

**SUBMISSION OF THE MFMW TO THE PANEL ON MANPOWER OF THE LEGISLATIVE COUNCIL ON
THE REPORT OF THE STANDARD WORKING HOURS COMMITTEE**

10 JUNE 2017

Mission For Migrant Workers (MFMW Limited) is writing to address the concern for inclusion of live-in domestic workers and all other workers under the prospective working hour regulation.

Prevalence of long working hour among domestic workers

There are more than 340,000 foreign domestic workers serving thousands of households in Hong Kong. All of them are made live-in domestic workers under the immigration policy. Due to the lack of statutory provision on working hour, they are essentially at the disposal of the employers, being stand-by at work 24 hours a day. Based on a research on 3000 live-in foreign domestic workers done by MFMW in 2013, 37% respondents reported that they have work 16 hours per day while 9% reported being asked to work for 19 hours per day. Workers in live-in domestic work industry are indeed the group in need for regulation of their working hour. A proper working hour would not only strike a better work-life balance of the workers, but also maintain the workers' strength and capacity to work.

Governmental bodies' lack of awareness

Hong Kong government however lacks the awareness of the prevailing situation of long working hour of the live-in domestic workers. No studies have been conducted on the working hour of live-in domestic workers from the Census and Statistics Department. In addition, the policy study on Standard Working Hours published by the Labor Department mentioned "domestic worker" 11 times, yet all of them are referring to experience of exemption of domestic workers from the other countries, while countries regulating domestic workers' working hour, such as Canada, Uruguay and France were not being mentioned at all.

Apart from that, the chairperson of the SWH committee said during the public consultation on 23 July 2014 that foreign domestic workers are under a special ordinance in Hong Kong, the committee can do nothing but convey the concern for inclusion of the workers.

We regret to hear response as such, demonstrating the lack of understanding of foreign domestic workers from the committee officials. Foreign domestic workers are made "special" due to various immigration policies, such as live-in policy. But as workers in Hong Kong, they are protected under the Employment Ordinance as the other workers. Workers in a metropolis like Hong Kong should be treated equally and fairly regardless of their nationality and job.

Rest period should be stipulated

We understand that distinct operational nature of live-in domestic workers that the workers' workplace is their residence, they are constantly on call, with a blurring line between working and resting time. Tailor-made working hour regulation can therefore be introduced to this occupation. Stipulating meal breaks and rest periods between two consecutive work days would be a feasible answer, given the relatively successful experience of the current rest day regulation.

We are suggesting the government should stipulate a consecutive 11-hour rest periods between two work days, which the live-in domestic workers can fully dispose the time for rest, entertainment and communication with families and friends.



Working hour regulation for all

Many local workers are suffering from long working hour therefore they lack time to attend to families and household chores. Many of these workers are the employers of domestic workers as well, they have no ways but resort to hire domestic worker for helping hands. MFMW also call for a statutory provision of Standard Working Hour and maximum working hour regulation for all workers in Hong Kong; therefore, they can better enjoy a work-life balance and family life.

Recommendations:

1. Census and Statistics department should conduct research on the working hour of live-in domestic workers
2. Enact working hour regulation for all workers
3. Introduce a tailor-made working hour system to domestic workers, especially live-in domestic workers
4. Stipulate a continuous 11-hour rest periods between two consecutive workdays plus meal breaks