

BETHUNE HOUSE SUBMISSION TO PANEL ON WELFARE SERVICES
“Support Services for Foreign Domestic Workers who are victims of violence
(including sexual violence) in domestic setting”

By: Edwina Antonio-Santoyo, Executive Director- Bethune House

The Bethune House Migrant Women’s Refuge was established in 1986 to provide refuge to distressed Asian migrant women in Hong Kong.

For more than 28 years, we have provided refuge and assisted thousands of women in crisis – women who have suddenly been made unemployed, who may have experienced exploitation and some form of physical and sexual abuse, were victimized by sex and labour trafficking, have no means to secure their entitlements nor to survive in HK while they pursue their quest for justice.

Background

As noted in LC Paper No. CB(2)1683/14-15(06) para 13, some members of the Panel of Manpower acknowledged that "two-week rule" had deterred FDHs from lodging claims when they were mistreated or abused by their employers. In para 14, it was clarified that under exceptional circumstances including where there was evidence that the FDH had been abused or exploited, FDHs could apply for change of employer in Hong Kong without first returning to their places of origin.

The statement below provides Bethune House’s view on how the support of FDH can be strengthened under circumstances where there was evidence that the FDH had been abused.

Statement

Where an FDH had been abused by the employer, the FDH typically has to go through the following:

1. The FDH report to the police for investigation. The visa has to be extended to pursue the case;
2. The corresponding employment contract would be terminated. Depending on the circumstances, such employment contract termination might result in a labour dispute and the FDH could seek help from the Labour Department.
3. Additionally the FDH could apply for change of employer in Hong Kong. However, any new employment would be subject to the police case being concluded. Thus during the period of police investigation and subsequent court processes, the FDH loses the opportunity for employment, which was the original purpose of coming to Hong Kong.

Bethune House believes that in cases where there is evidence that the FDH had been abused, support should be provided to the FDH to enable them to have a fair opportunity to seek justice and to minimize the impact to the FDH. We highlight below the key needs of the FDH when a police and labor case are being pursued:

- A place to stay, food and subsistence during the period of the police and labor case
- Medical support: access to medical system in Hong Kong ceased when contracts are terminated
- Psychological support / counseling on employment dispute and trauma
- Free visa fee extension
- Allow to process new contract to support the families at home.

As highlighted above, currently the NGO sector provided most of the needs of the FDH when the FDH pursue the police and labor case. Abuse cases can involve a lengthy investigation process, thus the burden to shelter providers/ NGOs is heavy. Bethune House proposed for the government to support FDH during the period of police investigation, court processes and labor disputes on the basis of human right.