

For information on  
16 June 2015

## **Legislative Council Panel on Manpower**

### **Enhanced Protection for Foreign Domestic Helpers**

#### **Purpose**

This paper briefs members on the various measures undertaken by the Government in enhancing the protection for foreign domestic helpers (FDHs).

#### **Overview**

2. The Government attaches great importance to protecting the employment rights and benefits of FDHs in Hong Kong. FDHs, like local workers, receive comprehensive statutory employment protection under the Employment Ordinance (EO) (Cap. 57) and Employees' Compensation Ordinance (Cap. 282) including weekly rest day, statutory holidays, and annual leave, etc. In addition, FDHs and their employers are required to sign a Government-prescribed Standard Employment Contract (SEC) under which FDHs are entitled to additional benefits like Minimum Allowable Wage (MAW), free food (or food allowance in lieu), free accommodation, free medical protection and free return passages to/from their places of domicile provided by their employers.

3. As at end-April 2015, there were over 335 500 FDHs in Hong Kong. The majority of them came from the Philippines (175 859 or 52%) and Indonesia (151 482 or 45%), with the rest from Thailand, India, Sri Lanka, Bangladesh, etc. Most of them are women, and they play a highly useful role in helping families in Hong Kong to take care of their domestic duties and help release more women in local families, particularly those with children or elderly members, to join or stay in the labour market.

## **Measures for enhancing the protection of FDHs**

### *Enhancing FDHs' awareness of their rights*

4. The Labour Department (LD) has been organising various publicity activities for FDHs with a view to raising the awareness of their rights and obligations, and the channels for seeking assistance where necessary.
5. The relevant promotional activities include producing practical guides, leaflets and posters in the mother languages of FDHs, staging roving exhibitions, organising briefings, and placing advertisements in local Filipino and Indonesian newspapers to promote the relevant provisions of EO. Relevant publicity materials in the mother languages of FDHs are disseminated through the Consulate-Generals (CGs) concerned, FDH groups, non-governmental organisations (NGOs) and government offices including District Offices of the Home Affairs Department and the Immigration Department. Such publicity materials are also uploaded to LD's website so that FDHs may gain access to them at anytime, either before or after their arrival in Hong Kong. Information packs are distributed to newly-arrived FDHs through an NGO at the Airport to ensure that FDHs are aware of their rights right from their arrival.
6. Since 2014, LD has stepped up its promotional and educational effort to enhance FDHs' awareness about their employment rights and benefits. For example, LD arranged publicity videos in English, Tagalog, and Indonesian on FDH employment rights be screened at the video walls outside Victoria Park and Urban Council Centenary Garden when many FDHs gather during rest days. More information kiosks have been staged at some popular gathering places of FDHs including Victoria Park, Chater Garden and Statute Square Gardens during rest days for screening publicity videos and distributing information packs.
7. While the on-going publicity continues to focus on employment rights and benefits, LD has since 2014 included in the publicity materials messages on how FDHs should deal with situations involving intrusion of their personal safety and confiscation of their identity documents by others, as well as channels for them to seek redress. Advertisements containing these messages have been regularly placed at local Filipino and Indonesian newspapers. A handy card in the mother languages of FDHs on their employment rights and complaint channels has been produced and widely distributed to FDHs to enhance their awareness in this regard.

8. In parallel, LD runs publicity and education programme to enhance FDH employers' awareness of their statutory and contractual obligations. Examples include organising dedicated seminars, producing and disseminating leaflets and souvenirs (e.g. folders, memo-pads, etc.) containing provisions of EO and SEC as well as other information pertaining to employment of FDHs. Such materials are also uploaded on LD's website for public viewing. A new television and radio announcements in the public interest (API) was produced and broadcasted last year to remind FDH employers of the statutory employment and contract rights of FDHs, and urge them to respect FDHs and discharge the responsibilities required of the employers.

#### *Strengthening collaboration with FDH-sending Governments*

9. LD has also stepped up the collaboration with FDH-sending countries in promoting and safeguarding the employment rights and benefits of FDHs in Hong Kong. An inter-departmental regular liaison mechanism with both the Indonesian and Philippines CG has been set up respectively since 2014. Other relevant law-enforcement agencies (LEAs) or government departments will be invited to attend as and where necessary. This inter-departmental regular liaison mechanism is used to discuss matters requiring mutual attention concerning FDHs; exchange information about problematic employment agencies (EAs), employers and FDHs for follow-up action by relevant LEAs; and coordinate promotional efforts. This inter-departmental liaison mechanism has found to be useful and effective in exchanging views and coordinating efforts on systemic issues, and tackling individual cases relating to FDHs.

10. Since June 2014, LD has joined the Welcome Programme organised by the Indonesian CG and the regular briefings organised by the Philippine CG for newly-arrived FDHs to provide them with information on their employment rights and channels for seeking redress while working in Hong Kong. This has received positive feedback from FDHs. LD is exploring with the CGs concerned the possibility of having LD officials joining these briefings more frequently in the future.

11. Since 2014, LD has also participated in the major social/ cultural events organised by CGs for their nationals in Hong Kong to disseminate messages about the employment rights and points-to-note whilst working as FDHs in Hong Kong. For example, LD set up a booth for distributing information packs and screening publicity videos on FDHs' rights in the Indonesian Festival held at Victoria Park on 24 August 2014, and invited the CG concerned to help disseminate the important messages on stage. Noting that the Philippine CG had raised concern about EAs suspected of defrauding FDHs by offering fake

job vacancies overseas, LD drew up some advisory notes in this regard for the CG concerned to post on its Facebook page and through the other social media. LD will continue to join similar events and work closely together with CGs concerned in enhancing FDHs' awareness of their rights and other relevant issues while working in Hong Kong.

12. LD has alerted the CGs concerned that all our publicity materials and videos are already available for browsing on its website and encourages their governments to help publicise such to their FDHs direct before their arrival in Hong Kong or through various channels including their training institutes for FDHs.

### *Strengthening regulation of EA*

13. LD regulates the operation of EAs through licensing, conducting regular and surprise inspection, as well as complaint investigation. To strengthen the monitoring of EAs, LD has since 2014/15 increased manpower and conducted more frequent inspections to EAs by increasing the target inspections of EAs per year from 1 300 by 500 (38%) to 1 800. In 2014, a total of 1 806 inspections were conducted, amongst which 75% (i.e. 1 352 inspections) were targeting at EAs placing FDHs. In the first four months of 2015, a total of 682 inspections were conducted to EAs in Hong Kong, including 508 (74%) to EAs specialising in placement of FDHs.

14. The Government will not tolerate any abuse and/or overcharging of FDHs by EAs. Upon receipt of complaint, LD will initiate investigation promptly and will take out prosecution when there is sufficient evidence. In 2014, four EAs were convicted: one for overcharging FDH, two for unlicensed operations, and one for failing to notify LD on the change of management within the statutory timeframe. In 2015, three EAs have been convicted so far: two for overcharging FDHs and one for failing to notify the change of address within the statutory timeframe.

15. The Commissioner for Labour will also consider revoking, or refusing to renew, the licence(s) of any law-defying EA(s). In 2014, a total of five EAs' licences were revoked or refused to be renewed because of overcharging of FDHs, unlicensed operations, and the licensees doing an act tending and intended to pervert the course of public justice, or were considered not a fit and proper person to operate EA.

16. To strengthen the regulation of EAs, the Government is preparing a Code of Practice for the industry, in which acts that are permissible and those that should be avoided by EAs (e.g. EAs should not be involved in the financial or loans affairs of FDHs) would be spelt out. LD will suitably consult the relevant stakeholders after the draft is ready in the second half of 2015.

## **Conclusion**

17. With a population of over 335 500, constituting nearly 9% of our total workforce, FDHs make significant contribution to Hong Kong. The Government will continue engaging the FDH-sending governments, FDHs and their employers in a continuing process of duly protecting the employment rights and interests of FDHs working in Hong Kong.

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