

Asian Migrants Coordinating Body (AMCB)

Submission to the Legislative Council Panel on Manpower
12 February 2014

By this time, the world knows about Erwiana Sulistyarningsih. As you hear the submissions of migrant organizations and advocates today, please bear in mind the battered, bruised and abused face and body of Erwiana.

We urge the panel to not treat Erwiana's case as an isolated one. It is extreme, yes. But it definitely is not isolated because abuses – physical, emotional, sexual – of employers and recruitment agencies happen to many of us in many and different forms and degrees.

What makes Erwiana's case not isolated are the existing policies in Hong Kong that dictate the living and working condition of foreign domestic workers. These policies set the stage for abuses to take roots, continue with impunity, and develop to the heights like what Erwiana experienced.

We urge the panel to take actions that will lead to reforming of these policies that put us in a position where our rights and dignity as migrants, as women and as human beings are vulnerable to violations.

These policies are:

1. New Conditions of Stay (NCS) or Two-Week Rule

The NCS is the overarching policy that puts the security of livelihood of FDWs always at risk. Due to the very limited time period to stay in Hong Kong that the NCS gives to those with prematurely terminated contract, many FDWs who experience abuses tend to keep quiet and just endure for fear of getting forced to leave Hong Kong without finding another employer. The NCS must be reviewed thoroughly as recommended even by the UN Committee for the Elimination of Discrimination Against Women.

2. Mandatory live-in employment

As shown by Erwiana's case, the mandatory live-in employment arrangement is one that can make abuses to be kept hidden until they get really worse. This policy does not have a rational justification and its continued implementation does not promote a harmonious working relationship between employers and FDWs. Live-in employment arrangement should be made optional and based on the mutually accepted agreement of the employer and the FDW as stipulated by the ILO Convention NO. 189.

3. Exclusion from the Statutory Minimum Wage and the regulation on working hours

The exclusion of FDWs from the SMW does not show a progressive step away from social exclusion. This must be corrected and at the same time, this should not be repeated in the current process of discussion on instituting a regulation on working hours.

As you deliberate on these concerns, we would like to close with the message of Erwiana to our event, the One Billion Rising for Justice, last Sunday. She said: "I hope my case will be the last. I don't want any more people to end up like me. So pitiful, the fate of small people like us."

We hope you can make Erwiana's hope, the same hope of many us, come true.