

## Submission of the Indonesian Migrant Workers' Union to the LEGCO Panel on Constitutional Affairs

The Indonesian Migrant Workers' Union would like to thank the Legislative Council Panel on Manpower for allowing many of us to speak in the panel and discuss with us the urgent concerns that many foreign domestic workers in Hong Kong have. It is very important and at the same time comforting for us to know that the Hong Kong government is there to listen to us and we hope that you can also take action to address our demands and change our situation.

I would like to introduce to you Wiwin. Wiwin is 22 years old and comes from a province in Indonesia. She came here a few months ago to work as a domestic worker. Before she left for Hong Kong, her recruitment agency demanded her to immediately settle a placement fee amounting to HK\$21,000 or she wouldn't be able to travel.

She said she had no money so the recruitment agency endorsed her to a money-lending agency to borrow money. There, she was made to sign an agreement in which she had to pay her debt in installment – HK\$3,000 per month for the next seven months. It will be worthy to note that the recruitment agency did not give her a receipt for the HK\$21,000 she had paid.

While the monthly salary for foreign domestic workers now is pegged at HK\$4,010, Wiwin only receives HK\$3,500 per month. With the HK\$3,000 she was paying to the money-lending agency, she would only be left with HK\$500.

During months when she was not able to pay on time, she would receive calls from the money-lending agency, which quite surprisingly has an office in Hong Kong, to remind her to settle her monthly responsibility. Sometimes, these calls would have curses and threats – i.e. informing her employer that she has debts; that if she could not settle, they would advise her employer to terminate her contract. Afraid to lose her job, Wiwin would not complain and simply, and quietly, settle.

The situation of Wiwin is no different from the situations of many foreign domestic workers in Hong Kong. This is one of the many urgent concerns that many of us have – being forced to pay an illegal fee and submit to an illegal practice.

While the Hong Kong states in its law that a foreign domestic worker should only settle 10% of her first month's wage to her recruitment agency upon placement, a situation like Wiwin's is not considered by many Hong Kong authorities as such. It is considered by the Hong Kong Police, which we have advised many of our members and fellow Indonesian domestic workers to call in times of trouble, as a personal debt that they should be responsible for.

Furthermore, the Hong Kong government through its agencies considers this as a problem of the source country and not theirs.

What we are presenting to the Legislative Council Panel on Constitutional Affairs is that this is a very tangible issue that we foreign domestic workers have here in Hong Kong. While the problem has started back in our home countries, we continue to endure and suffer from this problem here.

There is a growing number of cases that we in the Indonesian Migrant Workers' Union are continuing to document, including migrant workers losing their jobs only after less than seven (7)

months of work with their employer, being charged more than HK\$21,000 as placement fee, receiving various forms of threats from money-lending agencies, etc.

Can the Hong Kong government not do anything about this?

In Paragraphs 11.84 to 11.86, the Third Report of the HKSAR to the CEDAW Committee did not mention the concerns of FDWs and service providers in the government's monitoring and handling of cases of overcharging.

We would like to think that the Hong Kong government finds value in our presence, in our work and in our contribution to the Hong Kong society. We would like to think that the Hong Kong government understands the plight of many of your migrant workers, especially foreign domestic workers, and is finding solution to many of our problems.

In this regard, we in the IMWU think that the Hong Kong government can do something. We would like to recommend that:

- 1) The Hong Kong Labour Department, through its relevant agencies, look into this matter of illegal collection and violation of Hong Kong laws by recruitment agencies as being presented by the IMWU and many of our friend organizations during this panel. We encourage you to look into the many cases that we and other migrant-serving institutions are gathering in relation to these cases;
- 2) The Hong Kong Labour Department, too, can have more thorough conversations and dialogues with migrant workers' organizations and migrant-serving institutions about this problem and crafting solutions and alternatives to curb or resolve the situation. We would appreciate such an initiative from the Labour Department;
- 3) The Employment Agencies Administration be given more capacity not only to monitor but to probe into such cases, accept and take actions on complaints that we submit, and punish erring recruitment agencies and their counterparts;
- 4) The Hong Kong Police seriously takes cases and complaints that they receive from foreign domestic workers.

We are here in Hong Kong to work and put food on the dining tables of our families we left back home. We do not come here to make nuisance or add to the many problems that we face. But this situation that we are presenting you is real and urgent.

We urge the Hong Kong government not only to take this into account but take immediate action.

Thank you very much.