

## **Bethune House Migrant Women's Refuge (BHMWR)**

### **Submission to the LEGCO Panel on Manpower 12 February 2014**

#### **On the Two-Week Rule Policy**

The Bethune House Migrant Women's Refuge is a registered charitable institution established in 1986 to provide temporary shelter, emergency relief and social counseling to migrant women domestic workers (MWDWs) in distress.

In the past year Bethune House provided shelter and welfare services to 600 women migrant workers mainly Indonesians and Filipinos who were forced to terminate their employment due to contract violations (non-payment and underpayment of wages, long working hours, illegal work, insufficient food, unsuitable accommodation, verbal, physical and sexual abuse) or those terminated for various reasons such as health related issues, recruitment agency and money lending agency problems.

These depressed conditions of MWDWs are aggravated by the provisions of the Immigration Department's Two-Week Rule Policy which prohibits migrant domestic helpers from taking up employment while police, labor or other cases are being heard or claims being processed.

Many MWDWs lose their claims for illegal deductions of wages because Labor and Tribunal Presiding Officers often treat this as a "personal loan" so it is the responsibility of the worker to pay them back. This puts them in more miserable economic conditions as Labor and Tribunal Presiding officers legitimize the collection of payments for the "loan" by the employers on behalf of the recruitment and money-lending agencies.

Despite condemnation from the United Nations' Committee on the Convention on the Elimination of All Forms of Discrimination Against Women and its Committee on Economic, Social and Cultural Rights of the Two-Week Rule, the Immigration Department persists in its implementation.

In fact, the Immigration Department in its recent accusations on job-hopping of migrant domestic workers has forced migrant domestic workers who wish to terminate their employment contract to endure violence and inhuman treatment of their employers rather than face the risk of losing their job.

**BHMWR strongly recommends to the Hong Kong government to:**

1. Immediately review the New Conditions of Stay or Two-Week Rule as recommended by local human rights organizations in Hong Kong and even by the Committee for the Elimination of Discrimination against Women of the

United Nations. Reform or repeal clauses that are discriminatory and promote conditions for abuses and exploitation.

2. Rescind the new policy of denying visa to applicants based solely and arbitrarily on records of incompleteness of employment of the two-year contract. This does not take into account the particular conditions that result to termination of contracts and unjustly penalize both FDWs and employers without due process.
3. Provide full support and shelter to MWDWs who are victims of abuse and exploitation.