



INDONESIAN MIGRANT WORKERS UNION (IMWU)

Serikat Tenaga Kerja Indonesia/PRT HK

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HKCTU (Hong Kong Confederation Of Trade Union)
FADWU (Federation Of Asian Domestic Workers Union)

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Submission to the Panel on Manpower of the HK Legislative Council **09 June 2013**

The Indonesian Migrant Workers' Union (IMWU) is a duly-registered migrant union that has been representing its members' interests in work-related grievances at the Hong Kong Labour Tribunal. We are glad to have had this opportunity to express our views before the HK Legislative Council on the issue of placement agency regulation, and to provide this body with sound bases for improving protection for all foreign domestic workers (FDWs) in the territory.

For decades now, Indonesian recruitment agencies have been exploiting weaknesses in the laws of Indonesia and Hong Kong with virtual impunity, enriching themselves by ruthlessly capitalizing on their monopoly of migrant job placement among their impoverished compatriots. They are profit-driven leeches who have no shame about blackmailing desperate Indonesian FDWs into complying with their inhuman placement requirements, and the Indonesian government is merely looking the other way.

Our situation is not helped by the Hong Kong government's attitude that overcharging and debt bondage are concerns mainly for sending-country governments. We have to beg to disagree: Hong Kong is where recruitment agencies get their payback, in the form of compulsory wage deductions that include even threats and harassments of both FDWs and their employers. There is a well-established practice among placement agencies of withholding our legal documents upon arrival in Hong Kong and until we are able to pay up our debts.

Even more than Filipino migrant workers here who have the option for direct-hiring after their first 2-year contract with the same employer, Indonesian FDWs are milked dry everytime they renew their contract. Even when we are forced to terminate our contracts early for valid reasons, we are still made to pay for the remainder of our loans within a period of 5 months.

This situation has created oppressive conditions for Indonesian migrant workers, such that we are made to choose between bad employers and bad debts. In most cases, we choose the former and end up as victims of human rights abuses in the hands of cruel employers. We are also unable to gather enough savings even after having worked in Hong Kong for many years, and we are practically bonded slaves of our country's placement agencies.

We believe the Hong Kong government can do a lot to help regulate placement agencies even in Indonesia, and to mitigate our pitiful working conditions here in your territory. We would like the HK government to tell our president that it should do more to limit the role of these agencies in the deployment of Indonesian FDWs, and to come up with policies and concrete steps to allow direct-hiring after the completion of our initial contract.

It is also high time that a bilateral ban be imposed on wayward placement agencies, and this can be done if Hong Kong's labor and immigration department are able to coordinate with their Indonesian and Filipino counterparts in withdrawing the licenses of such erring recruiters. Tighter law enforcement that does not put

the burden of evidence-gathering on the FDW complainant should also be instituted.

We are also calling on the Legislative Council to recommend to the national government of the Peoples Republic of China to ratify the ILO Domestic Workers' Convention (C189), in order to enforce the compliance of Hong Kong and Macau with international standards on decent work. This will directly benefit us as we know that the C189 has a provision on the regulation of recruitment agencies.

With corruption of government officials in sending countries running rampant, we cannot really expect our own government to crack down decisively on these illegal practices by recruitment agencies. The Hong Kong government now has the opportunity to play a key role in state intervention to reduce if not eliminate overcharging and debt bondage of all migrant domestics within its jurisdiction, and it can do so with due regard for human rights and the rule of law. #

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