

港九勞工社團聯會

THE FEDERATION OF HONG KONG
& KOWLOON LABOUR UNIONS



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本會檔號 OUR REF.:

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The Chairman and Members of
Panel on Manpower
Legislative Council

12th February 2014

Re: Policies relating to Foreign Domestic Helpers (FDHs) and regulation of employment agencies

HKFLU disagrees with unlimited importation of FDH all the times and urge the government to review the situation regularly. For protecting local workers, we also ask the government to take severe penalties to those employers who illegally order FDHs to work instead of local workers.

Now there are over 300 000 FDHs in Hong Kong. They are also the grass roots. Owing to the ageing population, there are more and more FDHs in Hong Kong. However, FDHs help many parents to reconcile the family and their work as well as sustaining the higher labour productivity in Hong Kong.

Even though FDHs are protected by "The Employment Ordinance", sometimes they are exploited by employers such as getting less pay, cutting pay leave, maltreatment as well. The recent news of abuse of an Indonesian domestic helper aroused the awareness of protection and rights of FDHs.

With regard to the Legco Panel on Manpower's agenda on 21 February 2014 on the issue of "Policies relating to foreign domestic helpers and regulation of employment agencies", the Federation of Hong Kong and Kowloon Labour Unions submits this response to present opinions from workers' interest as follows:

Stiff punishment for overcharging commissions

Under the provision set out in Part II of schedule 2 of the Employment Agency Regulations in Chapter 57A, the maximum commission which may be received by an employment agency from each job-seeker shall be the amount not exceeding 10% of his/her first month's wages received after he/she has been successfully placed in employment by the employment agency. Yet, it is not unusual that some of the employment agencies disobey the regulation and unscrupulously charge fees in excess of those permitted by law. It is reported that many Indian domestic helpers must pay HKD21,000 for commissions and it is so heavy burdens to them! In order to prevent FDHs or any local workers from suffering any exploitation, we suggest that sentence to those who violate or disobey the above regulation should be enhanced, otherwise the situation will no longer be changed. In some cases, the employment agencies "abetted" FDHs to take unreasonable actions so that employers were compelled to dismiss FDHs then the agencies would gain more commissions. These actions demolished the harmony between FDHs and employers. The Consumer Council reported there were 409 (2013 Jan to Nov)

services under complaint relating to employment agency and they increased every year. Such situation was no longer to be tolerated. HKFLU strongly recommends to monitor the employment agencies and to take intolerant accusations against those agencies with infractions in order to stop the overcharging fees and exploitation upon FDHs.

Strengthening inspection and publicity to promote FDHs' rights

While FDHs are protecting under the Employment Ordinance and the Employment Agency Regulations, they also benefit from employment contracts, such as free medical treatment. Nevertheless, for many new arrivals of FDHs are lack of information, HKFLU suggests the Labour Department to take a more active role in the promotion of FDHs' rights in terms of their pay, benefits, medical insurance and other employment terms and conditions. The Labour Department may study from social workers to take outreach services to FDHs, finding out their problems, publicizing their legal rights and the harmonic communication between FDHs and employers.

Yours sincerely,

The Federation of Hong Kong & Kowloon Labour Unions