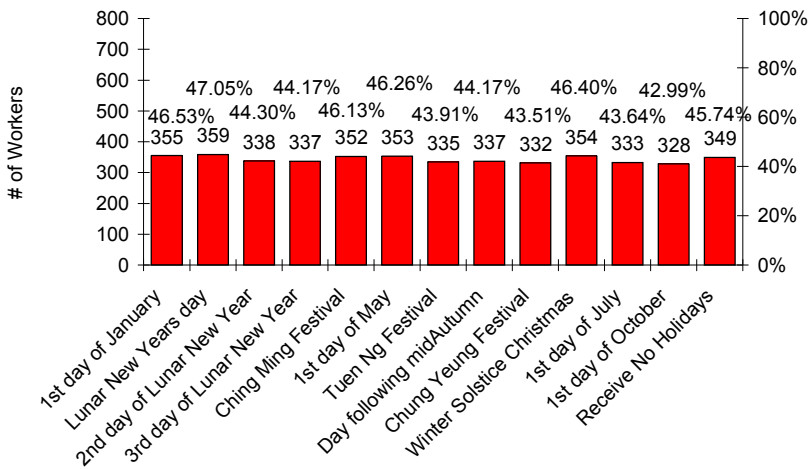


Source: IDW Baseline Survey

On their second or more contract 46% of workers did not receive their legally mandated statutory holidays. Of those that did the frequencies ranged from 47% for Lunar New Years day to 43% for 1st day of October. There is a marked change in holidays received between the 1st and more contracts.

While 46% of MWs on their second or more contract still don't get any statutory holidays off, that is a change of 22% from the rate during the first contract which is 66%

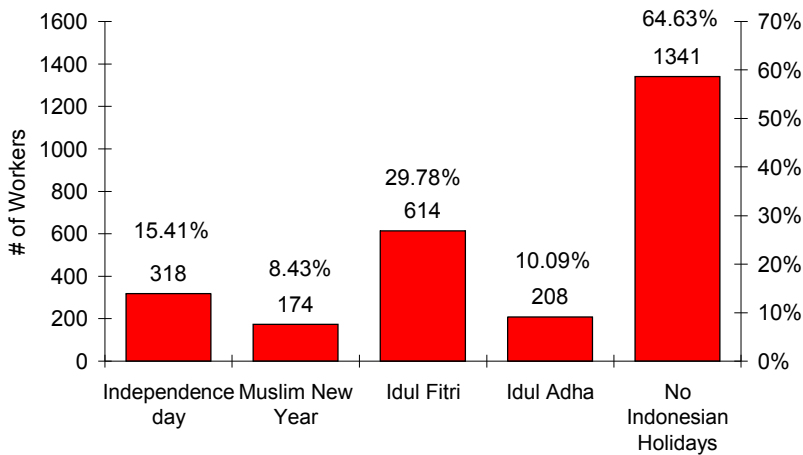
2nd or More Contract Statutory Holidays



Source: IDW Baseline Survey

As for Indonesian holidays, they are received even less frequently than Hong Kong holidays. 65% of IMDWs did not receive days off for any Indonesian holidays. Of those that did the most common holiday off was Idul Fitri for 30% of workers.

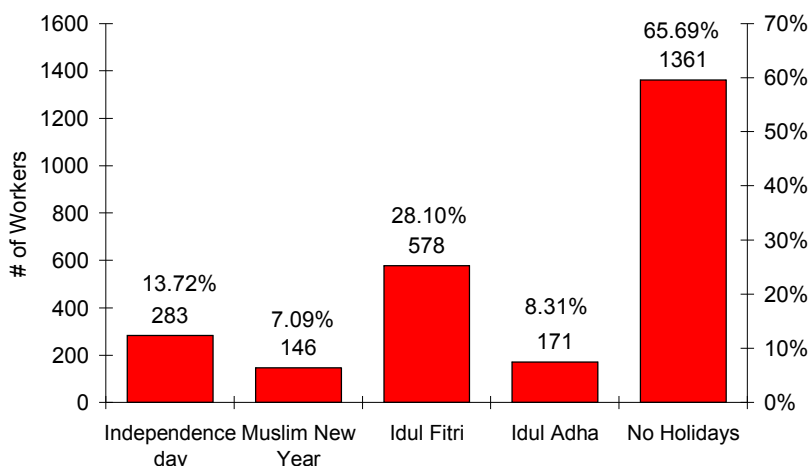
Current Indonesian Holidays



Source: IDW Baseline Survey

During their first contract 66% of DWs did not receive Indonesian holidays off from work. The most common holiday to receive is Idul Fitri for 28% of workers.

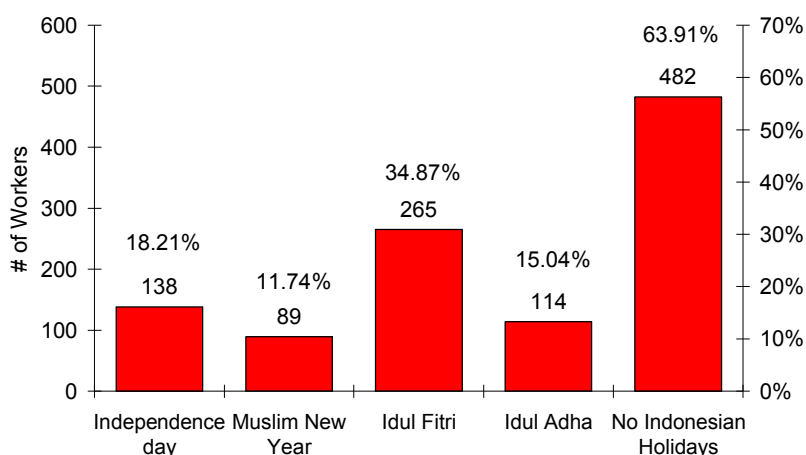
1st Contract Indonesian Holidays



Source: IDW Baseline Survey

64% of workers on their second or more contract did not receive any Indonesian holidays off from work. The most common holiday to receive is Idul Fitri for 35% of workers.

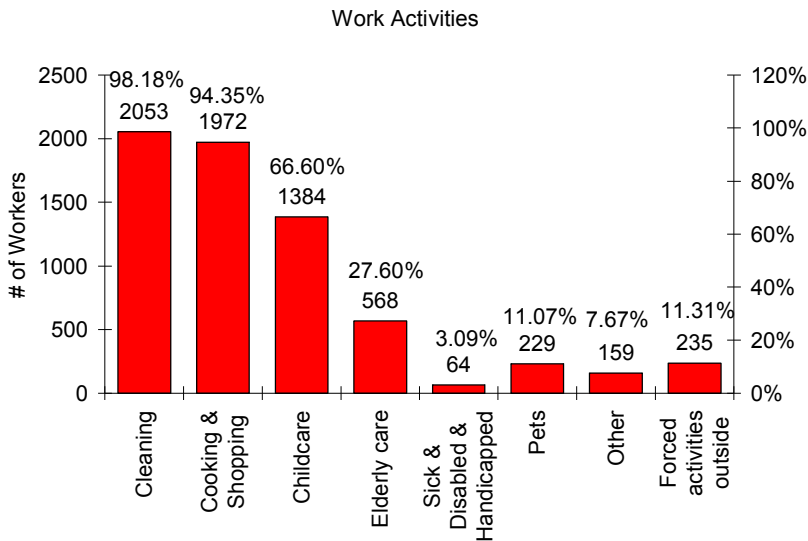
2nd or more Contract Indonesian Holidays



Source: IDW Baseline Survey

5.6. Daily Work

We have already shown that Indonesian domestic migrant workers work an excessive number of hours each day. During that time they are required to perform many different daily tasks and activities. The most common daily activity is cleaning which 98% of migrant domestic workers perform daily. The next most common daily activity is cooking & shopping for 94% of workers and then childcare for 67% of workers.



Source: IDW Baseline Survey

After cleaning, cooking and shopping the most common daily tasks were to take care of children, the elderly and pets. 67% of MWs care for children and 28% care for the elderly.

63% of MWs care for children as part of their daily work. The most common number of children to care for is one. 34% of MWs care for one child. 26% of MWs care for two children and 3% care for three children. The average number of children cared for, for women that perform daily childcare is 1.5. The ages of children cared for ranged from less than one year to 28 years old. The most common age is one year or less. The second most common age is from four to five years old and the third most common age is from two to three years old.

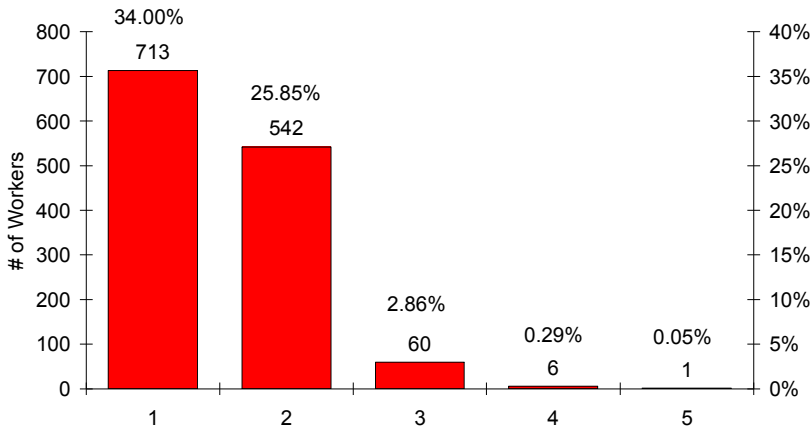
Indonesian domestic migrant workers also must care for the elderly. 28% of MWs in Hong Kong do care for the elderly as part of their daily work. The ages of elderly cared for ranged from 50 years to 100 years old. This was the most common age range of elderly cared for, 10.4% of MWs do, was between 80 and 89 years old. 10.2% of MWs care for the elderly between the ages of 70-79.

Significantly 11% of workers were forced to perform tasks not included in their contract. The most common type of forced work was being forced to work in other people's homes. 7% of MWs were forced to work in other people's homes. The other significant type of forced work, for 2% of MWs was being forced to work in the employer's shop/store/restaurant/factory. All other types of forced work were below 1% frequency among MWs.

This child and elder care not only provides a service for their employer's household but to the Hong Kong government as well. As of early 2007 there were 105,320 Indonesian DWs legally working in Hong Kong. Given that 63% of migrant workers care for an average of 1.5 children each that means there are approximately 99,527 Hong Kong children being cared for by Indonesian migrant workers.

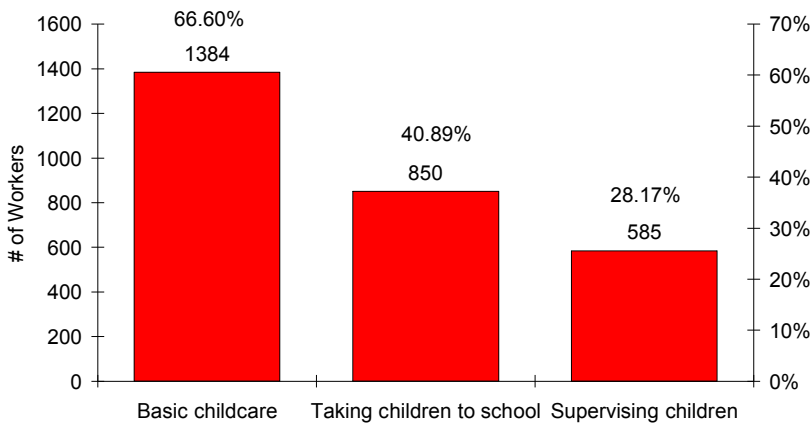
Services such as child and elder care remove a large burden from families and remove a large burden from the state as well. In more developed countries with double income households like Hong Kong responsibilities such as child and elder care usually fall to the government. With migrant workers playing such an important and integral role in this process, caring for large numbers of children and the elderly it allows the Hong Kong government to provide fewer services and use tax revenues in other areas. In ways such as this migrant domestic workers contribute greatly to the overall productivity of Hong Kong.

Number of Children Cared for per Worker



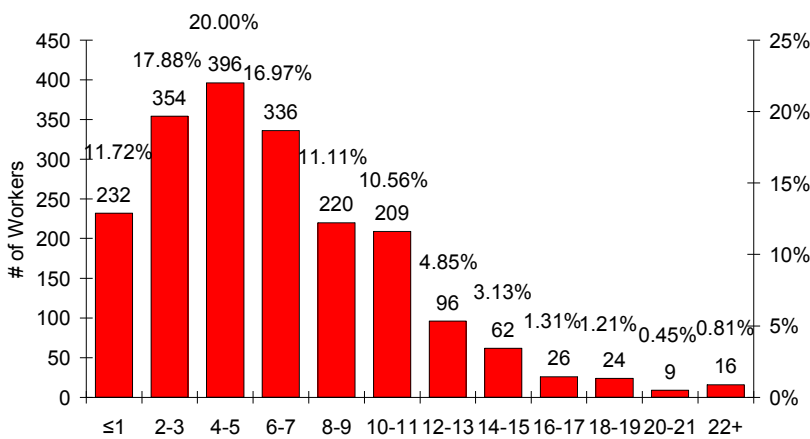
Source: IDW Baseline Survey

Childcare tasks



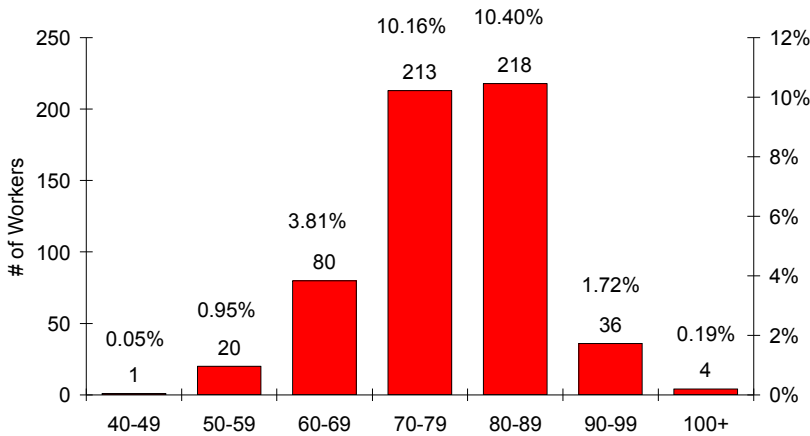
Source: IDW Baseline Survey

Children Cared For, Ages in Years



Source: IDW Baseline Survey

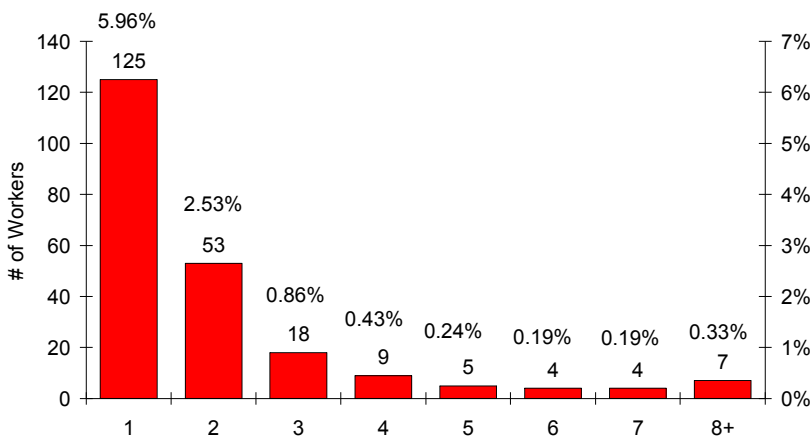
Elderly Cared For, Ages in Years



Source: IDW Baseline Survey

11% of MWs have to care for pets as part of their daily work. 6% have to care for 1 pet, 3% for two pets and 1% for three pets. The most common pet cared for was a dog. The second most frequent was a cat and the third most frequent was to care for a bird.

Number of Pets Cared For



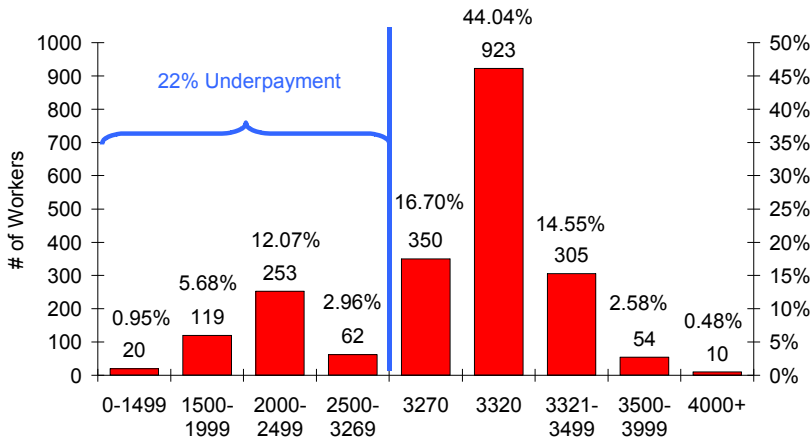
Source: IDW Baseline Survey

5.7. Underpayment and Excessive Agency Fees

In 2001 the minimum allowable wage (MAW) for domestic workers in Hong Kong was lowered significantly from HKD 3,670. Today, six years later, the minimum wage is only HKD 3,480 (after several times has not significantly increased). Even with minimum wage today still being less than what it was in 2001 underpayment of MWs remains pervasive in Hong Kong.

22% of all Indonesian migrant domestic workers in Hong Kong are underpaid. For those workers that are not underpaid 60% receive only the minimum wage. Only 19% of IMDWs in Hong Kong receive more than the minimum wage.

Current Wages (HKD)

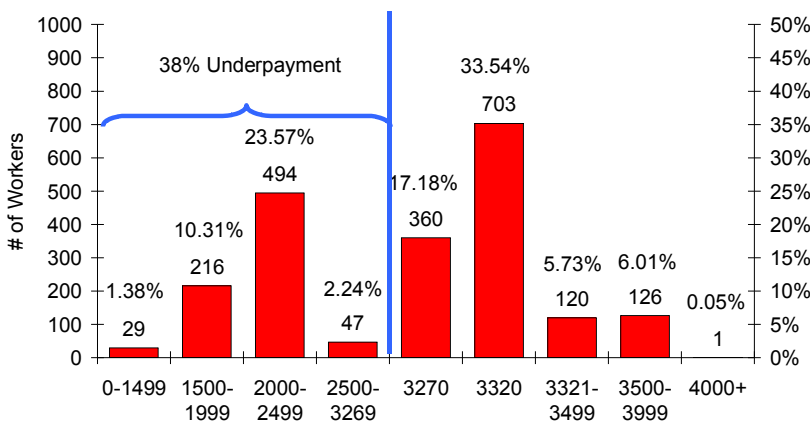


Source: IDW Baseline Survey

The 2005 AMC Underpayment report and HKDW survey found that at that time 42% of Indonesian migrant domestic workers were underpaid. The AMC's 1999 survey found that 90% of MWs were underpaid. While there has been an improvement, less MWs are underpaid today than 2 or 8 years ago, it is still unacceptable that 22% of MWs are paid below the legally mandated minimum wage.

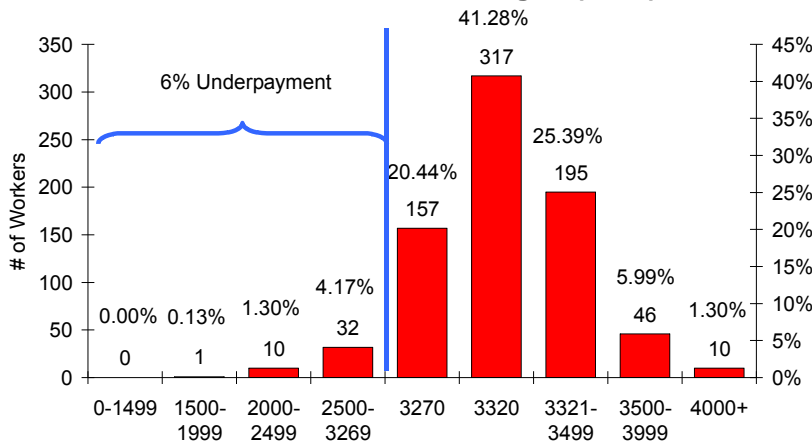
When looking at just the 1st contract 38% of workers in this survey of 2097 Indonesian DWs in Hong Kong are underpaid on their first contract. For workers currently on their second or more contract 6% are underpaid. That is a difference of 32% which shows the vulnerability of migrants during their first contract. Conditions generally improved from the first to later contracts, but not always. After their 1st contract 18% of workers still earned the same amount, 69% earned more and 13% earned less.

1st Contract Wages (HKD)



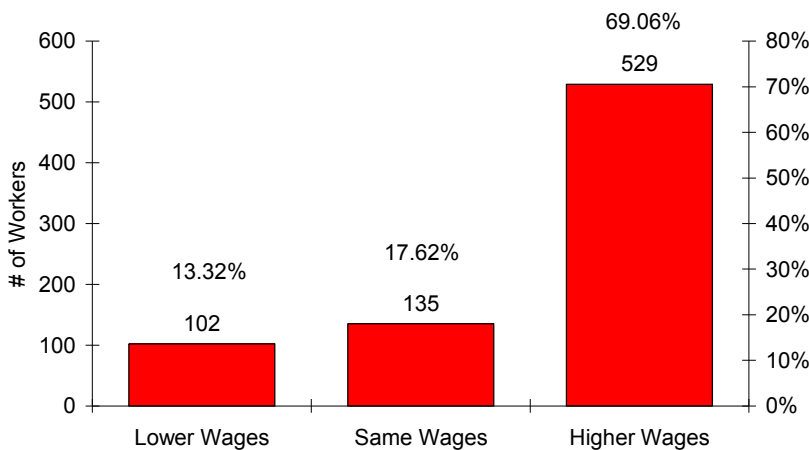
Source: IDW Baseline Survey

2nd or More Contract Wages (HKD)



Source: IDW Baseline Survey

Change in Wages From First to Later Contract



Source: IDW Baseline Survey

5.8. Agency Fees

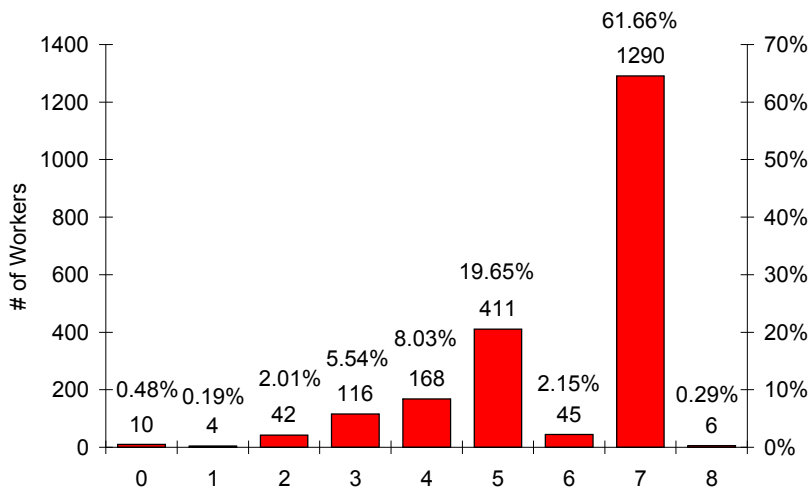
Excessive agency fees are one of the leading causes of underpayment of MWs and are probably the most pervasive and worst problem in the entire migration process. These fees, justified by the ‘training’ given to the migrants and to cover the costs of medical exams, and travel documents are imposed by the employment agencies and permitted by the Indonesian government. These fees are for excessive amounts, usually equaling the first seven months of the migrants salary, around HKD 21,000. This means that migrant workers usually start their employment with a huge debt on their shoulders.

This cycle where the migrants often owe seven months of salary, even before they start working, leads to migrants enduring work conditions that are not just substandard but illegal in an attempt to try and repay the agency. This is an institutionalized system of debt-bondage, a modern form of slavery, perpetuated by the employment agencies in Indonesia and Hong Kong.

There is a wide variety of agency fees paid by DWs from no fees paid to paying HKD 28,000. The majority of migrant workers, 59%, paid HKD 21,000 in agency fees. The second most common amount paid was HKD 9,000 by 10% of workers then HKD 10,000 by 7% of workers.

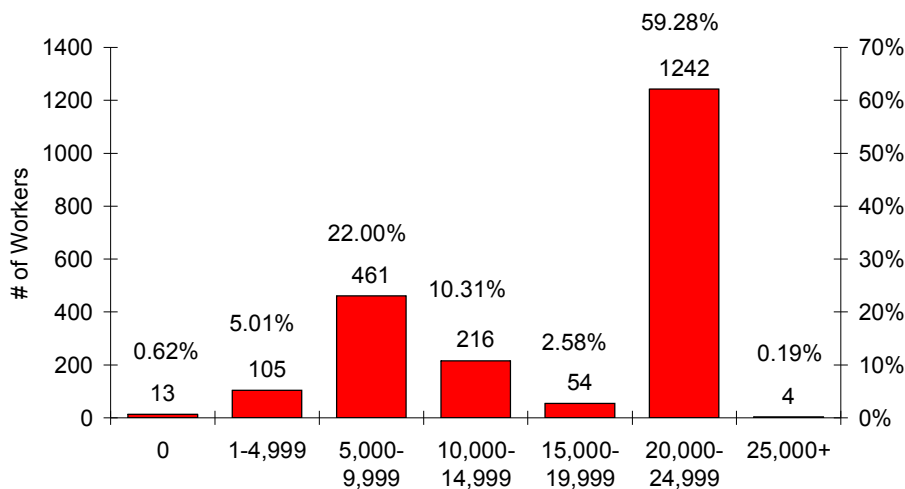
Workers reported having to pay agency fees for a period of time between zero and eight months. The majority of Indonesian domestic migrant workers, 62%, paid their placement fee using 7 months of salary deductions. The next most common length was 5 months of salary deductions for 20% of workers and third most common was 4 months of salary deductions for 8% of workers. The average length of salary deductions was 5.9 months of deductions to pay the agency fee.

Agency Fee Months Paid



Source: IDW Baseline Survey

Agency Fees (HKD)



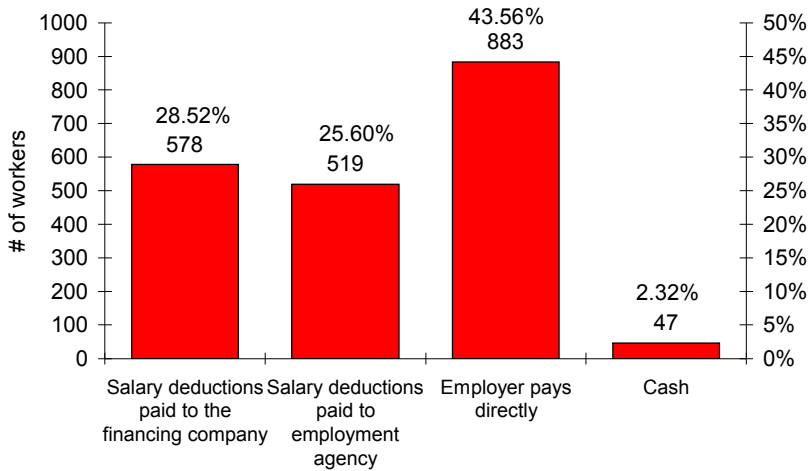
Source: IDW Baseline Survey

These excessive agency fees are paid each month out of the workers salary. There are many methods agencies use to get the workers salary and pay these excessive agency fees. The most common method of placement fee payment is for the employer to pay the agency directly instead of paying the migrant workers. This is the case for 44% of workers. The second most common method is to have salary deductions paid to a financing agency for 29% of workers and third most common method of payment is salary deductions to the agency for 26% of workers.

Current regulations in Hong Kong state that no more than 10% of a migrant worker's **first** month salary, **HKD 348** for those earning the minimum wage, shall go towards paying a recruitment fee. The fees approved by the Indonesian government, however, are often deducted in monthly installments totaling 90% or even 100% of the monthly wage. So, not only do the excessive agency fees promote underpayment of workers but they are in violation of Hong Kong law. Unfortunately, the government

of Hong Kong does not actively investigate and enforce this law. Instead they require a worker to come forward and report the violation to them while the violation is occurring.

Method of placement fee payment



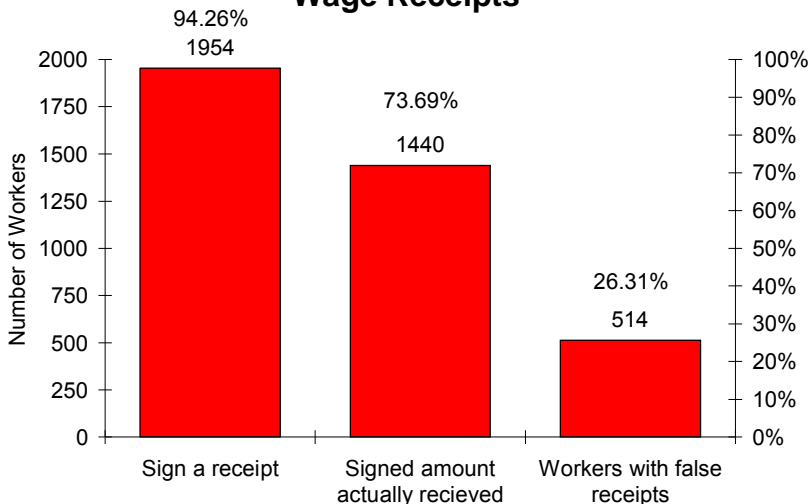
Source: IDW Baseline Survey

5.9. Wage Receipts

Workers are sometimes coerced into signing receipts for their pay before they begin working, which leaves the employer and the PJTKI free to underpay or, in extreme cases, not pay at all. Other times the workers sign receipts each month stating a false amount and are even required to deposit that amount in the bank before to generate a paper trail, before being underpaid in cash.

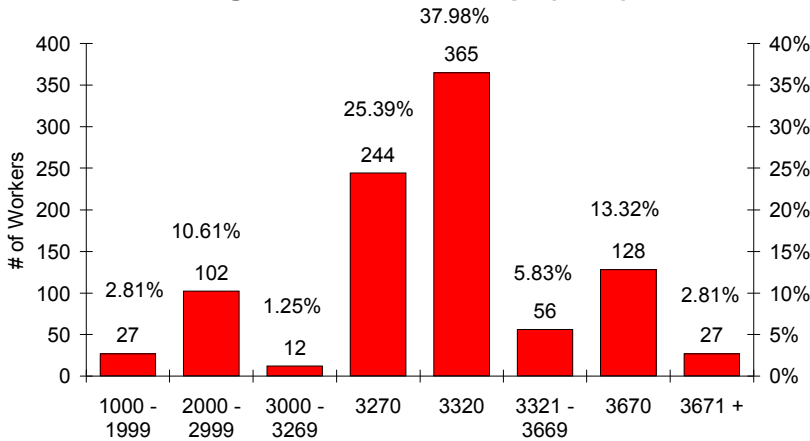
94% of workers did sign a receipt for their wages each month. Of those that did sign receipts 26% did not receive the amount stated on the receipt. 74% of workers received the wage that was stated and signed for on their receipt. For those women that did sign receipts, the most common amount stated on the receipt was HKD 3320 for 38% of MWs. The second most common amount stated was HKD 3270 for 25% of MWs. The third most common amount was HKD 3670 for 13% of MWs that signed receipts.

Wage Receipts



Source: IDW Baseline Survey

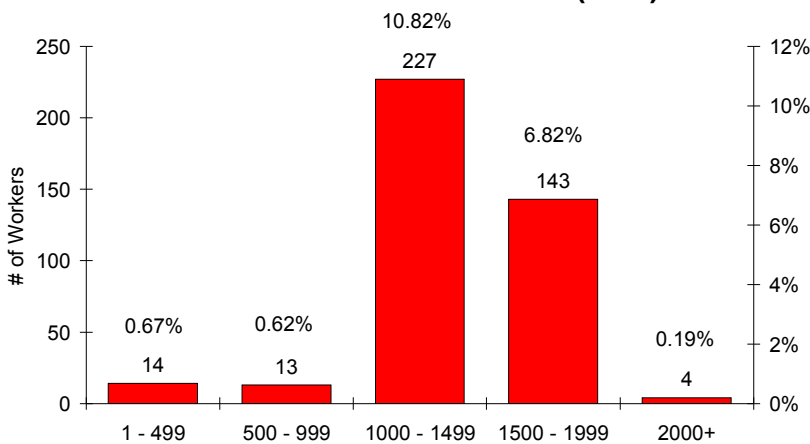
Wages Stated on Receipt (HKD)



Source: IDW Baseline Survey

The wages stated on the receipt, is not the actual wage received 26% of the time. The difference between the actual wage received and that stated on the receipt ranged from HKD 80 to HKD 2,370 per month. The average amount not paid which is the difference between the receipt and the actual payment, is HKD 1,390. Since 26% of all workers do not receive the wages stated in their receipt, and the average amount not paid is HKD 1390 per month we can assume that approximately HKD 36,000,000 is stolen from DWs each month in this manner by their employers. That is around USD 48 million stolen by employers each year and lost by Indonesia as potential foreign remittances.

Amount Stolen from Workers (HKD)

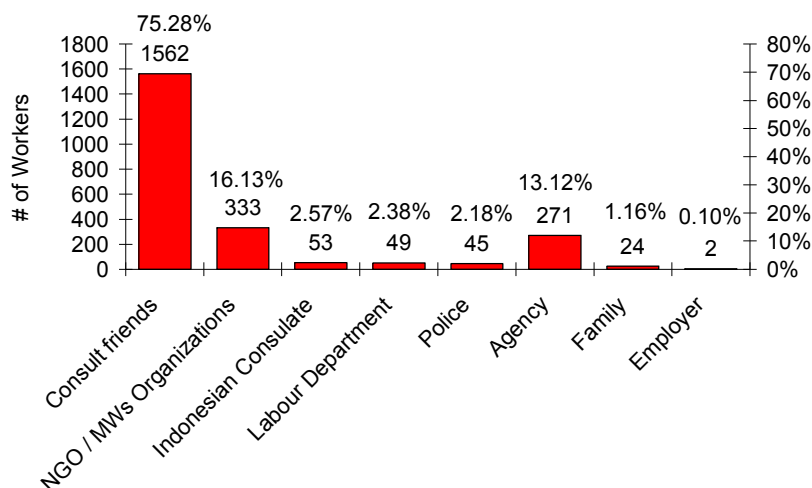


Source: IDW Baseline Survey

5.10 Consult With

In light of the fact that MWs are often not informed of their rights by their agency when problems do occur, they must ask consult with someone about the situation. When there are problems with the employer the MW may consult with different people about the problem. The most common person for workers to consult is their friend, this is a choice of 75% of workers. The second most common person to consult with is NGOs for 16% of workers and the third most common is the employment agency for 13% of workers. For this question workers were able to pick more than one entity to consult with.

Consultation Regarding Problems



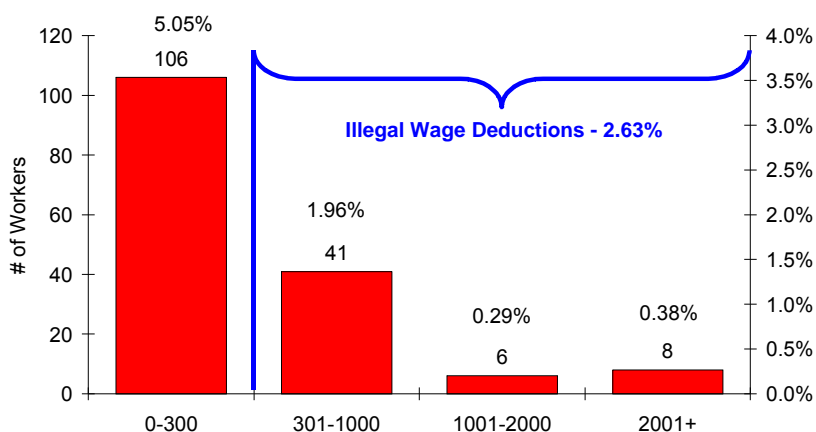
Source: IDW Baseline Survey

5.11 Salary Deductions

During daily use all items eventually wear out or break. Frequently migrant workers report that any breakage during daily work, whether it is washing dishes, cooking, washing clothes, taking care of the children, is considered the fault of the domestic worker and the replacement cost of those items will be deducted from their salaries by their employers. It is common for migrant workers to report that they must replace old clothes that rip during washing, or a dish that is broken during coking. However, according to the current Hong Kong employment ordinance migrant domestic workers should not pay more than HKD 300 per month regardless of the price of the item that was damaged. Unfortunately lax enforcement, a lack of information available for migrants regarding their rights and greedy employers all contribute to the continuing wage deductions.

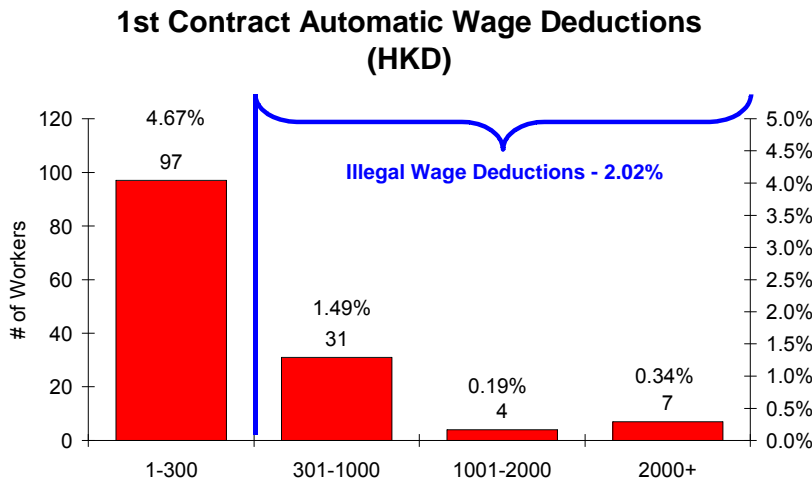
7.7% of employers used automatic wage deductions for items that were damaged during daily use. Of those that did have automatic deductions the average automatic wage deduction, not counting agency fees, is HKD 457 per month. The most common amount deducted from those that had deductions is HKD 200 for 17% of workers, the second most common amount is HKD 300 for 12% of workers and third most common is HKD 100 for 10% of workers. Amounts deducted ranged from HKD 15 to HKD 3300.

Automatic Wage Deductions per Month (HKD)



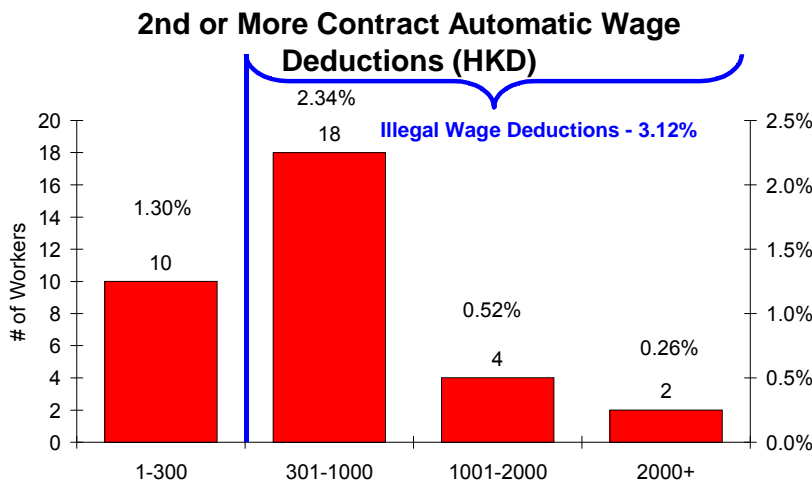
Source: IDW Baseline Survey

During their 1st contract 7% of workers had automatic wage deductions for an average of HKD 431 each. The most common amount deducted, from those that have deductions, during the first contract is HKD 200 by 18% of workers.



Source: IDW Baseline Survey

During their second or more contract 4.5% of workers have automatic wage deductions for an average of HKD 703 each. The most common amount deducted, for those that have deductions, during the second or more contract is HKD 500 by 25% of workers.



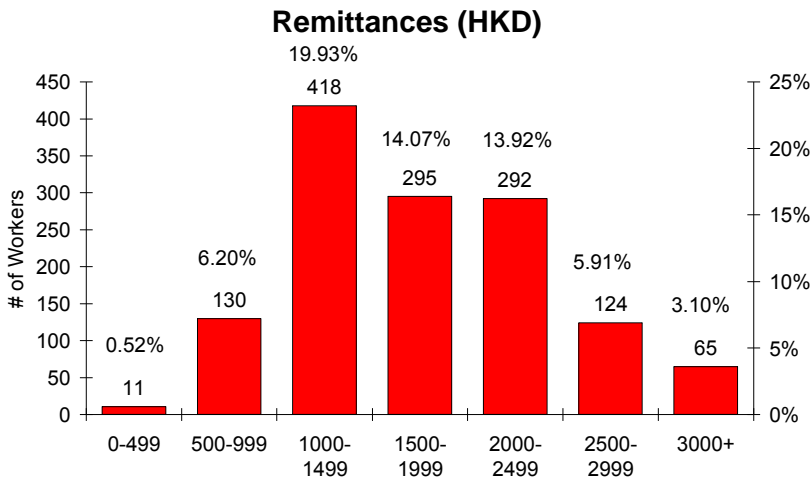
Source: IDW Baseline Survey

5.12 Savings and Remittances

As shown earlier the vast majority DWs in Hong Kong are supporting dependants back home. To support them they must send money back home. While some migrants carry their cash home with them, this is a very dangerous practice as they are frequent targets for extortion and robbery during their journey home. Increasing MWs are remitting money home through banks and other financial institutions and channels.

64% of Indonesian migrant domestic workers in Hong Kong remit money home. The most common amount of money remitted home each month is HKD 1000 by 18% of workers. The second most common amount is HKD 2000 each month by 14% of workers and the third most common amount is HKD 1500 by 12% of workers. The smallest amount remitted each month is HKD100 and the largest

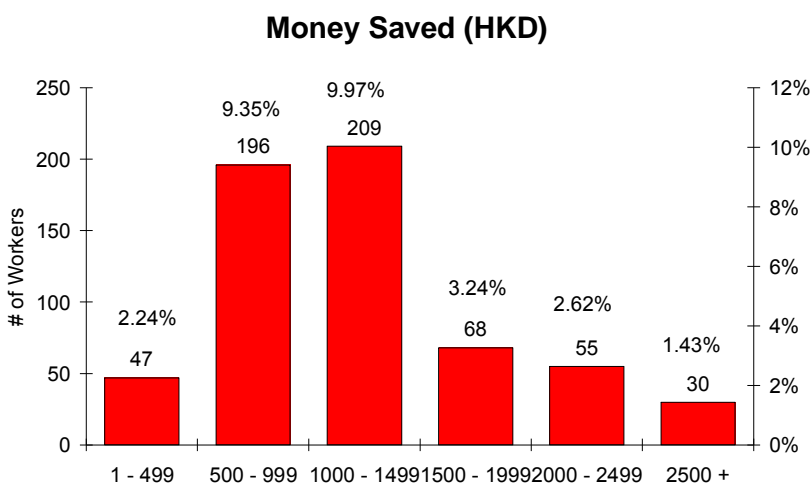
is HKD3000. The average amount remitted home each month, of those women that do remit money, is HKD 1535. The average amount remitted home each month for all women including those that do not is HKD 982.



Source: IDW Baseline Survey

In addition to sending money home migrant workers also save money in personal bank accounts. Savings in personal accounts is a vital step migrants should take if they want the money they earn to provide a sustainable income and way of life upon their return home. All migrant workers in Hong Kong will eventually have to return home. Remittances home help support the family, but often are primarily used for daily consumption. By retaining money in personal savings accounts, migrant workers can save and plan for future investments that can provide a sustainable income for them and their family when their time as a migrant worker is done.

29% of MWs saved money in personal accounts. The average amount saved each month in a personal bank account for all workers, including those that don't save is HKD 982 per month. The average amount saved each month for those that do save is HKD 1534. The most common amount saved is HKD 1000 by 10% of workers, second is HKD 500 by 8% of workers and third is HKD 1500 by 3% of workers. The least amount saved each month is HKD 100 and the most is HKD 3270.



5.13 Contract Renewal & The Costs

Standard contracts are for two years and all contracts expire and must be renewed. According to Hong Kong law, all domestic migrant workers are entitled to a two week, 14 day, annual leave and a return

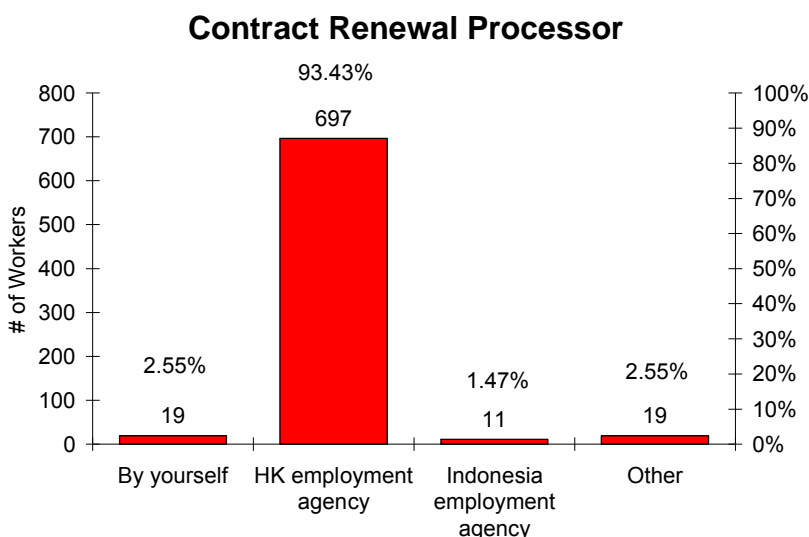
air ticket to be provided by their employer when their contract expires and they are going to renew their contract.

According to Indonesian law all ‘informal workers’ i.e. migrant domestic workers must return to Indonesia to renew their contracts regardless of where they are working. The Protection and Advocacy section of the Indonesian Department of Manpower and Transmigration enforces this requirement. They require migrants to return to Indonesia for contract renewal under the pretext of monitoring and protecting the migrants. However, this pretext comes at a high cost to the migrant, who must cycle through the entire system of government and employment agencies again with all of the associated excessive fees.

The forced repatriation of Indonesian migrant workers by their own government for the purported purpose of renewing their contracts has severe consequences for the migrant worker financially and otherwise. This highly exploitive process was documented in AMCs 2005 Underpayment report. In order to renew their contracts, workers must once again be processed through the Hong Kong branch of the employment agency that first hired them. The employment agencies often require additional fees for renewing the contract. In Hong Kong contract renewal fees are set at a reasonable standard (no more than 10% of the worker’s first monthly salary), the same as the original legal agency fee. Unfortunately that standard is rarely enforced by the Hong Kong government and once again relies on the workers themselves to report abuse with little or no proactive action. That good standard is not recognized by the Indonesian government.

Employment agencies continue to overcharge workers for contract renewal. Further on you will find just how much they are overcharging. Virtually all MWs renewing their contracts paid more than Hong Kong’s legally mandated 10% of salary limit for contract renewal fees.

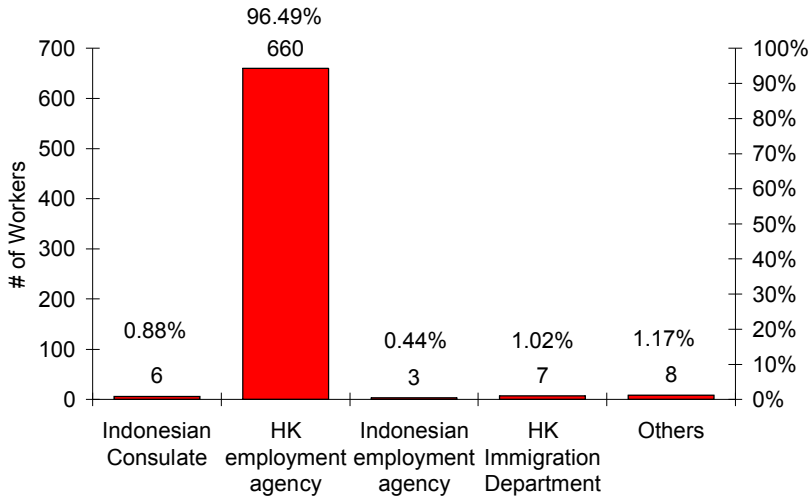
Of the vast majority of migrant workers that have already finished their contract and wanted to renew their contract, 93% processed their contract renewal through the Hong Kong employment agency. 3% processed it themselves through the consulate and 1% processed it through an Indonesian employment agency. 3% of MWs reported that they had some type of difficulty renewing their contract.



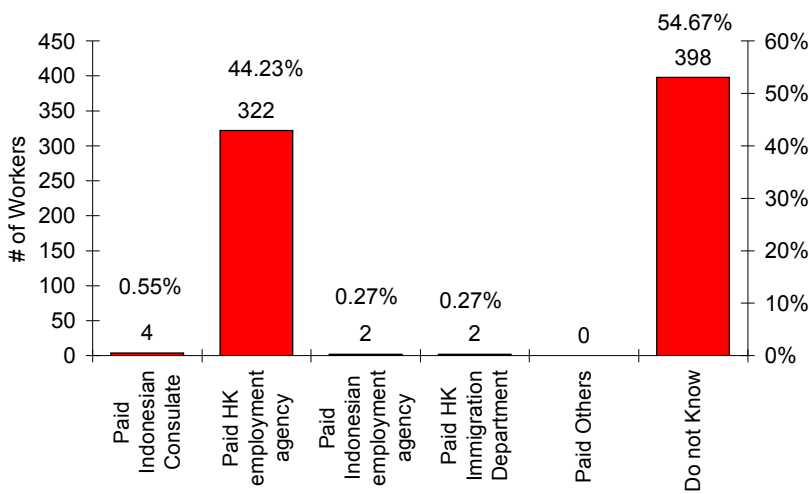
For every contract renewal there are contract renewal costs. 96% of MWs paid contract renewal costs to the HK employment agency at an average amount of HKD 3,598 each. The amounts paid to HK agencies varied from HKD 200 to HKD 21,000 with the most common amount paid being HKD 3,000. Of those workers that paid contract renewal costs to the HK employment agency 27% paid HKD 3,000. The second most common amount paid is HKD 2,000 for 9% of workers and third most common is HKD 1,500 for 8% of workers.

In addition to workers having to pay, employers have to pay as well. For those workers that know what their employer paid for the contract renewal the most common payment was to the HK employment agency by 55% of employers at an average amount of HKD 2,510. Amounts paid varied between HKD 100 and HKD 12,000, with a payment of HKD 2,000 by 22% of employers that paid being the most common. Second most common is for 20% of employers who pay HKD 3,000 and third most common is for 12% of employers to pay HKD 1,500.

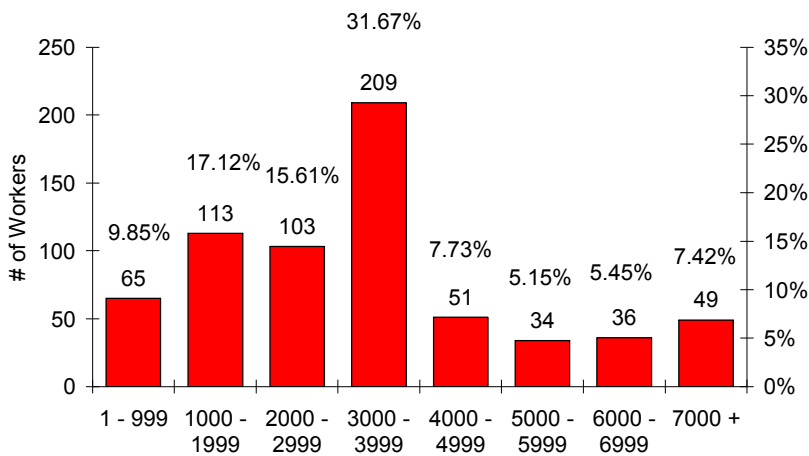
MW Contract Renewal Costs Paid To



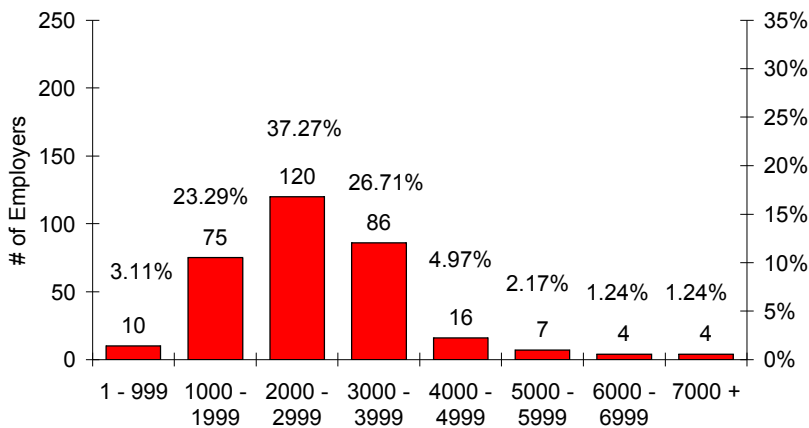
Employers Contract Renewal Costs



Amounts MWs Paid to HK Agencies for Contract Renewal (HKD)



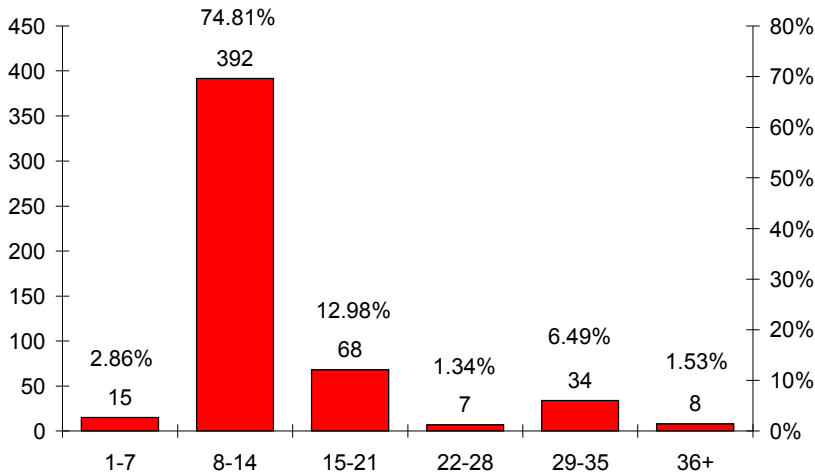
Amount Employers Paid to HK Agencies for Contract Renewal (HKD)



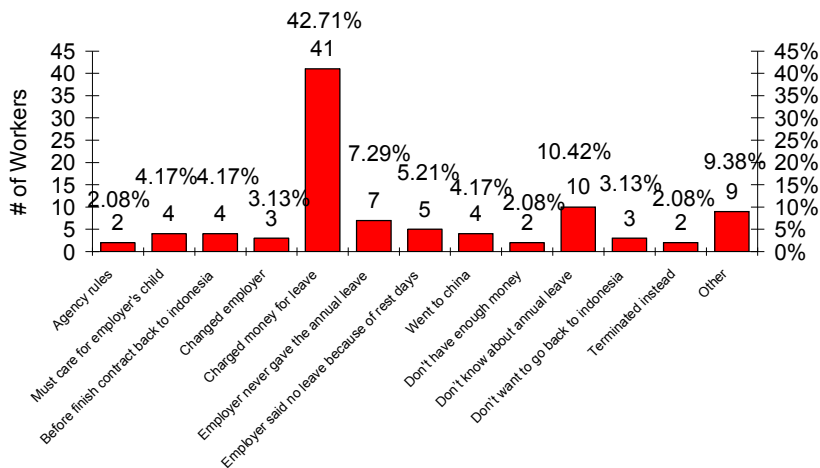
5. 14. Annual Leave

According to Hong Kong law, all domestic migrant workers are entitled to a two week, 14 day, annual leave and a return air ticket to be provided by their employer. 33% of workers did not receive their annual leave, 67% did [must check this, is annual leave every year or at end of contract?] For workers that did receive annual leave the most common length of time for annual leave is 14 days for 70% of workers. Second is 21 days for 7% of workers and third is 30days for 6% of workers. For women that did not receive an annual leave the most common reason was because the employer would charge them/deduct wages if the worker took the annual leave, this was the case 30% of the time. The second most common reason was because the employer wouldn't allow the worker to take the annual leave, this was the case for 13% and third was because the worker did not know they were entitled to annual leave and this was the case for 10% of workers.

Annual Leave - Days



Reasons for no Annual Leave



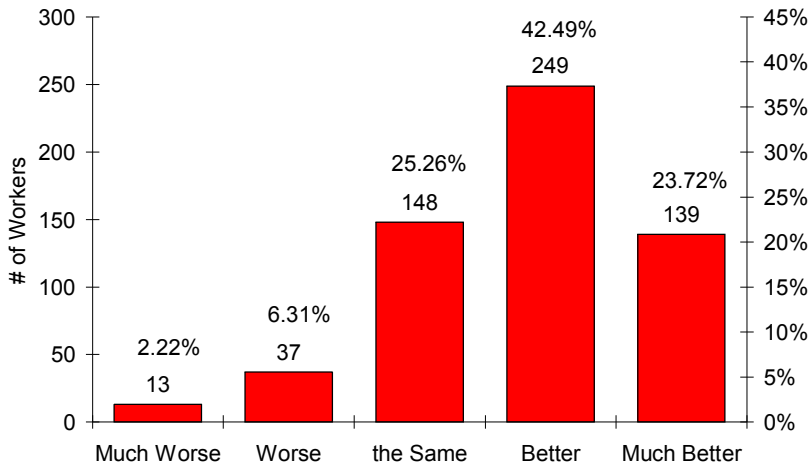
95% of employers paid for the plane ticket to return to Indonesia at the end of the contract.

5.15. Change

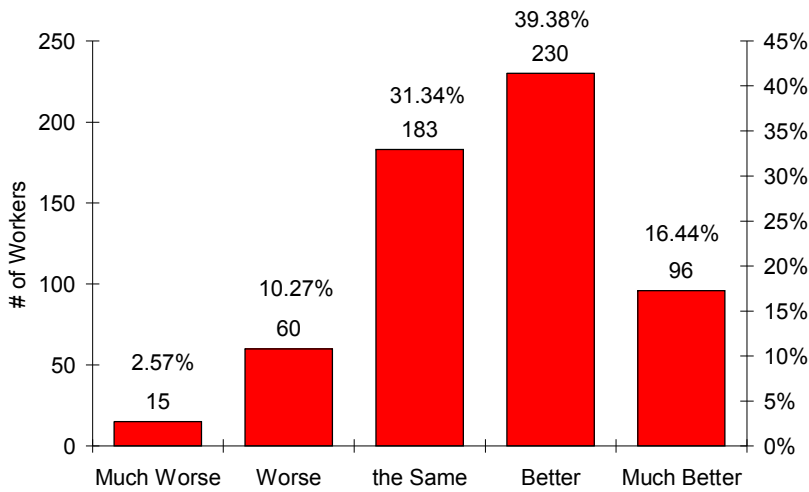
Approximately one-third of the MWs surveyed were on their second or more contract in Hong Kong. They were asked about their opinions regarding how their situation has changed since they were working under their first contract and to compare the two time periods.

66% of workers on their second or more contract feel that economically their situation has improved since their first contract. 25% feel that it is the same and 9% feel that it is worse. Physically, 56% feel that their physical conditions have gotten better, 31% think they are the same and 13% think they are worse. For social conditions 57% feel that their social conditions have improved. 32% felt they are the same and 10% feel they are worse. Regarding overall change, 49% feel that overall, things have gotten better since their first contract. 36% feel that they are the same and 14% feel that they are worse.

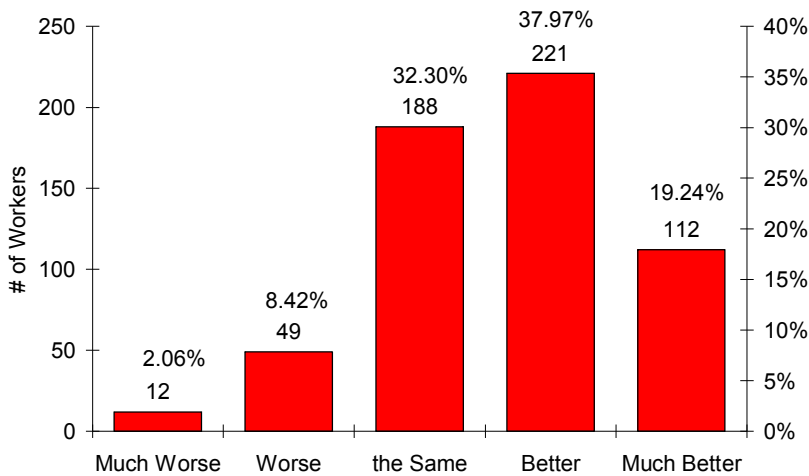
Changes in Economic Conditions



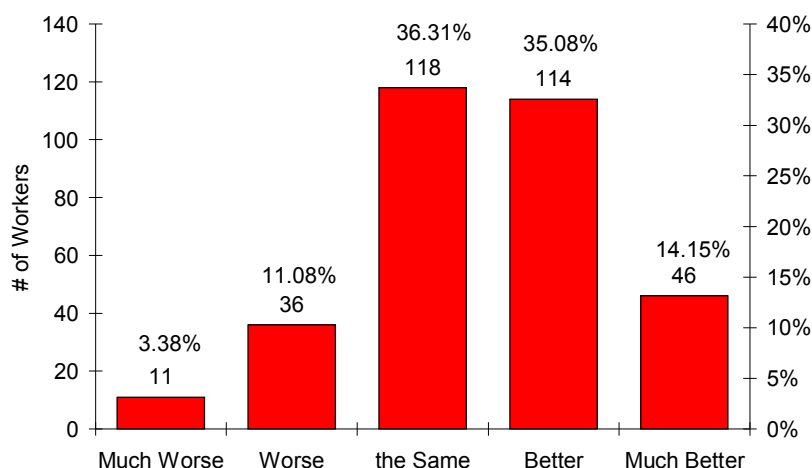
Change in Physical Condition



Change in Social Conditions



Overall Change



6. Conclusion

With the continuing economic stagnation in Indonesia resulting in an economy that is essentially creating no new jobs an increasing number of workers are looking overseas for employment. Coupled with Indonesia's persistent poverty and Hong Kong's continuing economic growth every year Hong Kong become a destination for an ever growing number of Indonesian migrant domestic workers.

It is not just economic factors that push and pull migrant workers to Hong Kong. Persistent discrimination against women in Indonesia and a culture of domestic wage work that already exists in Indonesia both lead women into migrant domestic work. At the same time there is the impression that there is more personal freedom and progressive laws for migrant workers in Hong Kong draw workers to Hong Kong.

Since the push and pull factors of migration both out of Indonesia and in to Hong Kong continue to be very strong there continues to be a large supply of workers ready, willing and able to risk the migration process in the hope of securing a better life for themselves and their family through migrant domestic work.

Despite the existence of protective legislation in Hong Kong and the creation of a new agency in Indonesia to protect MWs it still is relatively easy for employment agencies and individual employers to thwart laws designed for worker protection and problems persist throughout the migration cycle.

The unfortunate fact is that most frequently occurring problems have not changed since the publication of the 2005 Underpayment report. At that time the problems were, and they still are: At the point of pre-departure the lack of information provided by brokers, the length of time spent at the training camps, the establishment of a workers debt-bondage and lack of pay for work done while at the training camps. During the time working in Hong Kong the main problems are underpayment, contract violations, under enforcement of HK laws, verbal abuse, and early termination. On returning to Indonesia the main problems that Indonesian migrant workers encounter are illegal charges, extortion, and bad treatment on arrival at the airport and forced repatriation and more excessive fees for those returning to renew their contracts.

The above problems continue to be caused by:

1) No proper regulation and control of the recruitment agencies operations to prevent overcharging of agency fees. Therefore illegal practice committed by Indonesian recruitment agencies, i.e. PJTKI, in collaboration with Hong Kong Employment agencies. For instance, there is very little or no indictment

or punishment of abusive recruiters. Blacklisting, revocation of license, spot inspections of recruitment agencies, active investigation based on complaints by MDWs, NGOs/unions, and adoption of code of practice are combination of measures that can help alleviate the problem.

- 2) Flawed and exploitive Indonesian regulations on recruitment and placement process;
- 3) Poor monitoring of officials' conduct and inefficiency in law enforcement in both Indonesia and Hong Kong.
- 4) The discriminatory policy imposed by the Hong Kong government such as New Condition of Stay (NCS) and Two Week Rule Policy;
- 5) Insensitivity and limited training for government officials in Hong Kong and Indonesia on this issue;
- 6) lack of information available to migrants concerning their legal rights in Hong Kong;
- 7) The absence of a bilateral agreement between Hong Kong and Indonesia protecting the MDWs and based in human rights principles;
- 8) Policies and practices of both the Indonesian and HK governments and recruiters that are not consistent, or out rightly violate, international UN and ILO standards, specifically MWC, CEDAW, CERD and ILO conventions No. 143 & 97; relevant UN Committees have already issued reports criticizing the HK government about these discriminatory policies or practices.
- 9) Continued absence of institutional mechanisms in HK and Indonesia for consultation and representation of MDWs to jointly address these problems and carry out solutions. For instance, after the 2005 research and dialogue with the HK Permanent Sec for Labor, IMWU, KOTKIHO, CMR and AMC proposed, and the Secretary endorsed, the creation of a multi-partite regular committee where the MDW unions (e.g. IMWU), HK government representative, Indonesian consulate representative, migrant NGOs and employers' representative sit down and regular discuss and find solutions to the problem.
- 10) Weakness in the DW employment contract – e.g. lack of regulation of work hours, lack of provision on “due cause” in terminating the DW. At present, employers can easily and unceremoniously terminate a DW by whim, and even by making false accusations (e.g. theft, laziness, etc.). As in companies/offices, the DW contract should be strengthened so that employers have to demonstrate due cause in terminating the worker.
- 11) Lack of redress services and channels of assistance, and unfair policies, in cases of abuse and termination – e.g. shelters, counseling services, hotlines; MDWs with complaints/cases are also prohibited from earning, thus discouraging them from revealing the abuses. In many instances, MDWs with complaints are made to enter into conciliation agreement with the employer, where only half or a fraction of the MDWs' legitimate claims/benefits are granted. This is a form of institutionalizing and legalizing the employers' violation of the law, and encourages employers to continue with their underpayment practices,

The above underlying causes result to the specific problems of the Indonesian and other MDWs in HK, as revealed by the research, because these underlying causes create the conditions of vulnerability and weak position of the MDWs and women migrants to resist the abuses/violations and/or assert their legitimate rights. As revealed by the research (e.g. denial of annual leaves and underpayment), the employer and/or employment agency can very easily threaten the MDWs of being terminated, not paid, or sent back to Indonesia if they report the abuse or assert the lawful provisions.

Unless these causative factors are removed or reformed, the specific problems of MDWs will persist, as we have seen after 30 years in HK. Of course, it is important that MDWs in HK, especially the Indonesians, are well-organized and unionized, and that there are NGOs/support groups which provide crisis services/shelters/counseling, etc. It is critical, given the structural and policy problems, that there is a vibrant advocacy and MDW movement that exposes to redress the problems.

These civil society interventions are the primary factors, that have lead the HK government to act on the problems and for the problems to decrease in intensity or prevalence (e.g. underpayment, lack of days off, excessive recruitment fees, physical/verbal abuses, etc.). Migrants and advocates should

continue to strengthen this power and movement. The HK and Indonesian government will greatly benefit (e.g. less administrative costs, abuses/problems and violations of the law) if they institutionally consult and work with the MDW unions/organization to address the long-term structural and policy problems.

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