

Hong Kong Federation of Asian Domestic Workers Unions
Submission to the LegCo Subcommittee on Strategy and Measures to
Tackle Domestic Violence and Sexual Violence

Nowadays, there are more than 330,000 migrant domestic workers in Hong Kong; they constitute almost 9% of workforce for Hong Kong's economy. Although exposed cases shows that migrant domestic workers are vulnerable, the HK government refused to change their policy to avoid exploitation to migrant workers.

Migrant domestic workers are vulnerable due to the government policies

Worker who are pending a case couldn't work in Hong Kong, this is why workers are not willing to process a case. A simple labor case require 4-6 months to finish, from file case to labour department to trial finish in labour tribunal. In this period, although the worker is allowed to stay in Hong Kong as a "visitor", they cannot earn money. However, they are paying their food, housing and the visa fees. It makes the worker more difficult to seek for justice.

As Migrant Domestic Workers are forced to live with their employer, Workers has no place to go while they are forced to live in the workplace, and it makes more chance for them to be abused in a private household.

In fact, these immigration policies, including under the two weeks rule and forced live-in arrangement, is discouraging MDWs to stand for their rights. With the unreasonable immigration policies, the excessive agency fee puts more constraints to MDWs. As they are shouldering the debt, they are not dare to speak up even facing abuse.

The responsibility of HK Government

Hong Kong government has the responsibility to protect rights of MDWs. However, the lack of support and the harsh policies to MDWs is not allowing them to implement their right. The government should relax its immigration policies and clear the malpractice of employment agencies. On the other hand, government should put more public support to MDWs who faced any type of violence.

Although the government claimed that the service for victim of domestic and sexual violence also serve migrant worker, the service are not accessible and not sufficient to migrant workers. In fact, compare to other woman, migrant worker who are facing violence do have more concerns. They have the problems of visa, have to settle the stay in Hong Kong while the case pending, and also the lack of income as mentioned above. The government should establish public service for MDWs, including shelters and financial support, to allow them to seek for justice.

In reality, migrant domestic workers need a place to stay during early termination or a labor case pursuing, but not only a victim of sexual and domestic violence.

We demand the government to:

1. Establish Tripartite system, including workers, employers and government representatives to discuss and formulate laws and protections to migrant domestic workers;
2. Provide enough, accessible shelter to migrant worker who become victim of violence, or provide funding to eligible unions/ NGOs to establish the service.