

UNDERPAYMENT 2

The Continuing Systematic Extortion of Indonesian Migrant Workers in Hong Kong:
An In-Depth Study



Presented By:

Asian Migrant Centre (AMC)

Indonesian Migrant Workers Union (IMWU)

The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)

Supported by:

ILO-Indonesia

OXFAM-HK

UNDERPAYMENT 2

**The Continuing Systematic Extortion
of Indonesian Migrant Workers in Hong Kong:
An In-Depth Study**

By

Asian Migrant Centre (AMC)

Indonesian Migrant Workers Union (IMWU)

The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)

Supported by:

ILO-Indonesia

OXFAM-HK

September 2007



Those Who Continued to Fight for Their Rights

CONTENTS

Introduction	6
Chapter 1: Background	
1.1. General Situation	10
1.2. Feminization of Migration	12
1.3. Domestic Workers	12
1.4. Overview of Indonesian Migrant Workers in Hong Kong	13
1.5. Hong Kong Migration Regulations	15
1.6. Indonesian Migration Regulations	17
1.7. Bilateral Agreements	18
Chapter 2: Research Methodology	
2.1. IDW Baseline Survey	19
Chapter 3: Profile of Indonesian Migrant Workers in Hong Kong	
3.1. Demographic Profile of Survey Respondents	21
Chapter 4: Recruitment and Pre-departure Issues	
4.1. Predaparture Process and Exploitation	28
4.2. Lack of Information	30
4.3. Brokers (Calos)	33
4.4. Training Camps	35
Chapter 5: Issues in the Workplace	
5.1. Employment Contract	42
5.2. Employment Agencies Used	44
5.3. Rest Day, Time Limits and Types of Work	47
5.4. Hours Worked	49
5.5. Statutory Holidays	53
5.6. Daily Work	56
5.7. Underpayment and Excessive Agency Fees	61
5.8. Wage Receipts	69
5.9. Consult With	74
5.10. Salary Deductions	75
5.11. Savings and Remittances	77
5.12. Contract Renewal	83
5.13. Annual Leave	90
5.14. Change	91
5.15. Repatriation	94
Chapter 6: Conclusion	95
Chapter 7: Recommendations	
7.1. Hong Kong Government	98
7.2. Indonesia Government	99
Glossary of Acronyms	101

Introduction

I asked my employer why do I have to sign a receipt for HKD 3,270 when you only give me HKD 1,800? My employer said because you are new to Hong Kong and you can't speak Cantonese well.

My employer gave me so many tasks that it was impossible to do them all in one day. It was impossible to escape the verbal abuse. I finally ran away one night because I knew that it was impossible to ever do the job.

*– An interview with migrant worker 'I'
from Malang, East Java*

Around 1985 Indonesian migrant workers began arriving in Hong Kong. Initially the number of Indonesian migrants in Hong Kong remained low, that is until the 1990s when the government of Indonesia began cooperating with the government of Hong Kong to place Indonesian migrant workers in jobs in Hong Kong. This cooperation led to the explosive growth of Indonesians migrating to Hong Kong in search of work, virtually all of whom are female domestic workers.

By 1990 there were approximately 10,000 Indonesian migrant workers in Hong Kong. According to data from the Hong Kong Immigration Department, as of February 2007, Indonesian migrant workers have reached 105,320 persons. This is an incredible average increase of 5,600 workers per year. This rapid growth is only projected to continue in the future. According to Hong Kong immigration data, there are currently around 225,000 domestic workers in Hong Kong, very soon half of whom will be Indonesians.

Hong Kong has become the premier destination for most Indonesian migrant workers because of its relatively higher salaries and atmosphere of freedom. Even with these advantages of relatively better salaries and greater freedom, migrant workers in Hong Kong are confronted, daily, with serious problems. Many of these problems are instigated by employers, but they can only exist because of persistent government (Hong Kong and Indonesia) apathy and discrimination; and also because of the employment agencies rampant violations of the law and migrant's human rights in the search for greater profits. Violations faced by workers include excessive working hours, denial of rest days and holidays, forced confinement in training camps, forging of documents, excessive agency fees, misrepresentation by agencies, placement with employers that have violated the rights of previous workers and more. However, underpayment of workers, in its various forms, is the most prevalent and damaging problem.

There is a minimum wage set by the Hong Kong government for domestic workers in Hong Kong known as the Minimum Allowable Wage (MAW). In May 2005 the Hong Kong government implemented a HKD 50 raise applicable to contracts effective from May 19, 2005 raising the MAW to HKD 3,320. Then in the last two years (May 2006 & June 2007) the government again increased the MAW by the

still insufficient amount of HKD 80. Even though the minimum wage is now only HKD 3,480 per month, the law is commonly broken by employers and a significant number of Indonesian migrant workers are underpaid. Employers also find a myriad of other ways to underpay workers from denial of legally mandated rest days and holidays, to forced work in other locations to excessive daily working hours. The illegal reduction of salaries and denial of other legally mandated benefits is related to recruitment mechanisms required by the Indonesian government and implemented by employment agencies in Hong Kong and Indonesia (known as PJTKI), often in collaboration with each other.

Underpayment is not the only type of violation of workers rights. Abuses are numerous, and include violations in the type of work migrants are legally allowed to do, violations in the required weekly rest hours, and violations in allowing the legally mandated days off and holiday time. There is also systematic verbal and physical violence directed toward migrant domestic workers.

Many people consider the Indonesian migrant workers in Hong Kong to be lucky because they work in a destination with relatively good laws, good regulations and good conditions for migrant domestic workers. The conditions in Hong Kong are better than in the other major receiving countries for Indonesian domestic workers. However, just because the conditions in Hong Kong are better, that doesn't mean that they are good. The fact that the poor conditions in Hong Kong are considered 'good' when compared to other destinations is a sad testament to the appalling work conditions for migrant workers in those countries. It is not an indication that Hong Kong is in any sense without systematic problems. This notion that Hong Kong conditions are 'good' has been supported by the fact that the government has allowed trade unions such as the Indonesian Migrant Workers' Union to organize and demonstrate for migrant rights. Unfortunately despite the continued plight of Indonesian migrant workers in Hong Kong, a great number of NGOs, trade unions and activists believe Hong Kong to be in no need of further social justice work, this is utterly false.

This report is a follow-up to the 2005 the Asian Migrant Center (AMC) study "Underpayment: Systematic Extortion of Indonesian Migrant Workers in Hong Kong". The 2005 study highlighted the multiple vulnerabilities of Indonesian migrant domestic workers in Hong Kong and can be downloaded at www.asian-migrants.org. It examined issues around recruitment, working conditions and the return home. The 2005 study found, among other things, that 42% of Indonesian migrant domestic workers in Hong Kong were underpaid. The Asian Migrant Center, wanting to follow up on the 2005 study conducted a new survey in Hong Kong in late 2006 to June 2007. The results of that survey are detailed in this report.

This report does include some of the same information as the 2005 study, in particular the background material as that essentially has not changed. For more information regarding the situation of Indonesian migrant domestic workers in Hong Kong, and of Indonesian migrant workers in general, please see the 2005 study "Underpayment: Systematic Extortion of Indonesian Migrant Workers in Hong Kong" as it covers additional topics and covers some topics more in-depth.

This report was compiled from research conducted in late 2006 (see Chapter 2 for research methodology). During this time the Asian Migrant Center (AMC), the Indonesian Migrant Workers Union (IMWU) and the Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)

conducted a detailed baseline survey of 2,097 Indonesian domestic workers in Hong Kong. The survey is known as the IDW baseline survey.

The Asian Migrant Center would like to thank OXFAM HK and the ILO Jakarta for their generous support of this research. We would like to thank the Indonesian Migrant Workers Union (IMWU) and the Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO) who administered the survey. Additional thanks goes to Mr. Fanani, Mr. Anders, and Mr. John Lindsay, Ms. Devi Novianti of Christian Action HK, also to Ms. Nurul Qoiriah of AMC staff who are responsible for the whole process the research. It is not easy to conduct a survey with thousands of migrant worker respondents and without their support this would not have been possible.

Primary Recommendations

Please note that the names of migrant workers interviewed during this research are intentionally omitted here as many expressed fear of reprisals from employment agencies, not without reason.

The agency [in Indonesia] told me my salary would be HKD 1,800. They said if someone asks you about your salary you must say HKD 3,600 because if you say HKD 1,800 the police will put you in jail. They told us not to talk to anyone [in Hong Kong] even if they are Indonesian.

Why do they send us here to be underpaid when everyone knew before we left Indonesia that we would be underpaid?

– An interview with migrant worker ‘2’
from Malang, East Java

Following are our primary recommendations, details of which can be found in the last chapter of this report:

- ✍ The Hong Kong government must establish a system for monitoring employers and employment agencies to ensure that existing regulations protecting migrant domestic workers in Hong Kong are enforced.
- ✍ The Indonesian and Hong Kong governments must increase bi-lateral dialogue in order to ensure the continuous protection of migrant workers throughout the international migration process and work towards the harmonization of policies protecting migrant workers
- ✍ The Indonesian government must stress protection as a key element when drafting policies aimed at migrant workers. The Hong Kong government should encourage the Indonesian government to maximize its efforts in the submission of a bilateral agreement under the International Labor Organizations’ (ILO) eight main labor principles.
- ✍ The Hong Kong government must immediately repeal the ‘New Conditions of Stay’ and ‘Two-Weeks’ regulations as they are not only discriminatory but violate international standards
- ✍ The Indonesian government must stop the ubiquitous practice of employment agencies in Indonesia placing migrant workers in situations of debt-bondage through the assessment of excessive agency fees. The Hong Kong government must enforce its statutory limitation on excessive agency fees which is currently exceeded by virtually all employment agencies operating in Hong Kong.



*2nd Assembly of Asian Domestic Workers Alliance, Jakarta,
May 1st 2007*

Chapter 1 : Background

1.1 General Situation

Indonesia's role as a migrant worker sending country has increased dramatically in recent history. While labor migration has always existed, Indonesians are increasingly searching for work abroad. Indonesia still has not recovered from the dual economic and political shocks of the late 1990's. These shocks have made finding employment in Indonesia increasingly difficult and at times a convoluted process.

The continuing sluggish economic growth in Indonesia has strengthened the outward flow of workers. Despite Indonesia's continuing peaceful transition to democratic rule and stabilizing macroeconomic indicators, unemployment has been rising and currently stands at 10.4% with a further 30% of the workforce considered as underemployed.

As of 2005 the total number of Indonesian migrant workers had reached four million, the majority of whom are women primarily working in the domestic and manufacturing sectors. Less than 30% of migrant workers are men who are primarily working in the farming, construction, transportation, and service sectors. The most popular destination countries for migrant workers from Indonesia are Malaysia, Hong Kong, Taiwan, Korea, Singapore, Japan, and the Middle East, including Saudi Arabia.

Most migrants travel abroad for one simple reason, they cannot earn the same amount of money at home. While labor migration does contain this reward, it also contains many risks for the worker. The reality is that migrant workers are systematically exploited. They are exploited from the time they apply to work at home, through the application and selection process, once they travel overseas by employment agents and employers, and again, upon their return home, especially as they pass through Terminal III of Sukarno-Hatta airport in Jakarta. The Indonesian government blames the brokers as the cause of the problem, but the government does nothing to stop illegal recruiting, deception, and even trafficking.

Problems encountered by migrant workers do not just include various forms of extortion. Violence against Indonesian migrant workers is a serious problem. In their 2003 study the Consortium for Indonesian Migrant Worker Advocacy (KOPBUMI) found that there was substantial violence directed against Indonesian migrants working in Asia, the Pacific and the Middle East. Most of this violence was directed against female migrants. Illness has also plagued Indonesians who work abroad. Data from The Indonesian Department of Labour (Depnakertrans) shows that of 350,000 migrant workers who returned through Terminal III of Sukarno Hatta airport, 37,000 (12%) were sick.

1.2. Feminization of Migration

The majority of Indonesian migrant workers, 76%, are women. The eight destinations absorbing the largest number of Indonesians have been Malaysia, Taiwan, Hong Kong, Kuwait, Singapore, the UAE and Brunei Darussalam. Saudi Arabia in particular has been the largest recipient of Indonesian informal labor.

The feminization of migration has been caused by two main factors. The first is the rising incomes and workplace participation rates of women in receiving countries that creates a greater demand for domestic workers. The second is due to rural women holding less land at home and their inability to secure long-term employment in the agricultural sector. The resulting increased demand coupled with an escalation in poverty has necessitated overseas employment. Labor has become polarized, with men primarily taking part in formal work sectors and women participating in informal domains such as at home. Women already face significant workplace discrimination, now this polarization of labor places women in an even more vulnerable role. This vulnerability is exploited by employment agencies that market women, especially Indonesian women as obedient, easily exploitable and willing to perform any kind of work.

1.3. Domestic Workers

When considering documented labor migration, domestic work has consistently been the most available documented overseas employment for Indonesians. Domestic work, primarily in the Middle East, has been the only choice for female migrants that wish to work.

In 2002 the Indonesian Department of Labour (Depnakertrans) reported that 76% of the 480,393 Indonesian migrant workers who went abroad that year were women. 94% of these women were domestic workers working in the Middle East, Asia and the Pacific. In Asia and the Pacific, the growth in numbers of female migrant workers is directly related to the destination countries economic growth and increasing employment opportunities for both men and women.

Domestic work is an attractive employment option for women from poor, rural and disadvantaged households for many reasons. Usually the salary is higher than what they have the opportunity to earn at home. Many women have only received a primary or junior high school education and domestic work does not require higher education. Also domestic work often requires tasks they are already familiar with including housekeeping and caring for young children and the elderly.

Domestic work is a profession where the workplace is a private home or residence. These workplaces are environments which are hidden from public scrutiny. Because of the hidden nature of the work, violence and abuse are rampant. Labor regulations regarding work time allocation, task type,

holidays, and worker's compensation often don't apply to domestic workers since they work at 'home'. There is often a distinct lack of regulations protecting domestic workers. Usually, national labor laws specifically exempt domestic workers and where protections do exist they are easily violated by employers as there is no system for monitoring and enforcement of labor regulations in private residences.

1.4. Overview of Indonesian Migrant Workers in Hong Kong

Indonesian migrant workers have been in Hong Kong for more than twenty years. Initially the numbers of Indonesian migrant workers in Hong Kong remained low, that is until the 1990s when the government of Indonesia began cooperating with the government of Hong Kong to place Indonesian migrant workers in Hong Kong. This cooperation led to the explosive growth of Indonesians migrating to Hong Kong in search of work, virtually all of whom are domestic workers.

In 1990 there were approximately 10,000 Indonesian migrant workers in Hong Kong. According to data from the Hong Kong Immigration Department, as of February 2007, Indonesian migrant workers in Hong Kong have reached 105,320 persons. This is an incredible average yearly increase of 5,600 workers. This rapid growth is only projected to continue in the future. Currently according to Hong Kong immigration data, there are around 225,000 domestic workers in Hong Kong, very soon half of whom will be Indonesians.

Gathering data on Indonesian migrant workers is a difficult and contradictory process. The data from both the governments of Indonesia and Hong Kong is often contradictory. The data from the Hong Kong government is based on the number of employment contracts registered with the Immigration Department and is usually considered to be more accurate. The reality is that the disparity between the two government's data highlights the fact that the Indonesian government is not effectively monitoring the labor migration process to Hong Kong and most likely to other destination countries as well. This is indicative of the Indonesian government's inability and unwillingness to take responsibility for the violation of migrant workers rights at home.

The following table contains information from the Indonesian Department of Labour regarding Indonesian migrant worker in Hong Kong.

Indonesian Migrant Workers in Hong Kong						
Year	1998	1999	2000	2001	2002	2003
Men	505	42	6	2	1	1
Women	15,104	12,720	21,703	23,927	20,430	3,508
Total	15,809	12,762	21,709	23,929	20,431	3,509

Source: Analyzed from data of Depnakertrans RI. Originally published in AMCs 2005 Underpayment research

Compare the Indonesia data (the table above) with data of the Hong Kong Immigration Department in the table below. The discrepancies between the two governments' figures are significant:

Numbers of Indonesian Domestic Workers in Hong Kong, 1998 – 2007 (in thousands)

Year	12/98	12/99	12/00	12/01	12/02	12/03	2/07
Number	31.8	41.4	55.2	68.8	77.1	81.0	105.2

Source: Hong Kong Immigration Department, 2003, 2007. Originally published in AMCs Underpayment research

According to the data from Hong Kong Immigration Department, during the ten-year period from 1992 to 2002, Indonesian migrant workers to Hong Kong increased on average 37.9% per year. On the other hand, during the same time period, Filipino migrant workers, though their total numbers were greater, decreased as much as 14.8% per year.

The current trend in Hong Kong is for the arrival of greater numbers of Indonesian domestic workers every year with a decreasing number of Filipino domestic workers. Often Indonesians are hired instead of Filipinos because they are marketed by their employment agencies as more docile, obedient and less knowledgeable of their rights. The reality is that this is often true, Indonesian domestic workers often do arrive in Hong Kong not just ill prepared by the agency system to stand up for their rights but the employment agencies are complicit in placing workers in underpaid jobs.

Hong Kong is not the only destination country for migrant workers. Indonesians in Hong Kong represent only about 4.3% of all Indonesian migrant workers abroad. In accordance with this they remit money to Indonesia in a proportional amount. Unfortunately, the amounts reported by the Indonesian government are suspicious since there are year to year huge changes in the official Indonesian totals of migrant's remittances of greater than one billion US dollars per year.

Indonesians have many reasons, economic and social, for becoming migrant workers in Hong Kong. Often economic necessity is the primary driver. In the Asian Migrant Centers' (AMC) 2005 Underpayment research migrant workers cited the means to gain financial security or independence, supporting relatives, and saving capital to start a business as specific reasons for migration. For workers migrating primarily for social reasons they cited the desire to gain new experiences to either enrich their lives or to play a useful role in society after the completion of formal education. In the previous Underpayment research migrant workers also responded that they were influenced by friends and relatives that had worked abroad and had acquired a different cultural way of living that they wanted to emulate. In addition migrant workers also responded that domestic situations, such as family conflicts and tedious everyday demands encouraged them to migrate.

Many migrants choose to go to Hong Kong because of Hong Kong's relatively higher salaries. The higher salary provides these economic migrants with the money needed for business capital, schooling, house construction and daily necessities. In addition, compared to other destination countries Hong Kong does provide relatively progressive labor laws that apply to migrant workers and potential migrants may choose Hong Kong as a destination because of these laws.

Hong Kong is the only destination country that recognizes domestic work as work. Hong Kong has established regulations that protect migrant domestic workers and unlike many other destination countries, the Hong Kong government tolerates migrant worker trade unions and allows a degree of autonomy for migrant worker's unions to organize and utilize their bargaining power.

Despite the existence of regulations protecting migrant domestic workers in Hong Kong, in practice the regulations are routinely ignored by employers and the Hong Kong government has no process of monitoring to ensure that the law is being followed. Unfortunately, despite these progressive laws, Indonesian migrant workers in Hong Kong still face systematic violation of their rights. The two previous research projects undertaken by the Asian Migrant Center (AMC) in 2001 and 2005 showed that there was systematic underpayment and extortion of Indonesian migrant workers in Hong Kong. This baseline research will show that the ubiquitous, systematic exploitation of Indonesian domestic workers continues today.

1.5 Hong Kong Migration Regulations

Hong Kong has the distinction of recognizing domestic work as work. Consequently, under Hong Kong law migrant domestic workers are covered by, and protected by the same laws that protect local workers. These laws regulate working conditions for all workers in Hong Kong, regardless of place of work or country of origin. In Hong Kong, migrant domestic workers also must sign a standard contract. This standard contract specifically provides benefits and protections for migrant domestic workers. Some of the benefits guaranteed by the standard contract are a minimum wage, paid holidays and rest days, adequate food, home leave and round-trip airfare.

As was reported in AMC's 2005 Underpayment report, migrant domestic workers in Hong Kong are protected by minimum wage regulations contained in the standard contract known as the Minimum Allowable Wage (MAW). In 1987, Hong Kong established the MAW and set it at HKD 2,900 per month. Between 1987 and 1998, the MAW consistently rose due to Hong Kong's continued economy prosperity and increasing organization by migrants' organizations. Unfortunately, the MAW becomes a target during periods of economic slump for a government wanting to be seen as doing something to ease the burden on its constituents. The government first attempted to cut the MAW in 1998, following the 1997 financial crisis that plunged Hong Kong and several Asian countries into economic recession. In 1999, the government succeeded in imposing the first-ever cut (5%) on the MAW, bringing it down

to HKD 3,670 per month. In February 2003, the government succeeded in imposing a second wage cut, bringing wages down by an additional 11% (HKD 400) to HKD 3,270. On May 18, 2005, the Hong Kong government implemented a HKD 50 raise applicable to contracts effective from May 19, 2005, then later raising the MAW to HKD 3,400 which is still less than what the minimum wage for migrant domestic workers was in 1999.

In 2003 the Hong Kong government imposed a HKD 9,600 levy on the employers of MWs for each two-year contract. The levy was imposed at the same time as the 2003 wage cut and is exactly the same amount. The wage-cut is a round-about way to pass on the burden of the levy from the employers to the migrant domestic workers, as the HKD 9,600 levy breaks down to HKD 400 per month – the same amount as the HKD 400 wage cut on migrant domestic workers’ wages. This violates the Hong Kong governments’ obligations as a signatory of the ILO Convention No. 97 on Migration for Employment, which prohibits the discriminatory imposition of levies or taxes on migrant workers.

A complaint was filed to the ILO because of this violation of rights by the Hong Kong Government. Consequently the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the Governing Body found in 2004 that they “believe that the imposition of the same levy . . . would not be equitable,” Concurrently a complaint was filed with the Hong Kong High Court in 2003. Despite the obvious violation of Hong Kong’s international obligations and the finding by the ILOs Committee of Experts the High Court decided that the wage cut and the levy were two separate policies, allowed them to stand, and they are still in force today.

Additionally, Hong Kong is a party to various core human rights conventions of the United Nations, including the International Covenant for Civil and Political Rights (ICCPR), the International Covenant for the Elimination of All Forms of Racial Discrimination (CERD), and the International Convention for Economic, Social and Cultural Rights (CESR). In addition, key ILO conventions on migrant labor, namely ILO Conventions Nos. 97 and 98, have been applicable to Hong Kong since 1990 and 1975 respectively.

As can be seen Hong Kong has a mixed record of policies and regulations that both protect and violate migrant workers rights. One policy that significantly harms migrant workers is Hong Kong’s New Conditions of Stay (NCS), enacted in 1987. The NCS imposes a host of discriminatory policies on MWs in Hong Kong. The NCS denies MWs the right to change to other (non-domestic worker) job categories; once a domestic worker, always a domestic worker. The NCS denies the right to obtain residency after seven years; all other foreign workers in Hong Kong have this right to obtain residency after seven years. The NCS denies migrant domestic workers right to be joined by their families; which is allowed for all other foreign workers. The NCS further discriminates against MWs with the live-in requirement, which forces MWs to live with their employers; another condition not imposed on any other foreign workers. The NCS also severely restricts the conditions upon which MWs can change

employers. One particularly onerous section of the New Conditions of Stay is the “Two-Week Rule”. The Two-Week Rule requires MWs to leave Hong Kong within two weeks of the termination date of their contract, even if the termination is through no fault of the worker. Two-weeks is not enough time to find a new employer. Although the UN CERD Committee and the UN Committee on the Convention for Economic and Social Rights have issued repeated reports calling on the Hong Kong government to modify or repeal the Two-Week Rule, this policy remains in place today and is strictly enforced by Hong Kong immigration.

1.6 Indonesian Migration Regulations

The newest legislation covering Indonesian migrant workers is the 2006 Presidential Regulation 81 which established the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI). This new agency has as its mandate to implement policies regarding the placement and protection of Indonesian migrant workers in a coordinated and integrated way. BNP2TKI is tasked with giving service, coordination and monitoring the international migration process.

This Presidential Regulation 81 of 2006 does not replace the earlier primary law regulating migrant workers, Bill No. 39 of 2004. A Presidential Regulation does not carry the same force of law as a Bill and Regulation 81 does not replace earlier legislation but adds to it. Additionally as BNP2TKI is still a new agency it is still unknown as to what power to this new agency will be able to wield and what effect it will have on the migration process.

The primary law regulating Indonesian migrant workers and the migration process is Bill No. 39 which was passed into law at the end of September 2004. This law, the Protection of Indonesian Overseas Migrant Worker (PPTKLN) provides definitions of migrant workers, employment agencies, and other players in the migration process. In addition, it lists the government’s duties and obligations as well as migrant workers’ rights. It details the implementation procedures for deployment, as well as dispute settlement and administrative sanctions. This law’s provisions detail only procedures for recruitment and deployment; actual measures to protect the migrant workers are not there.

No one is happy with bill No. 39. Unions and NGOs feel that it is overly complicated and does not incorporate proper protections. Indonesian Employment Agencies feels that this bill overburdens them, and makes it difficult to carry on the business of recruitment and placement. Both migrants’ advocates and recruitment agencies sought revisions to the bill. The majority of migrants’ advocates and support groups rallied not only for revisions to, but for the abolishment of Bill No. 39.

Most stakeholders continue to advocate for new legislation because there is a distinct lack of legal protections for migrant workers in Indonesia during the recruitment process, employment and return home. Despite the enacting of these two regulations, new legislation is still needed since policies

that in reality do protect migrant workers throughout the labor migration process are still missing.

1.7 Bilateral Agreements

Migrant work in Hong Kong is an international process. Because of the international dimension of migrant work, domestic laws to protect migrant works are not sufficient. Bilateral agreements are a front-line tool to guarantee consistency of policies and protections as these workers cross international borders. Laws regulating migrant work must be synchronized between nations in order to guarantee equitable treatment during all stages of the recruitment and placement process. Indonesia has negotiated agreements with only Malaysia, Saudi Arabia, Qatar and Jordan. However, even these agreements are superficial as they only regulate the placement process, failing to address the vital issue of protecting migrant workers. There is currently no agreement with Hong Kong even though one is urgently needed.

Chapter 2: Research Methodology

2.1 IDW Baseline Survey

The Hong Kong Indonesian Domestic Workers Baseline Survey (hereinafter “IDW Survey”) was conducted in Hong Kong, targeting Indonesian domestic workers. Data was gathered through a survey questionnaire administered to a total of 2,097 respondents.

The sample of migrant workers was conducted through cluster random sampling procedures with clusters based on areas known to have a high density of Indonesian migrant workers. Areas targeted were not just those places that migrants congregated on their days off but also places such as schools and markets that migrants visit while working. The most frequently sampled areas include Victoria Park and vicinity in Causeway Bay, Kowloon Park and vicinity in Tsim Sha Tsui, the Mong Kok market, Yuen Long Park, Ma On Shan plaza, Tsuen Wan MTR plaza area, Tai Po market and Indonesian restaurant area, Jordan, and vicinity in North Point, Sha Tin, Wan Chai mosque and vicinity and Yau Ma Tei.

The survey was administered by IMWU members, KOTKIHO members and shelter residents. Surveys were conducted over a four-month period from September to December 2006, not just on Saturday and Sunday but throughout the week. The survey generally required one hour to complete.

Limitations of the research: Survey administrators found that they experienced some difficulties in explaining the purpose of the research and some questions in the surveys. The administration of the survey took quite a bit of time, up to one hour because many migrants were scared to answer the questions. Some respondents were reluctant to participate due to the length of time required to complete the survey as well as distrust regarding the purpose of the survey. Also, some respondents may not have told the truth in the survey due to fear of disclosing that they were underpaid. Questions regarding salary, agency fees, and holiday time allowed were particularly sensitive issues.

Positive impacts of the research: A number of respondents found the questionnaire process to be educational, and learned more about their rights during the process. In addition it was an education for the interviewer as well who were primarily migrant domestic workers as well. A number of respondents repeatedly inquired as to whether their privacy would be protected, particularly migrant workers new to Hong Kong who had been warned by their agency not to disclose information. Several informed the survey administrators about the problems they were facing, and later came to the migrants’ organization and union to seek redress. In turn, survey administrators experienced positive feelings about participating in the study.

All graphs, figures and statistics, unless otherwise noted, are based on the Indonesian domestic worker’s baseline study conducted by the AMC in Hong Kong.

Additional Research

In-depth interviews were conducted with several current and former Indonesian migrant workers. In addition, interviews were conducted with representatives from: migrant's organizations, the Indonesian consulate in Hong Kong, Hong Kong employment agencies and NGOs supporting migrant workers rights in Hong Kong. It is these interviews that are quoted in this report.



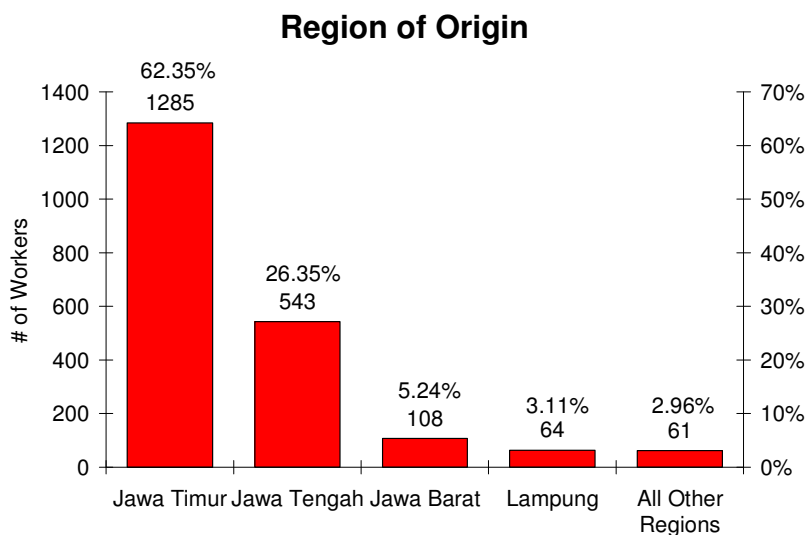
Indonesian migrant workers was involved in the focus group discussion as part of the research data gathering in Victoria Park, Causeway Bay, Hong Kong

Chapter 3: Profile of Indonesian Migrant Workers in Hong Kong

3.1 Demographic Profile of Survey Respondents

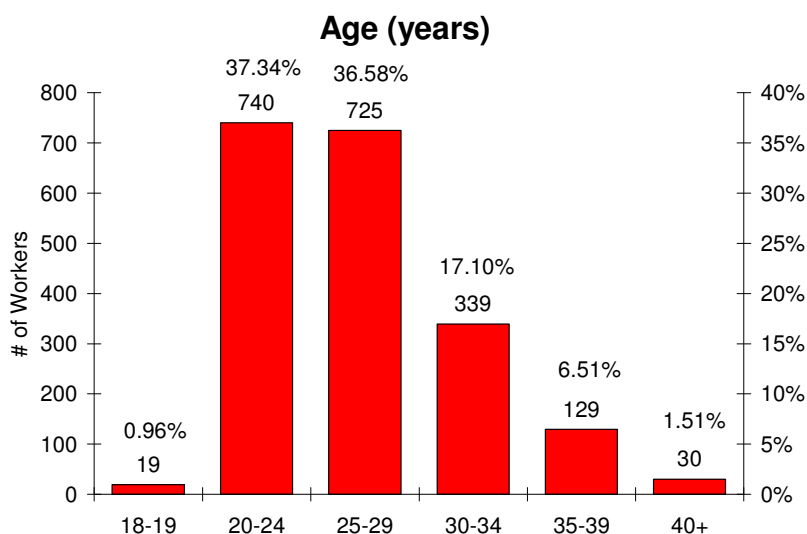
Region of Origin

Over 99% of the Indonesian migrant domestic workers (MWs) surveyed were female. 95% of migrant domestic workers came from the island of Java. The majority of MWs come from Java since Java is Indonesia's center of administration and business both of which are integral to the migration process. In addition it is cheaper and easier to use migrants from Java since the majority will have to pass through the major airports in Jakarta or Surabaya, both on Java. Specifically, 62% came from East Java which was the most common region of origin. East Java has long been known as the primary source of migrant workers from Indonesia due to the regions longstanding poverty and previous repression under Suharto. 26% of migrants came from Central Java and 5% came from West Java. All other regions of Indonesia are below 5% representation in total. MWs came from 17 different regions of Indonesia



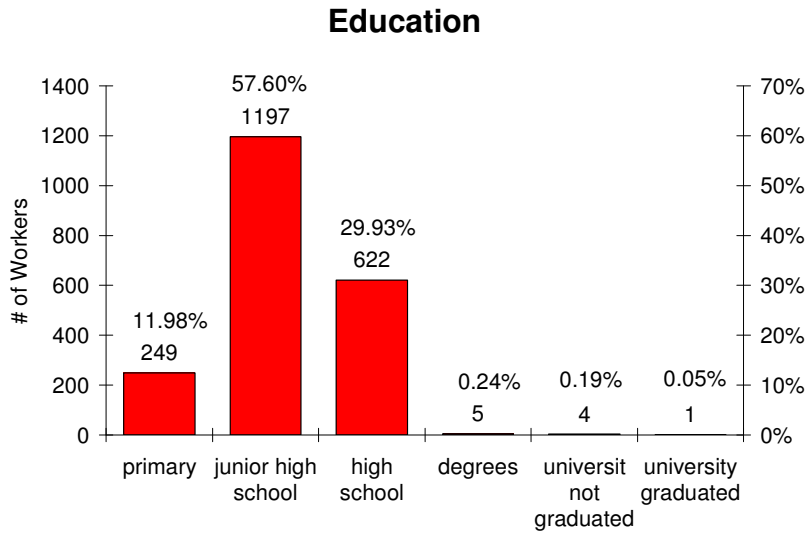
Age

While most Indonesian domestic workers are between the ages of 20 and 29 there was a wide variety of ages reported. The youngest reported age was 18 and the oldest was 53. 74% of workers were between the ages of 20-29 with all other ages constituting the remaining 26%. The most common age of migrant workers is 24. The average age is 27 years with 30 different ages reported. 12% of workers were 24 years old. 10% of workers were 25 and 9% of workers were 23.



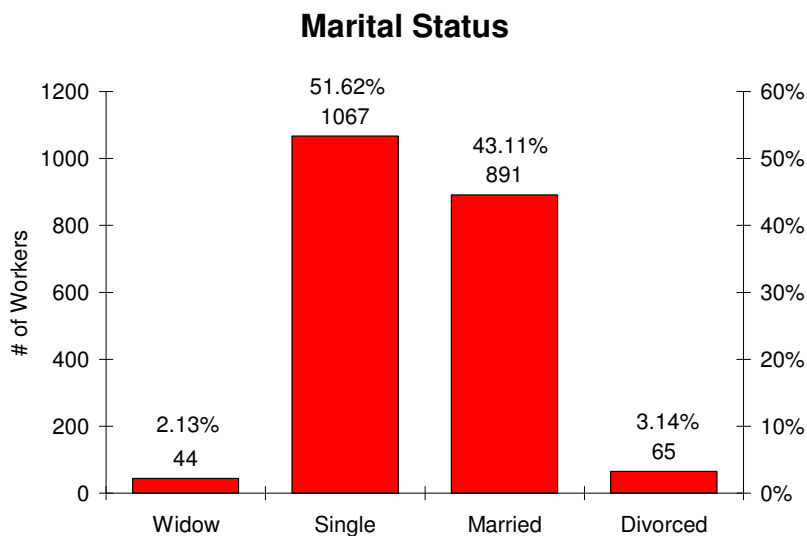
Education

One of the primary reasons women seek work as migrant domestic workers is that it is the only job they can get without significant formal education. Indonesian migrant domestic workers in Hong Kong tend to have low levels of educational attainment. The majority, 58% of workers had only completed their junior high school education. Less than 1% of MWs had more than a high school education. 30% of migrants had completed their high school education. 12% had only completed their primary education.



Marital Status

More than half of Indonesian migrant domestic workers in Hong Kong were not married at the time of the survey. 52% of MWs were not yet married. 43% were already married. 3% were divorced and 2% were widowed.



Number of Dependants

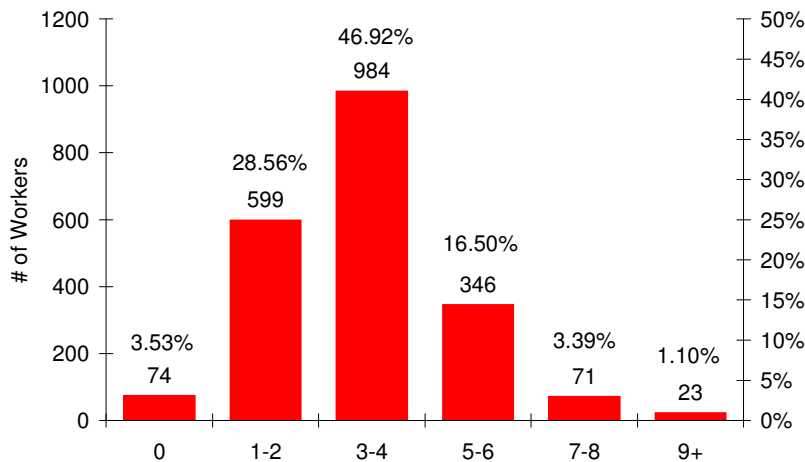
The vast majority of migrant workers are not working for themselves alone; they are working to support their families and communities back home. Over the 12 months prior to administration of the survey, including children, parents, husband and other relatives, 96% of MWs were supporting at least one dependant back home. It is very significant that virtually all Indonesian domestic workers in Hong Kong are supporting people back home. Not only are migrant workers easing Indonesia's unemployment by working abroad and supporting Indonesia in the form of remittances and increased foreign exchange but MWs further support Indonesia by providing for people that otherwise would look to the government or community for social support.

During one of the focus group discussions, migrant workers told us that one of the main reasons they come to Hong Kong is the lack of job prospects back home in Indonesia. The lack of money and lack of jobs forces migrants to make these decisions. The corruption and nepotism in Indonesia also holds back migrants as they tend to come families without the proper connections. In addition there is a demand for jobs abroad as they offer an opportunity for women to escape difficult family situations and sometimes repressive village life. Hong Kong as a destination is 'sold' to them in Indonesia with stories of higher salaries and better labor standards. Because of these higher salaries and lack of any other opportunities for them, Indonesian domestic workers often don't report underpayment because they are afraid of losing their jobs, whose salaries even at underpaid levels are still higher than what they could hope to receive at home.

The average number of dependants per migrant worker is 4. The most common number of dependants is 3 per migrant worker, 25% of workers had 3 dependants. The next most common was 2 dependants per worker for 24% and then 4 dependants per worker for 22% of workers.

As of early 2007 there are 105,320 MWs legally working in Hong Kong. If the average worker is supporting 4 dependants that means MWs in Hong Kong are supporting almost half a million people in Indonesia. This shows that the effect of migrant work on the economy and social structure in Indonesia goes far beyond the individual worker that migrates to Hong Kong.

Number of Dependants

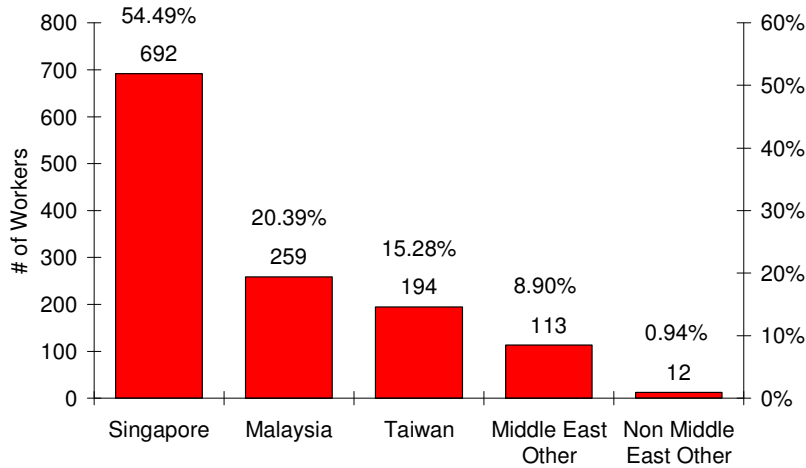


Previous Work Overseas

Prior to migrating abroad for work the majority of migrant domestic workers had jobs in Indonesia. Only 2% of MWs identified themselves as previously jobless. If you count housewife as jobless then 12% of MWs were previously jobless. The most frequent previous occupation for MWs was farmer for 25% of workers. The next most frequent was general worker for 16% of workers and third was factory worker for 13% of workers. (Note: there were only 1140 responses to this question out of 2097 surveys completed. This may mean that those non-responses were due to the worker not having a previous occupation and not answering the question “What was your occupation before coming to Hong Kong.”).

Not all Indonesian migrant domestic workers in Hong Kong have previous experience as migrant workers in other destination countries but a majority have already worked abroad prior to their arrival in Hong Kong. This is important because it shows that for most workers Hong Kong is not their first destination country and that they arrive in Hong Kong with previous experience as a migrant domestic worker abroad. The majority, 59% of migrant workers in Hong Kong have previous experience working abroad in places other than Hong Kong. For 41% of migrant workers Hong Kong was their first destination. The most common previous destination was Singapore for 54% of workers with prior experience abroad, then Malaysia for 20% of workers with prior experience and then Taiwan for 15% of workers with prior experience.

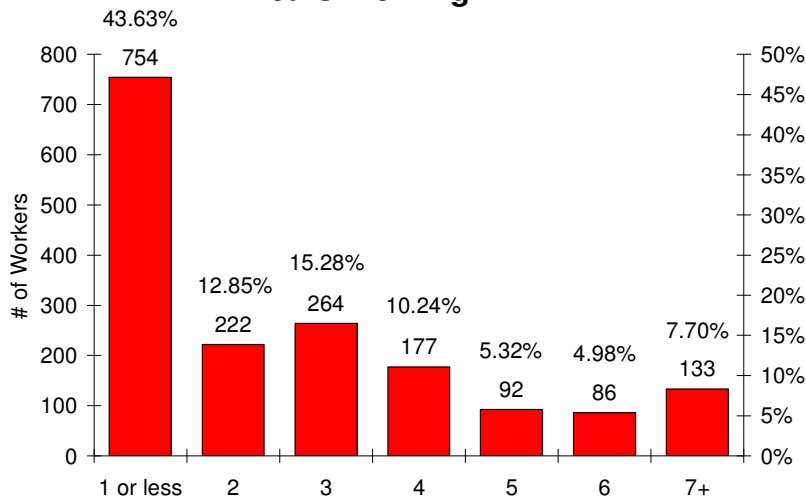
Previous Work Overseas



Years Working in Hong Kong

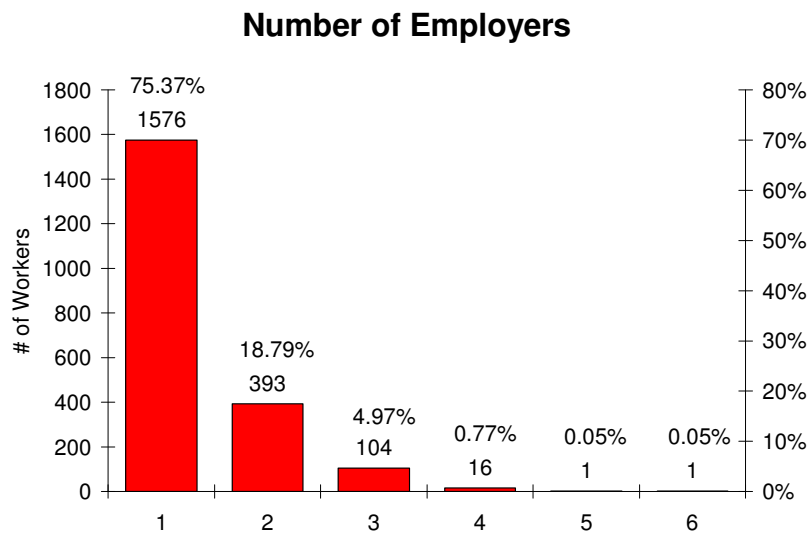
This survey found that the majority of workers are on their first contract and many have been in Hong Kong for one year or less. 44% of migrants have been in Hong Kong for one year or less. 13% have been in Hong Kong for two years. 15% of migrants have been in Hong Kong for 3 years and 10% for 4 years. The longest length of time reported working in Hong Kong was 14 years. The average amount of time working in Hong Kong is 27 months.

Years Working in HK



Number of Employers

Most migrant domestic workers in Hong Kong have had only one employer. The majority, 75% of domestic workers have had only 1 employer. 19% of workers have had 2 employers, 5% have had 3 employers and 1% have had 4 or more employers. The highest number of employers reported is 6.



Hong Kong employers will continue to demand migrant domestic workers, especially Indonesian workers. During one of our focus group discussions migrant workers told us that since employers believe they can underpay and overwork Indonesians, they will continue to demand their services in favor of Filipino or Chinese workers. In addition Chinese workers are not required to stay at the house of the employer and therefore are not ‘on call’ for 24 hours a day like a live-in migrant worker is.

The MWs expressed that they felt that they were treated like machines by their employers, but cheaper. It costs about HKD 11,000 to HKD 15,000 per month for child care in Hong Kong, and it only costs HKD 3,480 for a migrant worker that you get to work for 24 hours a day. MWs reported that employers have a very low opinion of them. They told us that employers think MWs are not very educated, or are stupid, and this gives the employers the right to do whatever they like. MWs felt that many employers think they control the workers because they pay their salaries, allowing them to treat the migrants like machines. The feelings of superiority by employers are so strong that it is very common for employers to give the migrant workers separate cutlery to use, like an animal, so they don’t ‘dirty’ the family’s cutlery.

Chapter 4: Recruitment and Pre-departure Issues

I was in the training camp for 3 months before departing for Hong Kong. During this entire time we were never allowed to leave the camp. There were around 300-400 women in the camp at that time but there were only 12 bathrooms which were not enough. We all had to sleep on the floor.

– An interview with migrant worker ‘4’
from Salatiga, Central Java

4.1 Pre-Departure Process and Exploitation

Prior to departure for work overseas all Indonesian migrant workers must go through a complicated, convoluted and exploitive system in Indonesia. Supposedly this system is to protect and prepare migrants for work and life abroad, in reality it serves to enrich those involved in the process; enriching the sponsors; enriching the government agencies and the individual officials; enriching the employment agencies, and more. They all view the migrant workers as ‘cash cows’ to be milked at every opportunity. Following is the process that potential migrant workers must endure, adapted from *Indonesian Laws, Policies and Practices Concerning Indonesian Migrant Workers: A Situational Review and Set of Recommendations*, published by the ILO Jakarta. Please note that these are the official, regulated steps of the migration process. In reality, each migrants experience will be different as these steps are routinely ignored, changed or added to on an ad-hoc basis. Each step, each document or permission that must be obtained, is an opportunity for the continued extortion of migrant workers.

- ✍ Private recruitment agency and district/municipal Manpower Office conduct pre-employment seminar for job seekers.
 - Most migrant workers do not attend these pre-employment seminars
- ✍ Job seekers interested in being recruited as migrant workers register with the district/municipal Manpower Office
 - Most migrant workers do not register with the district office. Virtually all migrant workers are recruited at village level by calos / sponsors
- ✍ Private recruitment agency selects prospective migrant workers
- ✍ Signing and reporting of placement agreement
 - The agreement is supposed to be signed by both the agency and the worker and reported to

the district/municipal Manpower Office before. The reality is that placement agreements are almost never given to the worker, and when they almost never contain all the required information.

Placement agreements are required to contain the following:

- Name and address of the agency
 - Name, sex, age, marital status and address of the migrant worker
 - Name and address of the prospective employer
 - Rights and obligations of each party concerned
 - Occupation and type of work to be taken up by the migrant worker
 - Guarantee provided by the agency to the migrant worker that it will fulfill the obligations of the employer in the event that the employer breaches the employment contract
 - Departure time of the migrant worker;
 - Placement fee that must be paid by the migrant worker and the method for the payment of the placement fee
 - Procedures for the settlement of disputes
 - Consequences of breach of the placement agreement by either party.
- ✗ Private recruitment agency takes out pre-employment insurance premium on behalf of prospective migrant worker
- ✗ Job training for unskilled or inexperienced prospective migrant workers.
- In reality, many private recruitment agencies provide little or no training. Training centers are often used instead as an excuse for excessive agency fees and to detain prospective migrant workers pending appropriate job orders
- ✗ Prospective migrant workers undergo psychology and health checks
- ✗ Prospective migrant worker's Citizen Identity Card (KTP) is processed.
- A large portion of Citizen Identity Cards for migrant workers are falsified. The issuance of the card requires: a letter from the applicant's Neighborhood Delegate (Kepala Rukun Warga); a photocopy of the applicant's Family Identity Card (Kartu Keluarga); the applicant's birth certificate; and two passport-sized photos.
- ✗ Private recruitment agency obtains legal copy of the prospective migrant worker's most recent formal education certificate
- ✗ Prospective migrant worker's marital status letter (and marriage certificate if applicable) is processed.
- ✗ Permission letter from prospective migrant worker's next of kin is processed
- Migrant workers must obtain permission letters from their spouse or parents/guardian. This paternalistic, sexist requirement also further degrades the migrant's sense of self worth.
- ✗ Prospective migrant worker sits competency exam and obtains competency certificate
- Competency certificates are simply purchased en masse. This means that there is little incentive for training centers to provide adequate training

- ✍ Passport recommendation letters processed and may only be issued following a recommendation from the district/municipal Manpower Office
- ✍ Prospective migrant worker obtains passport
- ✍ Criminal record check processed for prospective migrant workers (if destination country requires).
- ✍ Prospective migrant worker's work visa processed at embassy/consulate of destination country in Indonesia
- ✍ Migrant Workers Development Fee paid
- ✍ Prospective migrant worker signs employment contract
 - Many prospective migrant workers are never provided employment contracts. Those migrant workers who are provided employment contracts are often given them during the Pre-Departure Briefing, where they have no opportunity to seek advice before signing
- ✍ Pre-Departure Briefing
 - Even though the government is supposed to conduct Pre-Departure Briefings free of charge, officials who conduct the Pre-Departure Briefings are reported to regularly request private agencies pay IDR 15,000 per prospective migrant worker
- ✍ Migrant worker's bank account and deposit book processed
- ✍ Agency takes out employment and post-employment insurance for migrant worker
- ✍ Prospective migrant worker's Overseas Employment Identification Card (KTKLN) is processed
- ✍ Tax-free departure recommendations processed
- ✍ Tickets arranged
- ✍ Airport taxes paid by prospective migrant workers departing by air
- ✍ Prospective migrant worker departs to destination country

4.2 Lack of Information

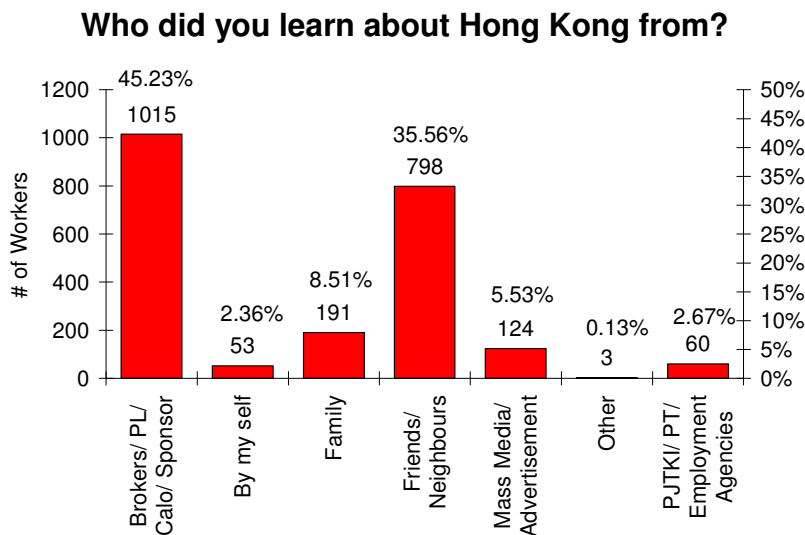
The Indonesian employment agencies do a very poor job informing and educating prospective migrant workers about the migration process and their rights as migrant workers. In addition, the Indonesian government does very little to inform migrant workers about the migration process or their rights. What information prospective migrants do have about becoming migrant workers they get from many different sources. Unfortunately many of these sources are unreliable and often purposely mislead prospective migrant workers. Sources such as brokers, sponsors and calos are notorious for misleading potential migrant workers. In addition many employment agencies intentionally withhold information from migrants so that they can market them as more docile to prospective employers.

The unwillingness and inability of agencies to educate and empower migrant workers is a serious problem. Indonesian migrant workers have a special need for education and empowerment as they already are living in an information vacuum. First, many workers have low levels of educational attainment often not going beyond elementary school. Second, women in Indonesia are often taught to be obedient,

silent and not question the patriarchal system of those in positions of power. Third, Javanese culture has a strong streak of 'nrimo' which generally translates to 'whatever' and teaches people to accept whatever may come as the will of God. These factors already stack the deck against migrant workers and they are in urgent need of education about their rights.

Who did you learn about Hong Kong from?

Migrant workers have to learn about working overseas from someone. The most common source to learn about working in Hong Kong was from a Broker/PL/Calo/Sponsor. 45% of migrant workers reported that they learned about working in Hong Kong from a Broker/PL/Calo/Sponsor. The second most common source to learn about working in Hong Kong was from Friends/Neighbors for 13% of workers. The third most common source was from family for 9% of workers.



Awareness of Hong Kong laws

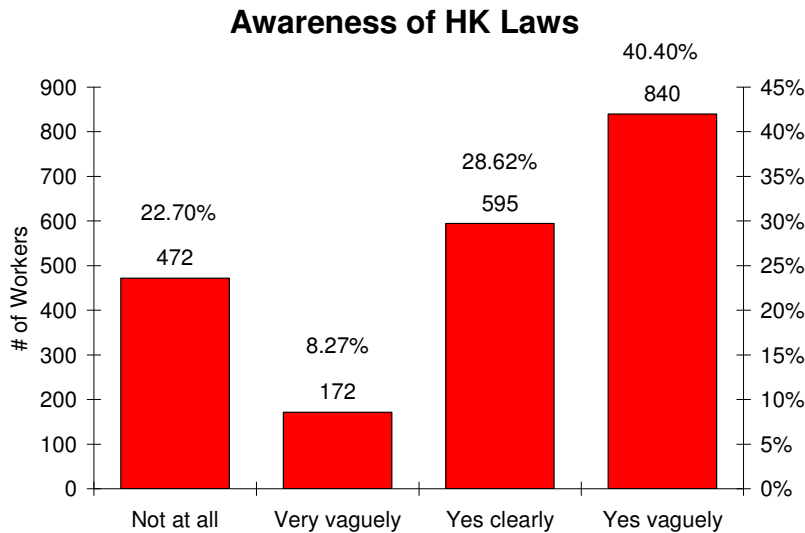
Employment agencies have a responsibility to inform the migrant workers about their rights and responsibilities throughout the migration process. The sad truth is that not only do employment agencies do a poor job of informing migrant workers they often intentionally withhold information from them in an attempt to keep them from exercising their rights. These agencies 'sell' Indonesian workers to employers in Hong Kong as a more exploitable version of worker compared to Filipino domestic workers.

One migrant worker reported to us that she was given a book by the Hong Kong Immigration Department when she went to get an ID card. This book was about her rights as a migrant worker in Hong Kong. However, this book was later confiscated by the Hong Kong employment agency not giving her a chance to read it. Another migrant detailed a case where she knew she was supposed to get her full salary, but her employer explained that she would receive a lower salary because of her lack of experience.

A third worker recounted how none of her rights were explained to her while she was in the training camp in Indonesia. She only, and for the first time, was able to learn about her rights because she got to hold her contract while she was on the plane to Hong Kong. When she arrived in Hong Kong the contract was taken away from her by the Hong Kong agency and she was told to expect a salary of only HKD 1,800 and there would be no rest days. In these focus group discussions migrant workers felt that most migrant workers coming to Hong Kong will accept whatever they are told by the agencies because they have no knowledge of their rights.

34% of migrant domestic workers say they were not informed by the employment agency or recruiters about their wage, annual leave, rest day, etc. before departing for Hong Kong. 64% of MWs were informed about some portion, but not necessarily all, of their rights. The chronic lack of information causes many problems throughout the migration cycle and seriously hampers the empowerment of migrant workers. Since Indonesian migrant workers are so poorly informed about their legal rights as migrants they are vulnerable to becoming trapped in the illegal recruitment processes of blackmail, deceit and debt-bondage.

Regarding Hong Kong laws, 40% of migrant workers reported that Hong Kong laws were vaguely explained to them prior to departure by the employment agency. 29% of MWs had the laws clearly explained to them, 8% had Hong Kong laws explained very vaguely and for 23% Hong Kong laws were not explained at all.



4.3 Brokers (Calos)

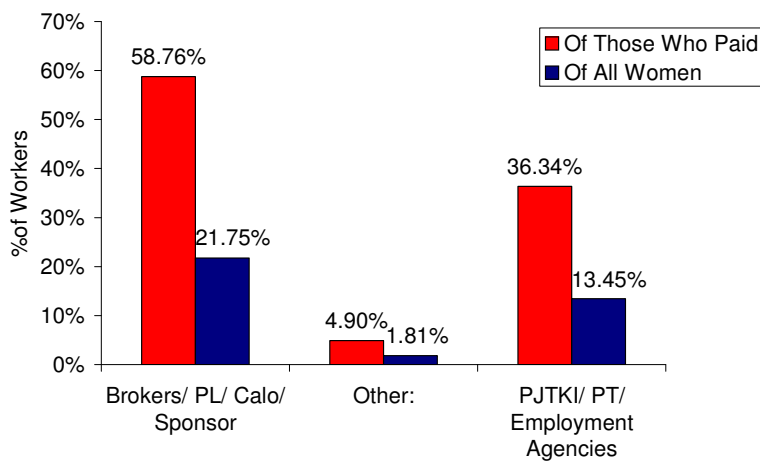
As was reported in AMCs 2005 Underpayment report, brokers constitute a major problem for migrant workers. These brokers are also known as Calos and “PL Fixers” (placement fixers). As we have seen there is a distinct lack of accurate, reliable information available for prospective migrant workers in Indonesia. In a situation such as this where information is lacking, sponsors or brokers are highly sought after as a source of information. Sponsors also work as agents for PJTKIs even though the existence of sponsors is considered a problem by the government. The Labor Ministerial Decree of 104.A/2002 banned the practice of sponsors working for agencies. Nevertheless, sponsors continue to sign one-year contracts with agencies while local authorities turn a blind eye to the practice. Even though they are operating illegally, and are unreliable, Calos/Brokers/Sponsors are often the only viable option for those who want to go abroad. Because of this lack of information, prospective migrant workers believe that they need sponsors to process their documents.

Payments in Indonesia

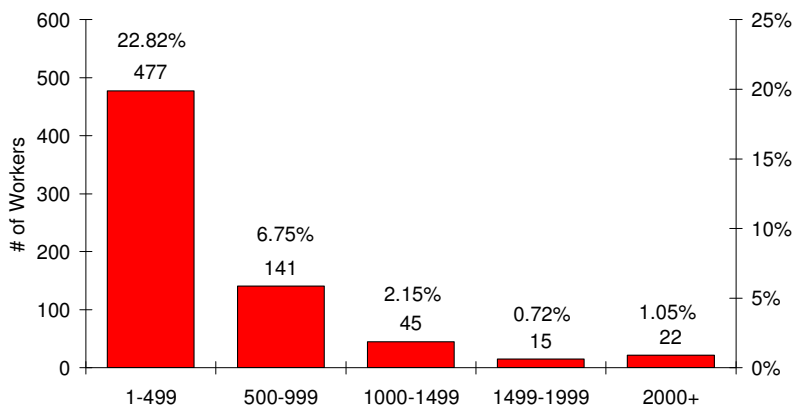
Of course, brokers or calos don’t work for free. Often times payment is required in Indonesia prior to departure, this is in addition to the excessive agency fees MWs pay. 34% of migrant workers reported having to pay someone in Indonesia prior to departure. The broker was the most frequent recipient of money paid in Indonesia. Of those workers that had to pay the majority, 59%, paid a broker/PL/Calo/Sponsor, 36% paid a PJTKI/Employment Agency and 5% paid someone else. Of all respondents, including those did not have to pay, 22% paid a broker/PL/Calo/Sponsor, 13% paid a

PJTKI/Employment Agency and 2% paid someone else. Of those workers that had to pay the average payment was HKD 495. The average payment for all workers including those that did not pay was HKD 166. The most common amount paid was HKD 500, the second most common amount paid was HKD 300 and the third most common amount paid was HKD 200.

Payment In Indonesia



Amount Paid in Indonesia (HKD)



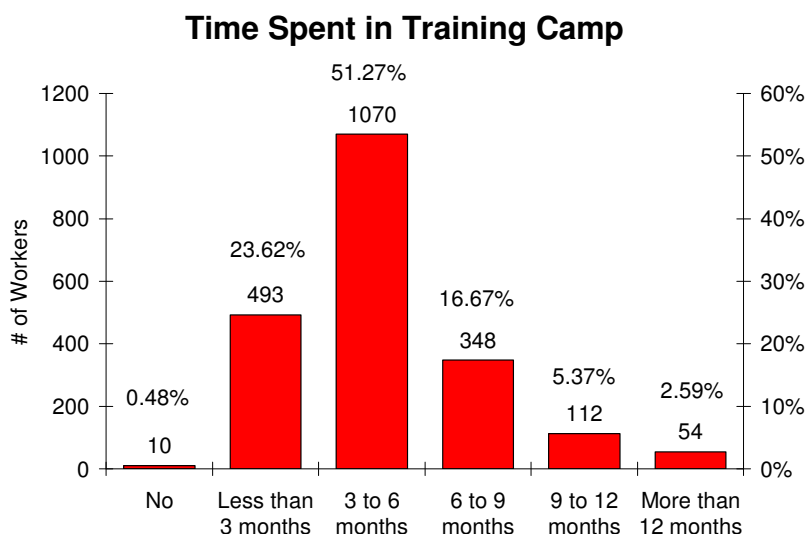
4.4 Training Camps

After a prospective migrant worker has registered with an Indonesian employment agency, PJTKI/ PPTKI, they will be sent to a training camp prior to departure. These camps are usually situated in large cities far from the migrants' home. Prior to 1996 it was not required of migrant workers to stay in these camps before to departure. Since then the justification for having these camps is to teach the migrants skills they will need to work as domestic workers abroad. Anecdotal evidence has shown that the training migrants receive in these training camps is often perfunctory and used mainly to justify the extreme fees charged by agencies.

Prior to departure, all prospective migrant domestic workers in Indonesia as required pass through the training camp system in Indonesia. The training camp system is rife with human rights violations. This system designed to prepare prospective MWs for work and life overseas, needs immediate and systematic reform. MWs regularly spend excessive lengths of time in these camps. Facilities are often poor and inadequate. Training is perfunctory and forced confinement is common.

Time Spent in Training Camp

There are many problems with the training camp system. One of the main problems is the very long time prospective migrant workers are forced to stay in the training camps prior to departure. Over 99% of all workers stayed in a training camp prior to departure. The majority of migrant workers, 51%, spent 3 to 6 months in the training camp prior to departure. The second most frequent length of time spent in the training camp was less than 3 months for 24%. The third most common length of time was 6 to 9 months for 17% of workers. 5% of workers stayed in a training camp for 9 to 12 months and 3% of workers stayed for more than 12 months.



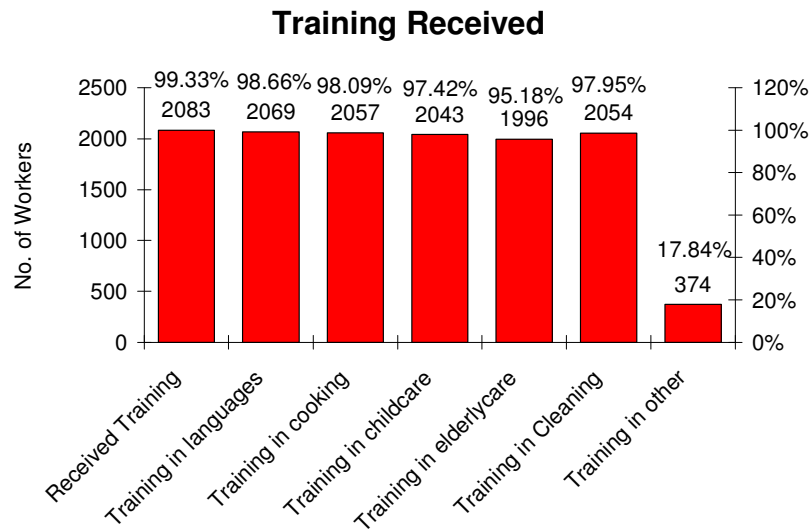
Training Received

At these employment agency training camps, workers are supposed to be trained in the skills necessary to perform their jobs in Hong Kong. However, the training provided and the quality level of that training varies widely between training camps. More than 99% of the migrant workers did receive some form of training prior to departure with more than 95% receiving training in the 5 main areas of language, cooking, childcare, eldercare and cleaning. While the majority of MWs did receive training, that training is often cursory and primarily used to justify excessive fees. For example migrant workers have reported attending language classes with hundreds of students where it was virtually impossible to learn anything.

One migrant worker reported to us that she had to pay the standard HKD 21,000 for agency fees, even though she only spent one week in the training camp. In this training camp conditions were so poor, she had to buy food from outside. There were only 2 bathrooms and at any time 5 to 10 people were trying to use the bathroom together. She was given two Cantonese lessons and was supposed to get cooking lessons but they were so bad, she ended up teaching them herself because she had more experience than the instructor. This example shows that the training camps are only designed to inflate fees and detain workers while waiting for job orders. If the job comes through quickly, the worker is shipped off with no regard for the training, and of course still has to pay the full agency fee.

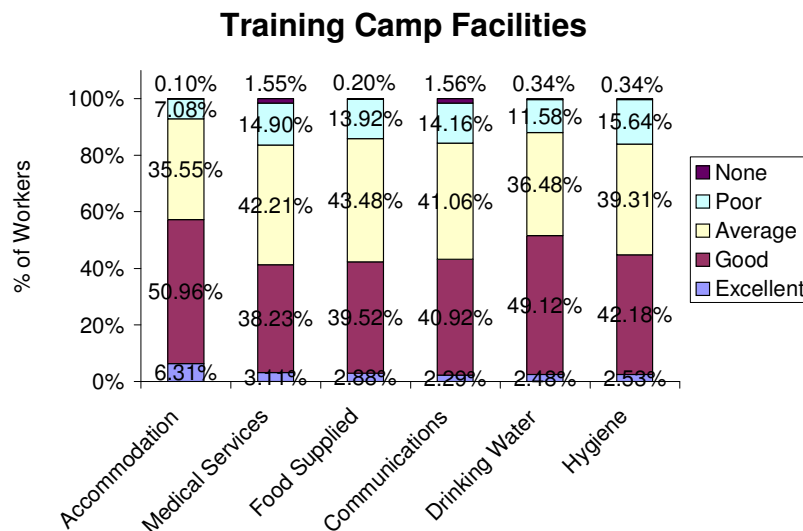
Another migrant worker told us how she stayed in the training camp for five months and did receive Cantonese classes during that time. However there were about 500 students in the class so she usually couldn't hear much. Once again, the training camps are not designed to educate workers but to generate excessive agency fees. A third migrant worker told us how she spent two years waiting in the training camp before departing to work in Hong Kong. For those two years she was never able to leave the training camp and her parents were only allowed to visit her for two hours after traveling for seven hours to get there. The facilities were not good, everyone had to sleep on the floor and there were around 5 people assigned to each small shower. She too was expected to pay the HKD 21,000 agency fees.

These three stories show that it does not matter how long a migrant worker stays in the training camp, from one week to two years, everyone has to pay the excessive fees. It doesn't matter if the facilities are adequate, if there is enough food or if the classes even attempt to teach the language. What matters is that the camps generate the excuse for excessive agency fees, not empowered workers able to be productive workers who can stand up for their rights at home and abroad.



Training Camp Facilities

In addition to the training provided, the camps also differ in the facilities they have. While responses varied there were trends for facilities provided. Most training camps provided most facilities, less than 2% of workers reported that any of the basic facilities of accommodation, medical services, food supplied, communications, drinking water or hygiene as nonexistent. Between 80% and 85% of all workers reported that the facilities were either good or average. The lowest rated service is medical services which 16% of workers found to be poor or non-existent.



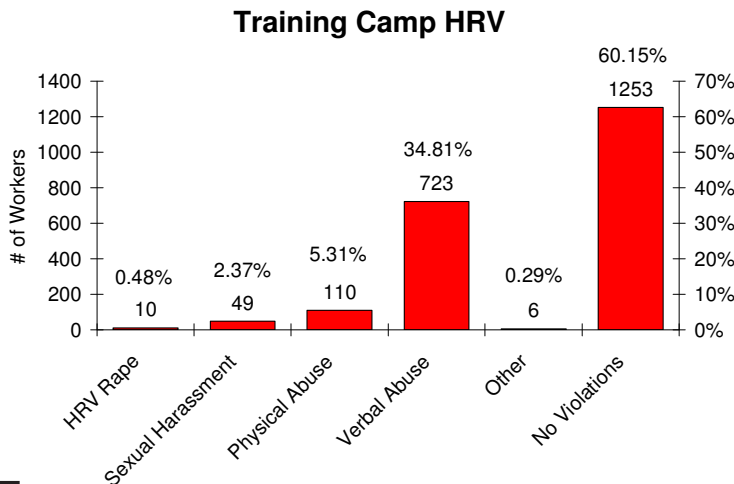
Training Camp Human Rights Violations

Many MWs experience human rights violations during their stay in the training camp. For example, personal stories about migrant workers experiences and violations in training camps, please see the 2005 Underpayment report.

The IDW research found that 40% of workers reported some type or types of violations during their stay in the training camp. The most common violation was verbal abuse which 35% of migrant workers experienced. 5% of workers experienced physical abuse, 3% sexual harassment and less than 1% rape. 60% of migrant workers reported no human rights violations in the training camps.

Human rights are often defined as those basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as though she or he were not a human being. A violation of human rights is when someone's human dignity is not respected. Specifically human rights are the basic rights and freedoms to which all humans are entitled, including the right to life and liberty, freedom of thought and expression, and equality before the law. These are common and accepted definitions. However it can not be assumed that migrant workers have an understanding of what their rights or even have an understanding of the concept of human rights in general.

The sad fact is that most migrant workers are not familiar with the concept of human rights. From their limited schooling at home, through the employment agencies and training camps to life in Hong Kong no one has ever told them that they are entitled to basic human rights. Consequently, the responses to this question about human rights must be understood in this light. The fact that 60% of migrant workers responded that there were no human rights violations in the training camps is not an indication that there were relatively few human rights violations. It is really an indication of the low levels of awareness and empowerment among Indonesian migrant workers about their basic human rights.



As was reported in AMC's 2005 Underpayment research, interviews with migrant workers have shown that many camps provide insufficient bathroom facilities. Workers reported having to rise as early as five o'clock in the morning in order to queue for toilets and showers. One worker stated that her training camp had no toilet; instead, workers had to share a public toilet with passers-by. It is not uncommon for as many as five workers to share one shower at the same time, thus removing any sense of privacy or personal security from the workers.

An additional significant problem is that many MWs are required to work while in the training camp. This work, can vary from part time domestic work to working in shops or restaurants. While some are paid small amounts for this work many did this for no salary whatsoever and prospective migrants being essentially forced into slavery.

Box Story

Name: Indonesian Migrant Worker "1"
From: Malang, Jawa Timur, Indonesia

I worked in Singapore for three years before coming to work in Hong Kong. Before that I worked in Malaysia because my sponsor told me I had to go to Malaysia first because I was still only 17 years old then. At the first training center, before going to Malaysia, I stayed there for four months. This training center was fine, it was clean, but it only had one toilet for 50 women. There was enough food and we were allowed to leave. They never tried to train us or teach us anything there.

At the second training camp, before going to Singapore, everything was not good. There was not enough food and there were about 20 women in a very small house. The toilet was in the kitchen and the whole place was dirty. We were never allowed to leave. While in the training center I had to pay about IDR 300,000. I spent one month in this training center before going to Singapore. After working in Singapore for three years I returned to Indonesia, rested for a month then went to the training center again. This time I wanted to go to Hong Kong.

Before departing for Hong Kong I spent four months in another training center. This was now my third training center. This center was good but the toilet was very dirty. There were about 60 women in this training center. We had to sleep on the floor and there were no mattresses. We were taught cooking, Cantonese, child care, elder care, washing the car, ironing, cleaning and making the bed but since I had already worked abroad as a domestic worker this training was useless. I wanted to go to Hong Kong because I had a friend that had worked in Hong Kong. The friend said there was a good salary and holidays but that

was all the information I had as I was not given any information about Hong Kong by the agency.

I came to Hong Kong in December 2003. The agency kept my passport and my documents. For the agency fee I had to pay the agency HKD 8,000 at HKD 2,000 per month for four months. I never got to read my contract so I don't know what it said about my salary.

I received two days off per month but my employer took a HKD 100 salary deduction for each of those holidays so my salary was really HKD 2,000 minus HKD 200 resulting in only HKD 1,800 per month. However, I had to sign a wage receipt for HKD 3,270 every month. I asked my employer why do I have to sign for HKD 3,270 when you only give me HKD 1,800? My employer said "because you are new to Hong Kong and can't speak Cantonese well."

My tasks were to wash two cars every day, take care of one child, one dog and one older person, consequently I had no free time. I also had to teach English to the child. My employers were bad, they always scolded me, everything I did was always wrong. I could not sleep because I had to sleep in the same room with the older person, who was senile and I always had to wake up to take care of that person at night. My female employer was always angry and yelling at me. She would throw all the food on the floor if she didn't like it.

On November 12 2006 I was sick but my employer still insisted that I had to clean the entire house. I was then told that I had to cook dinner but I only had 30 minutes to do it. I did it quickly, but the employer didn't like it so the employer was yelling at me, calling me stupid, crazy, etc. My employer said "I give you money, food, rest but you can't do anything". She was continuously scolding and insulting me all day long.

My employer gave me so many tasks that it was impossible to do them all in one day. It was impossible to escape the verbal abuse. I finally ran away one night because I knew that it was impossible to ever do the job. If one shirt was not ironed perfectly, she would throw all of the clothes on the floor and I would have to do all of them again. It was the same for cleaning the dishes or making the food. Every day I had to clean everything and every day it was dirty and never good enough.

After I ran away I went to Causeway Bay. There a friend told me to follow a demonstration going on that day and there I could see others with problems with their employers like me



and I could meet KOTKIHO and that they can help me.

I feel that the Hong Kong government is good but they have to see how many workers are underpaid and they have to see that the employment agencies don't follow the rules. The Hong Kong government is better than the Singapore government and they can protect the migrant workers, if they want to. Also there are organizations like KOTKIHO and IMWU in Hong Kong to help and protect migrant workers. Those organizations are good because they help us.

For three months I have been waiting at the shelter for my case against my employer to be processed. This has to be processed faster because during all this time the Hong Kong government won't let me work.

Chapter 5: Issues in the Workplace

My employers were very bad. They were always insulting me, using bad words towards me. Nothing I did was ever good enough for them. Almost every day they would call me stupid or say that I am trash.

If one shirt was not ironed perfectly, she would throw all of the clothes on the floor and I would have to do all of them again. It was the same for cleaning the dishes or making the food. Every day I had to clean everything and every day it was dirty and never good enough.

– An interview with migrant worker ‘2’
from Malang, East Java

One migrant worker told us “I will tell my friends that someone who works in Hong Kong is lucky and also unlucky. Some workers are underpaid, some employers are good. I will tell them the truth”. This statement accurately sums up migrant workers experiences in Hong Kong. While some migrant workers do have good experiences with employers that do not violate their rights, many migrant workers do not have good experiences and are placed with employers that underpay, overwork and abuse them. Whether or not they have a good experience is entirely by chance, not by design. Migrant workers who are coming to Hong Kong can not expect to have a good employer with acceptable work conditions. The main violations migrants face in the workplace concern working hours, verbal and physical abuse, underpayment, lack of annual leave and statutory holidays, and contract termination.

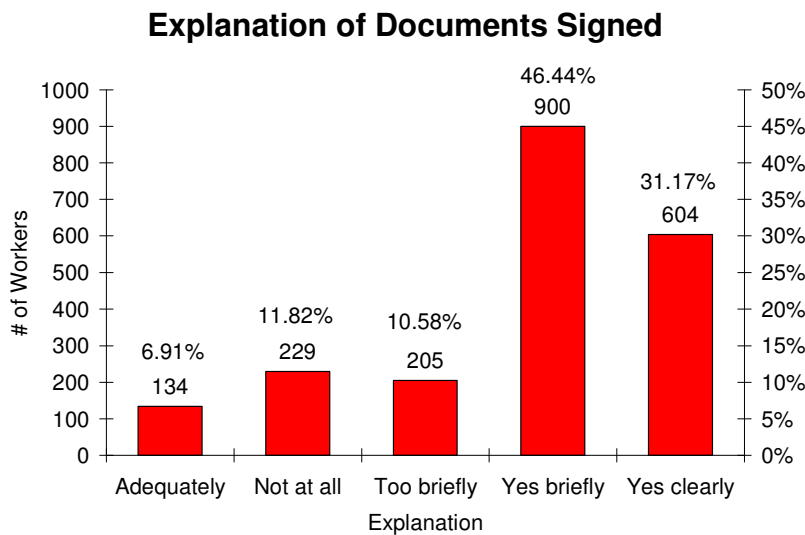
5.1 Employment Contract

Research conducted by AMC for the 2005 Underpayment report discovered that on average, respondents signed work contracts a few days before deployment. Some workers also signed a second work contract with the agency and the employer when they arrived in Hong Kong. A few respondents did not sign any contract whatsoever.

Explanation of Documents Signed

95%, the vast majority of migrant workers did sign a contract or other documents before leaving for Hong Kong. Only 5% of workers did not sign anything prior to their arrival in Hong Kong. However, just because a contract was signed that does not mean that the workers understood the contents of that

contract. Many employment agencies do not explain to the migrants what the contents of the contract are, or if they do, they do so only briefly. 31% reported that the contract/documents were explained clearly. 7% said the contents were explained adequately, 47% of migrant workers reported that the contract/documents were explained briefly, 11% said the contents were explained too briefly and 12% report that they were not explained to them at all.



Another problem faced by Indonesian migrant domestic workers in Hong Kong is the confiscation of passports, contracts and other official papers by the employment agencies. This process usually begins in Indonesia where all documentation is collected and kept by the agency while the MWs are in the training camps awaiting departure. The passport and documents are then given to the MW at the airport upon departure so that they can pass through customs. Upon arrival in Hong Kong the documents are then confiscated again by the agency in Hong Kong and kept in the agency's office for the duration of the workers contract. This confiscation of documents is a violation of the law and puts MWs at a serious disadvantage. Living in a foreign country, without the proper documentation, makes the MW even more vulnerable as many workers will be afraid to approach the police or other authorities with reports of abuse or exploitation because they do not have their passport and contract and cannot show they are in Hong Kong legally or freely leave and return home if they wish.

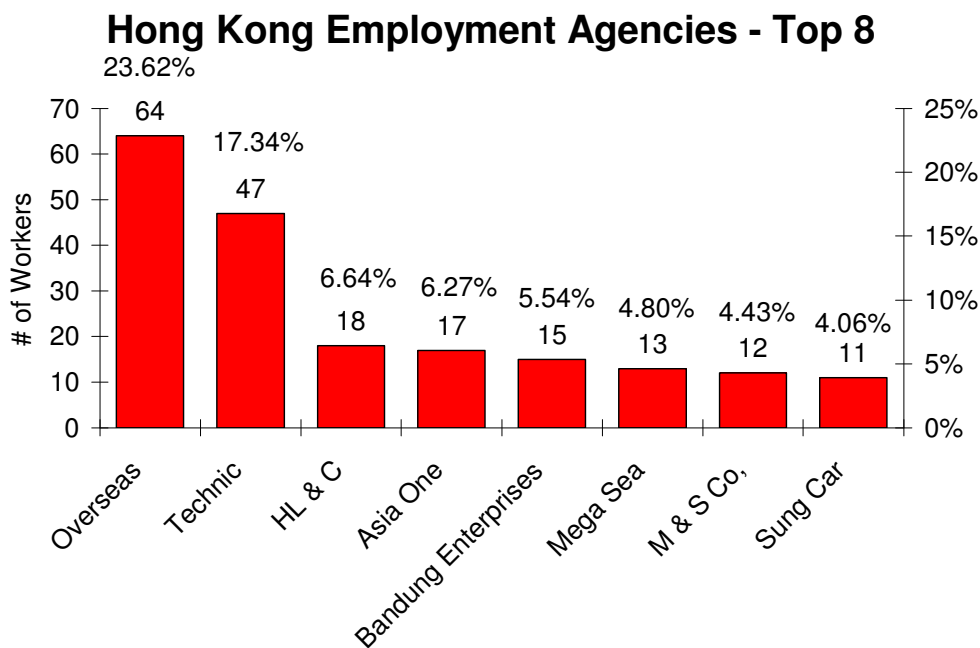
One current MW reported to us that during her first contract her employer kept her documentation and would not even let her look at them. This worker overstayed her visa because she did not have access to her documents so she did not even know when her visa expired. Even though she repeatedly

asked to see her passport, her employer would never let her do so. The employer also refused to take the MW to the immigration department when she asked to. Eventually the MW snuck out one day and went to the Labor Department herself, an act of extreme bravery as she had no idea what would happen to her in this foreign country with no documents.

5.2 Employment Agencies Used

Hong Kong Employment Agencies

The Indonesian migrant domestic workers surveyed used 271 different employment agencies when on their first contract. The most common agency was Overseas for 24% of workers. In the accompanying chart are the 8 agencies most frequently used by workers for their first contract. The other 263 agencies were used by less than 3% of workers each are not included in this table.



Box Story

Name: Indonesian Migrant Worker “2”

From: Malang, Jawa Timur, Indonesia

I was in the training center for 5 months while awaiting deployment. At the training center they taught me cleaning and cooking. They also taught me Cantonese, though they did it very badly. There were about 100 women living with me in the training center. There was enough food but it was not very good and we all had to sleep on the floor. They made me pay for my uniform and passport and we were never allowed to leave the training center.

The agency [in Indonesia] told me my salary would be HKD 1,800. They said if someone asks you about your salary you must say HKD 3,600 because if you say HKD 1,800 the police will put you in jail. They told us not to talk to anyone [in Hong Kong] even if they are Indonesian.

I arrived in Hong Kong on Dec 25th, 1999. I was told that I had to pay my full salary to the agency to pay for the agency fee for four months and the agency kept all of my documents. At that time my Hong Kong agency was very bad. Other than the excessive agency fee and keeping my documents I did not have a very bad problem with the agency but other migrant workers did. The agency would beat girls and make them stand in one place for three or four hours. This would happen if an employer complained, even if the girl did nothing wrong.

My first employer paid me only HKD 1,800 a month and gave me two days off a month. I did not get any statutory holidays off. Daily I had to take care of two children around 10 and 12 years old and do all the cooking and cleaning. There were no serious problems with my employer. This first employer was nice but was always monitoring my life and underpaying me so at the end of my contract I wanted a new employer. I went to my agency and asked for a new employer. They told her me I could get one if I paid HKD 4,000. I agreed, paid the money and got a new employer.

After two years of working for the second employer, four years total in Hong Kong, I tried to get my documents back from the employment agency. I asked the agency to give me my documents back. I went to the agency three times to try and get the documents but the agency always refused. The agency told me that my second employer didn't sign a letter so I can't get my documents back. I called the police and they came. The agency told the police that they did not have my documents. The police said “This girl says you have the documents. You have to give her the documents or you will have problems. They are her property.” The agency then told me I would get them back the next day. The police gave

me the case number if there were more problems. I waited seven days but the agency never called me to come get my documents. Then I went to the Indonesian consulate to report the agency.

The consulate asked me “Why do you want your documents back?” I said they are mine, I want to keep them. The consulate then asked me the agencies name and said they would call the agency the next day. The consulate called me the next day to say they did not have my documents. I then asked my employer to call the agency. My employer did call the agency. The agency told my employer that they will send the documents to the consulate but when I called the consulate they said that the documents were not there. Two days later my documents did arrived at the consulate. I still remember that the consulate people were not friendly and were not helpful. Because of all this I went and found a new agency.

My second employer was paying me HKD 3000 a month. I didn’t like the second employer because nothing I did pleased them. With them I had to take care of twin newborn babies. I had 2 days a month off and no statutory holidays. At the end of the second contract I decided again to find a new employer. This time I had to pay the agency \$4,500 for the new contract. It took me three months to find my third employer so I spent three months in a boarding house. After finding the employer I went back to Indonesia to wait for my visa. This agency was friendly and there were no problems.

However, prior to finding the third employer there was another employer. I had signed a contract with another employer. That employer was an Indonesian woman working in Hong Kong but she cancelled the contract soon after it was signed. She cancelled it because she saw a photo of me with another woman and thought that I was a lesbian, even though I am not. My third employer paid me my full salary and gave me four holidays a month plus statutory holidays. The third employer was really friendly and there were no problems. They were kind, and did not scold me.

The police were very helpful to me. I thought that calling them was the only way to get my documents back from the agency. The problem is with the Indonesian government. I want to know, why do they send us here to be underpaid when everyone knew before we left that we would be underpaid? The Indonesian government should pay attention to us, not just lie. They say we are a hero for the economy because we send so much money [home], but when there are problems they don’t pay attention to us.

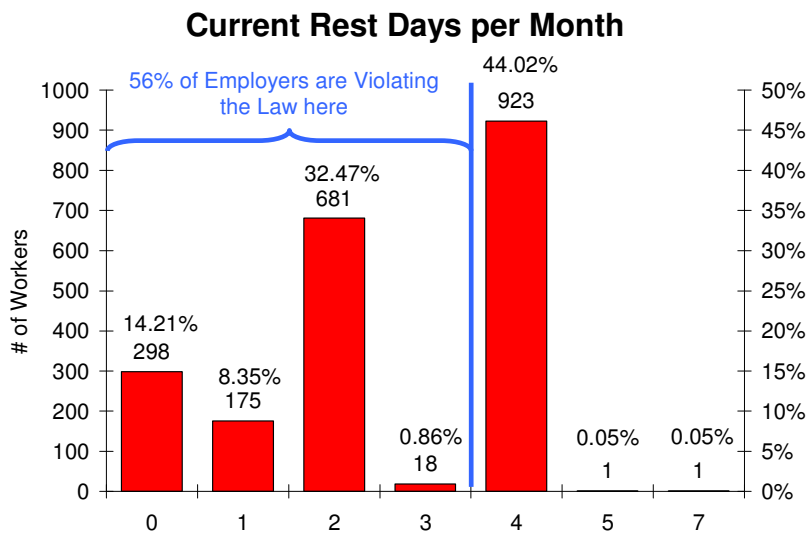
I always feel afraid of the agencies. Don’t use my name with this interview.

5.3 Rest Day, Time Limits and Types of Work

The Government of Hong Kong does guarantee certain basic rights for migrant workers through Hong Kong's labor laws and the standard contract. Unfortunately because there is no system to monitor employer's compliance with these laws they are commonly broken with little repercussion for the employers. Basic rights such as the right to four 24 hour rest days per month and guaranteed statutory holidays are routinely violated. The majority of Indonesian migrant domestic workers in Hong Kong do not get their legally mandated four 24 hour rest days per month, their legally mandated statutory holidays and must work excessive hours.

Rest Days per Month

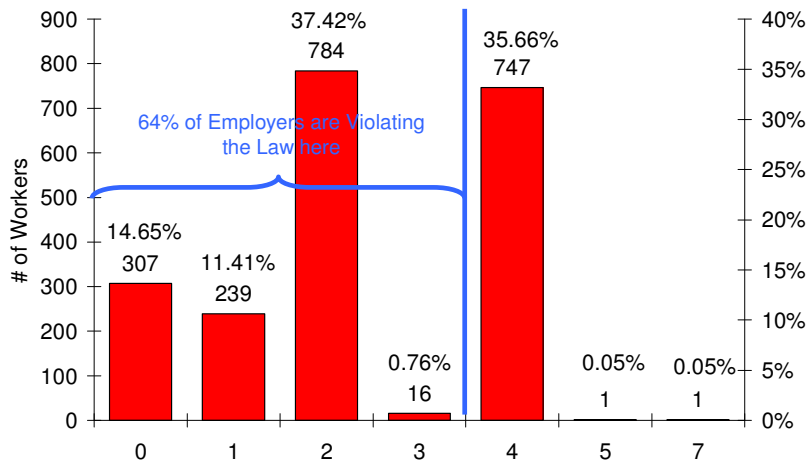
According to Hong Kong law domestic workers must receive four one rest day each week. Unfortunately, only 44% of MWs receive their legally mandated 4 rest days per month. 56% of workers do not receive at least 4 rest days a month and their employers are violating the law. 14% of workers receive no rest days at all and must work seven days a week, every week. 8% get one rest day, 32% get 2 rest days, 1% get 3 rest days, 44% get 4 rest days and less than 1% get more than 4 rest days per month.



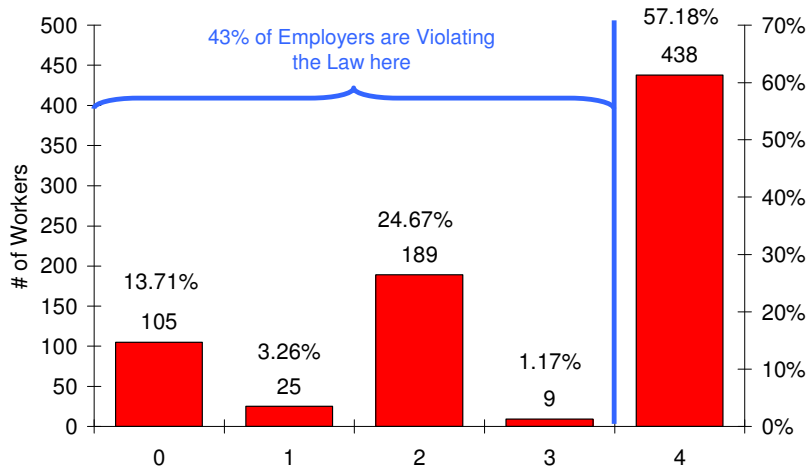
These numbers can be compared between contracts. During their first contract 64% of workers did not receive their legally mandated rest days. During their second or more contract 43% of workers

do not receive their legally mandated rest days. This is an improvement from the first to later contract, however close to half of all MWs on their second or later contract have employers that are still violating the law by not granting the mandated four rest days per month.

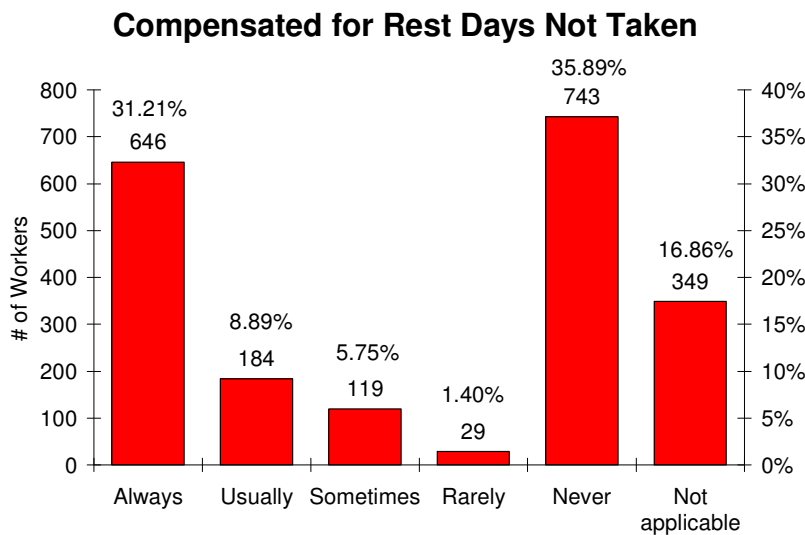
1st Contract Rest Days per Month



2nd or More Contract Rest Days per Month



Even those MWs that do regularly receive rest days are often still required to work on those days. For those that do have rest days when they do have to work on rest days 36% of workers are never compensated. Only 31% of workers are always compensated when required to work on rest days. 9% are usually compensated, 6% are sometimes compensated and 1% are rarely compensated.



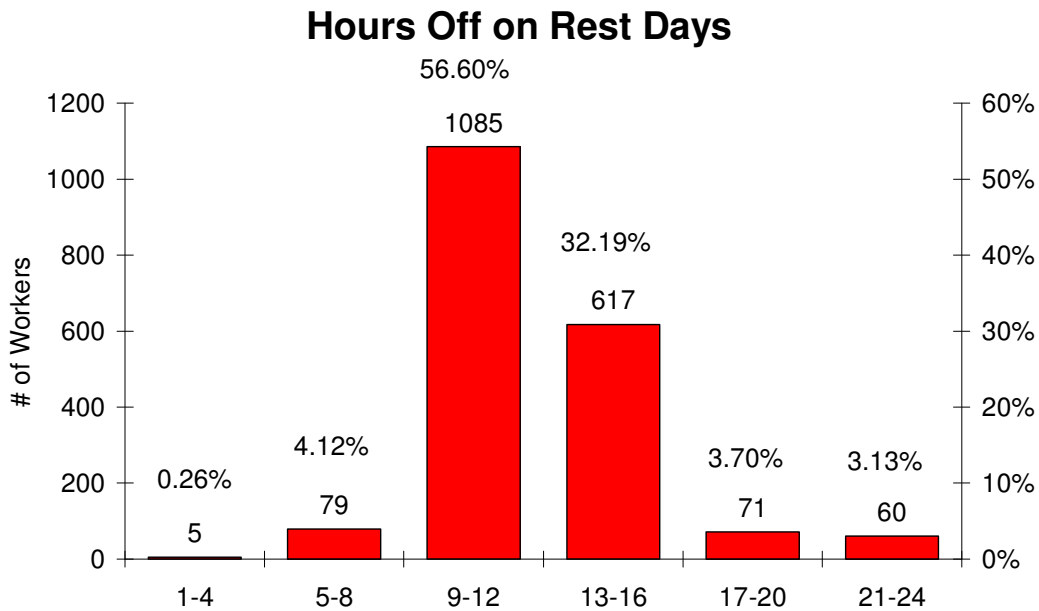
5.4 Hours Worked

Hours Off on Rest Days

When rest days are received the hours off still vary. Not only does Hong Kong law say that employers must give four rest days per month, but it also stipulates that those rest days must be for 24 hours each. We have already seen that most migrant workers do not receive the four days a month off. When they do get rest days they also usually do not receive the full 24 hours off. The most common number of hours off on rest days, for those women that do have rest days, is 12 hours for 31% of women. The next most common is 13 hours for 17% of women then third most common is 10 hours for 12% of women.

During our focus group discussions migrant workers reported that they often did not finish their work until 2 or 3 in the morning. Then, regardless of what time they finished work they were still required to wake up at six o'clock and start working again. Often this cycle would continue for months

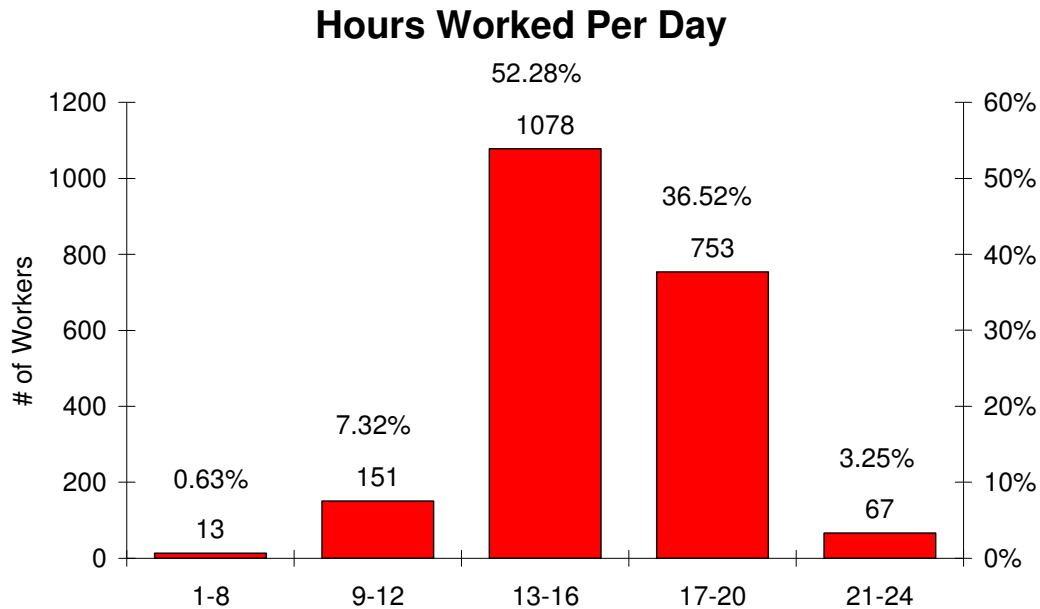
until either the migrant worker got ‘lucky’ and the work load decreased or until she got sick from overwork and just became unable to continue with that workload.



Hours Worked per Day

Underpayment is not just a function of how much the worker gets paid, but also how much work must be done to receive that payment. Not only are migrant workers in Hong Kong underpaid, they are also required to work excessive hours to receive that salary. Less than 1% of Indonesian migrant workers in Hong Kong work 8 hours or less a day.

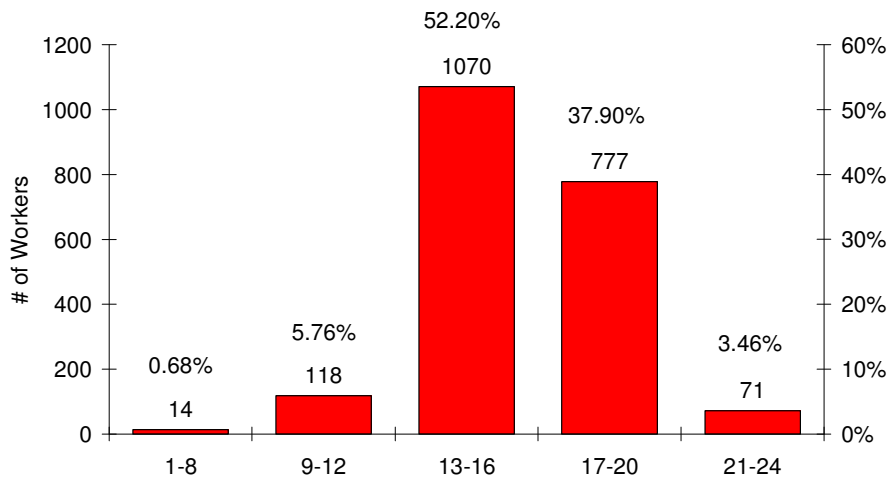
Over half of all migrant workers worked 13 to 16 hours each day. The most common number of hours worked per day is 16 hours for 23% of workers. The second most common number of hours worked per day is 15 hours for 15% of workers and third most common is 18 hours worked each day for 15% of workers. The average number of hours worked per day is 16 and of the 2032 responses to this question only 13 workers worked 8 hours or less per day.



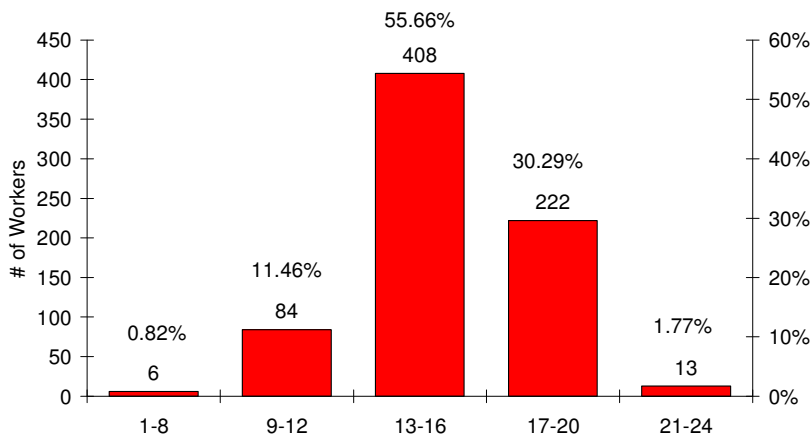
When looking at only the first contract workers worked an average of 16 hours per day. For the first contract the most common number of hours worked per day is 16 for 22% of workers, second most common is 15 hours for 17% of workers and third is 18 hours worked per day for 15% of workers.

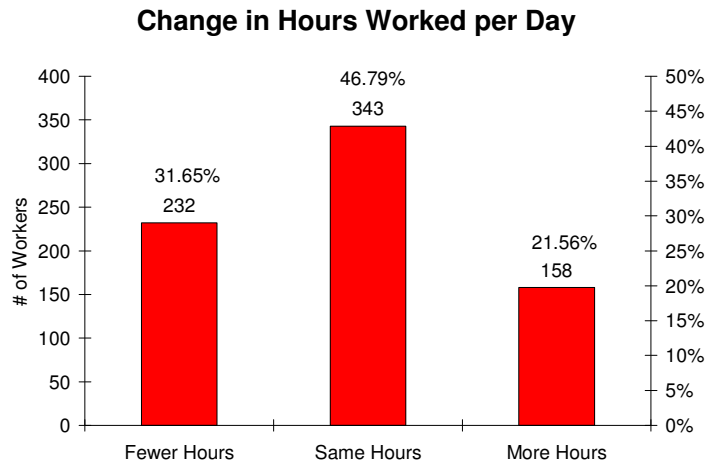
For workers on their second or more contract the average number of hours worked per day is 15. The most common number of hours worked per day is 16 for 23% of workers. The second most common is 15 hours for 17% of workers and third is 17 hours for 13% of workers. 47% of workers experienced no change in the number of hours worked per day between their first and current contracts. 32% of workers worked fewer hours than during their first contract and 22% are working more hours than their first contract.

1st Contract Hours Worked Per Day



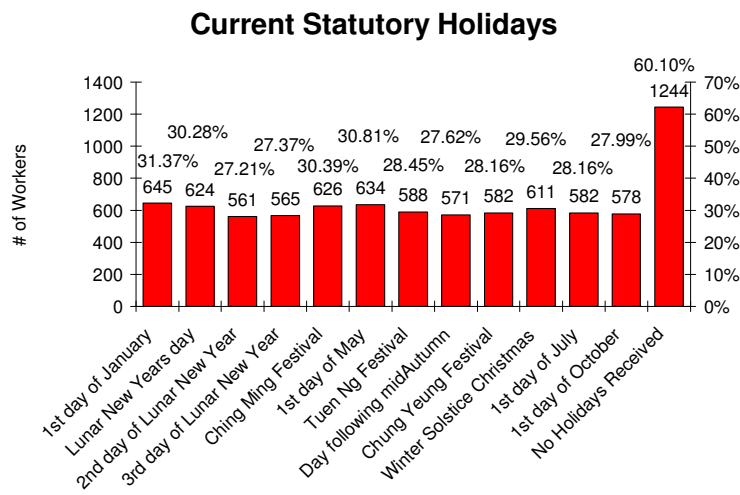
2nd or More Contract Hours Worked Per Day



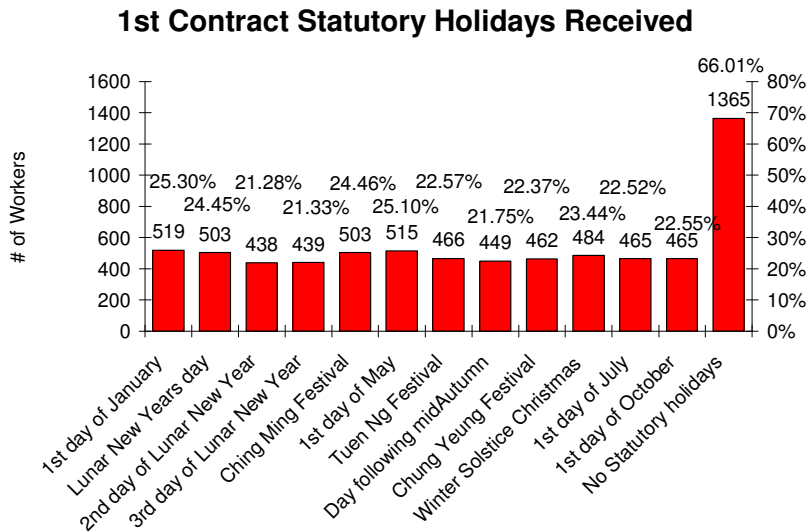


5.5 Statutory Holidays

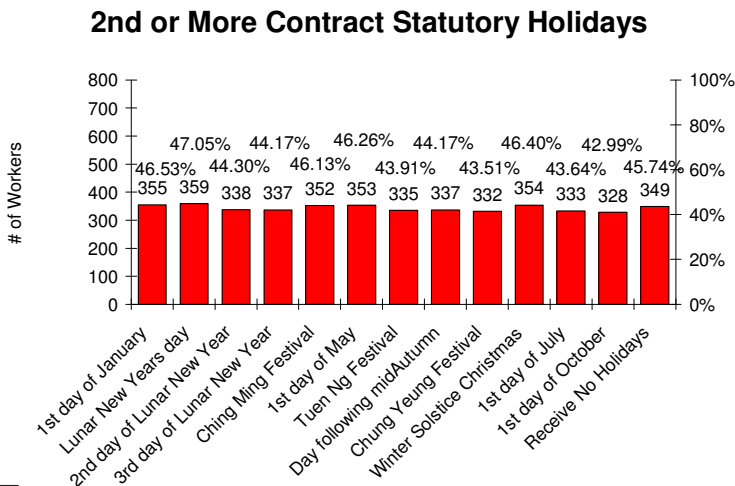
In addition to requiring four rest days per month, Hong Kong also has 12 legally mandated statutory holidays each year. All domestic workers are entitled to having these days off however 60% of Indonesian migrant domestic workers do not receive any of the 12 legally mandated statutory holidays. When workers do receive a holiday day off from work, any of the 12 holidays were granted between 31% and 27% of the time. The most common holiday received is the First Day of January which 31% of workers get. Second most common is the First Day of May 31% of workers and third is the Ching Ming Festival for 30% of workers.



During their 1st contract 66% of workers did not receive their legally mandated statutory holidays. Of those holidays that they did get the frequencies ranged between 25% for 1st day of January and the 1st day of May to 21% for 2nd day of New Year and 3rd day of New Year.



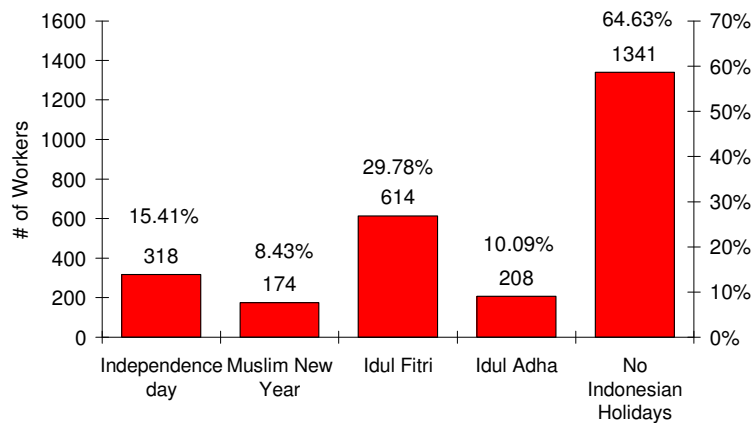
On their second or more contract 46% of workers did not receive their legally mandated statutory holidays. Of those that did the frequencies ranged from 47% for Lunar New Years day to 43% for the 1st day of October. There is a marked change in holidays received between the first and later contracts. 46% of MWs on their second or more contract don't get any statutory holidays off, but that is an improvement of 22% from the rate during the first contract which is 66%



Indonesian Holidays

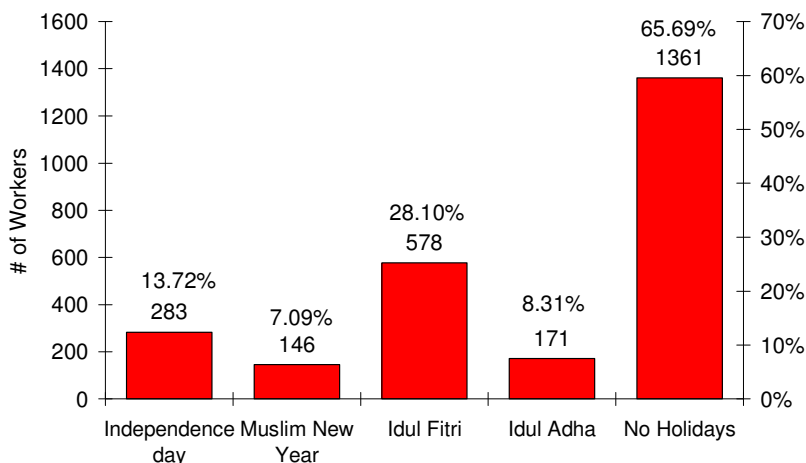
As for Indonesian holidays, they are received even less frequently than Hong Kong holidays. 65% of MWs did not receive days off for any Indonesian holidays. Of those that did the most common holiday off was Idul Fitri for 30% of workers.

Current Indonesian Holidays



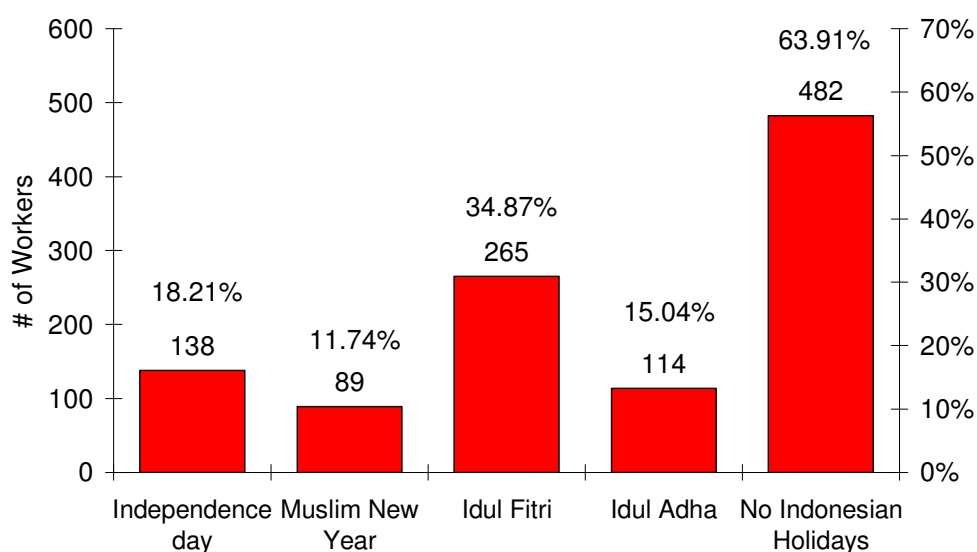
During their first contract 66% of MWs did not receive Indonesian holidays off from work. The most common holiday to receive is Idul Fitri for 28% of workers.

1st Contract Indonesian Holidays



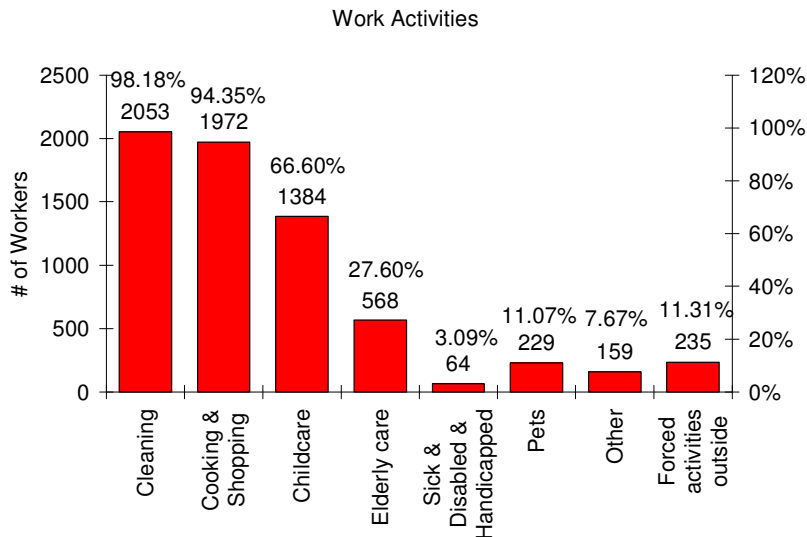
64% of workers on their second or more contract did not receive any Indonesian holidays off from work. The most common holiday to receive is Idul Fitri for 35% of workers. This is only an improvement of 2% from the first contract.

2nd or more Contract Indonesian Holidays



5.6 Daily Work

We have already shown that Indonesian domestic migrant workers work an excessive number of hours each day. During that time they are required to perform many different daily tasks and activities. The most common daily activity is cleaning which 98% of migrant domestic workers perform daily. The next most common daily activity is cooking and shopping for 94% of workers and then childcare for 67% of workers.



After cleaning, cooking and shopping the most common daily tasks were to take care of children, the elderly and pets. 67% of MWs care for children and 28% care for the elderly.

Caring for Children and the Elderly

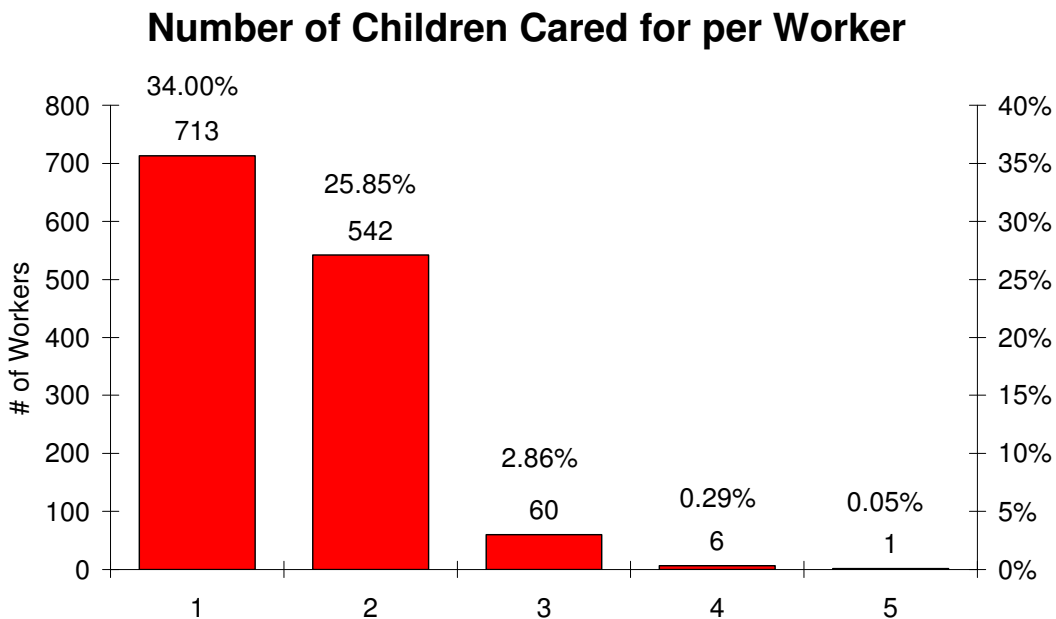
63% of MWs care for children as part of their daily work. The most common number of children to care for is one. 34% of MWs care for one child. 26% of MWs care for two children and 3% care for three children. The average number of children cared for, for women that perform daily childcare is 1.5. The ages of children cared for ranged from less than one year to 28 years old. The most common age is one year or less. The second most common age is from four to five years old and the third most common age is from two to three years old.

Indonesian domestic migrant workers also must care for the elderly. 28% of MWs in Hong Kong do care for the elderly as part of their daily work. The ages of elderly cared for ranged from 50 years to 100 years old. The most common age range of elderly cared for, 10.4% of MWs do, was between 80 and 89 years old. 10.2% of MWs care for the elderly between the ages of 70-79.

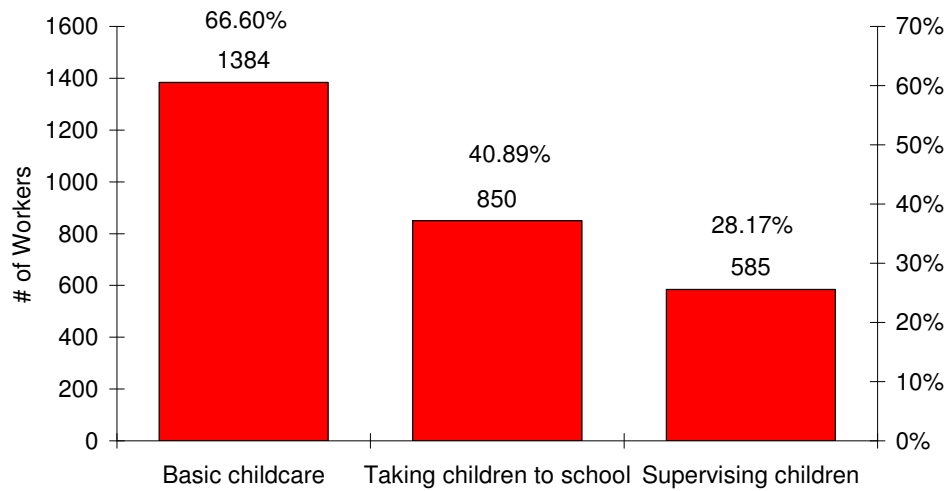
This child and elder care not only provides a service for their employer's household but to the Hong Kong government as well. As of early 2007 there were 105,320 Indonesian MWs legally working in Hong Kong. Given that 63% of migrant workers care for an average of 1.5 children each that means there are around 100,000 Hong Kong children being cared for by Indonesian migrant workers.

Services such as child and elder care remove a large burden from families and remove a large burden from the state as well. In more developed countries with double income households like Hong Kong responsibilities such as child and elder care usually fall to the government. With migrant workers playing such an important and integral role in this process, caring for large numbers of children and the elderly it allows the Hong Kong government to provide fewer services and use tax revenues in other areas. In ways such as this migrant domestic workers contribute greatly to the overall productivity of Hong Kong.

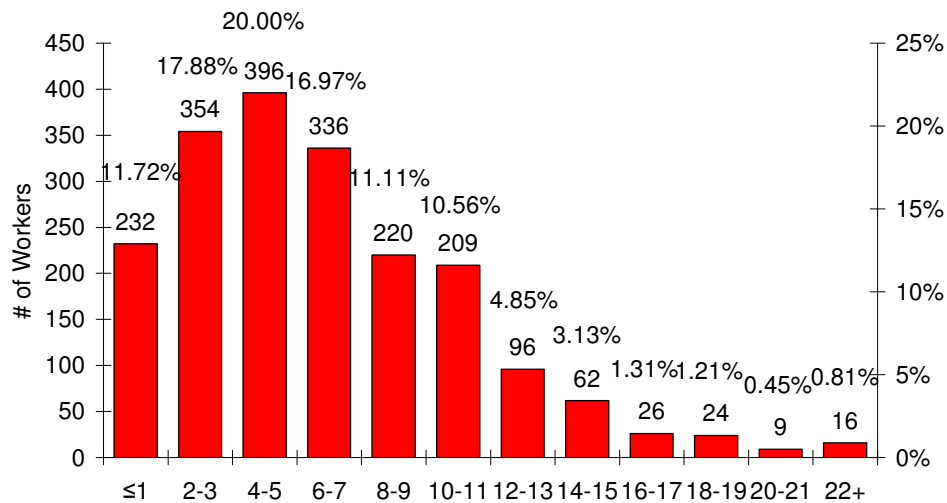
In an interview with Mr. Lee Cheuk Yan of the Hong Kong Legislative Council he explained just this, that Indonesian migrant domestic workers do contribute significantly to the Hong Kong economy. He said “The lack of facilities for proper childcare in Hong Kong has in the past deterred women from working in favor of their family responsibilities. But by now the introduction of foreign domestic workers in the workforce means that women can work and play an important role within the Hong Kong economy... without foreign domestic workers the Hong Kong economy would be severely restrained, the foreign domestic workers in Hong Kong are therefore an economic asset to the city as a whole.”

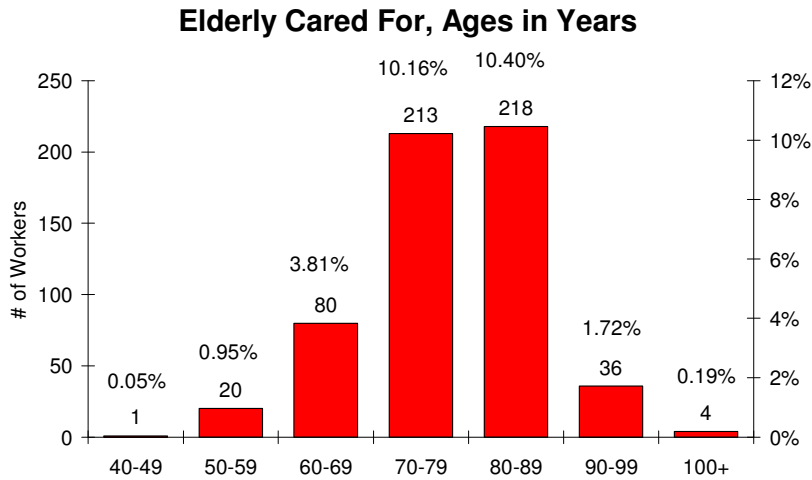


Childcare tasks



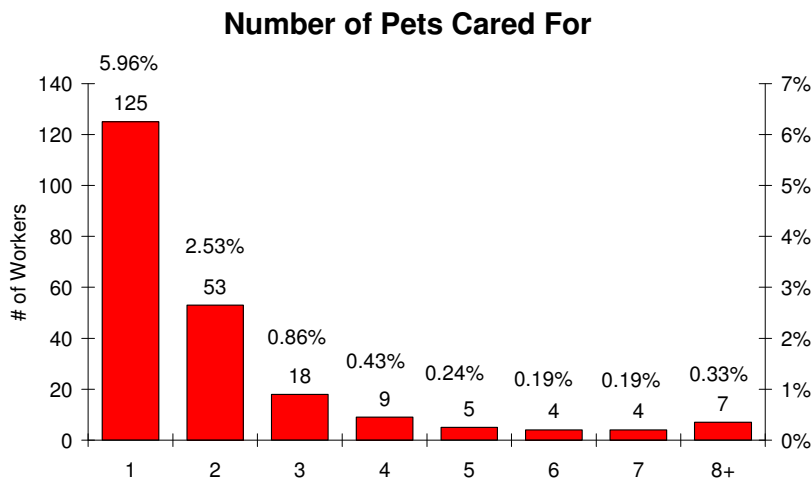
Children Cared For, Ages in Years





Pet Care

11% of MWs have to care for pets as part of their daily work. 6% have to care for 1 pet, 3% for two pets and 1% for three pets. The most common pet cared for was a dog. The second most frequent was a cat and the third most frequent was to care for a bird.



Work Outside of Contract

Significantly 11% of workers were forced to perform tasks not included in their contract. The most common type of forced work was being forced to work in other people's homes. 7% of MWs were forced to work in other people's homes. The other significant type of forced work, for 2% of MWs was being forced to work in the employer's shop/store/restaurant/factory. All other types of forced work were below 1% frequency among MWs.

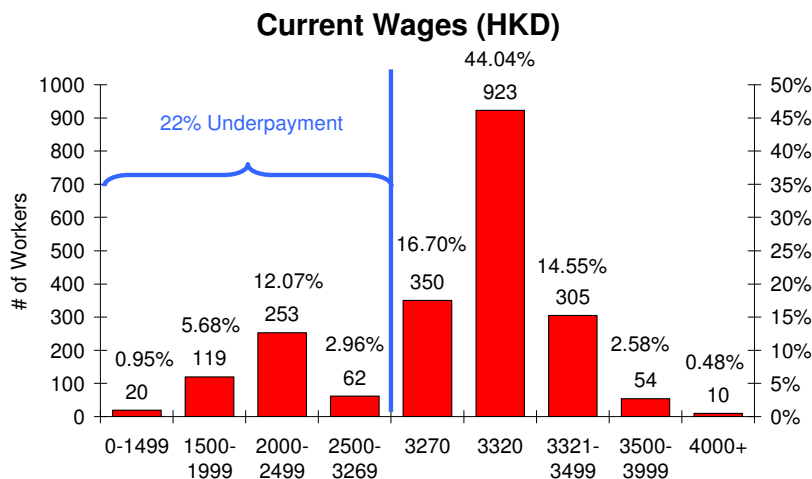
In our focus group discussions migrant workers related that they often have to work in jobs which they were not first contracted for and are therefore illegal. For example, one MW told us that she had to work as a farmer during her first contract. Another migrant worked in a salon and in the house all the while being underpaid too.

5.7 Underpayment and Excessive Agency Fees

In 2001 the minimum allowable wage (MAW) for domestic workers in Hong Kong was lowered significantly from HKD 3,670. Today, six years later, the minimum wage is only HKD 3,320. Even with minimum wage today still being less than what it was in 2001 underpayment of MWs remains pervasive in Hong Kong.

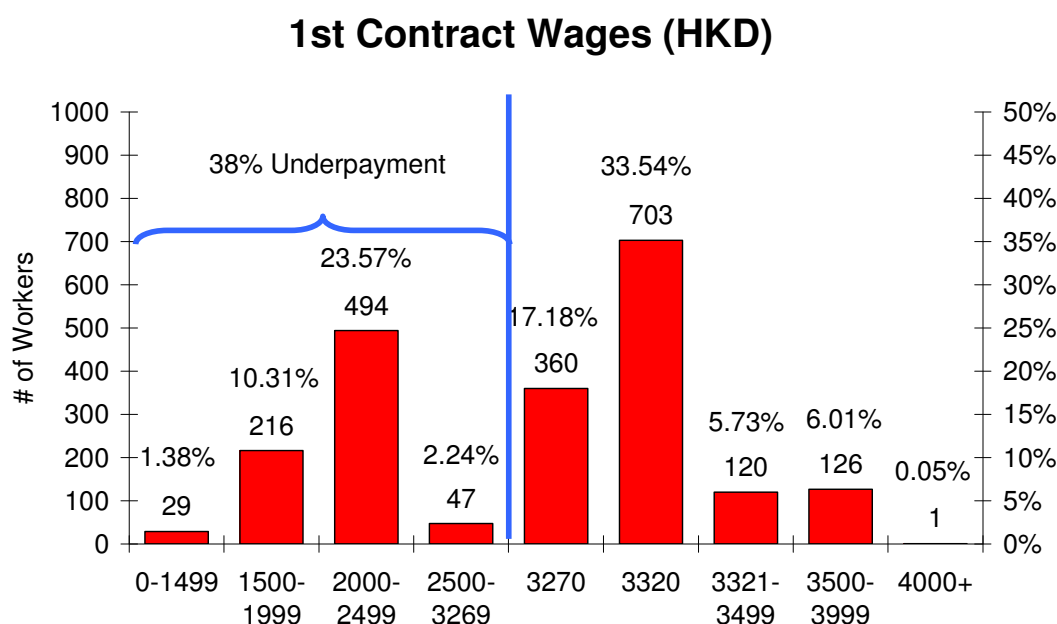
Current Wages

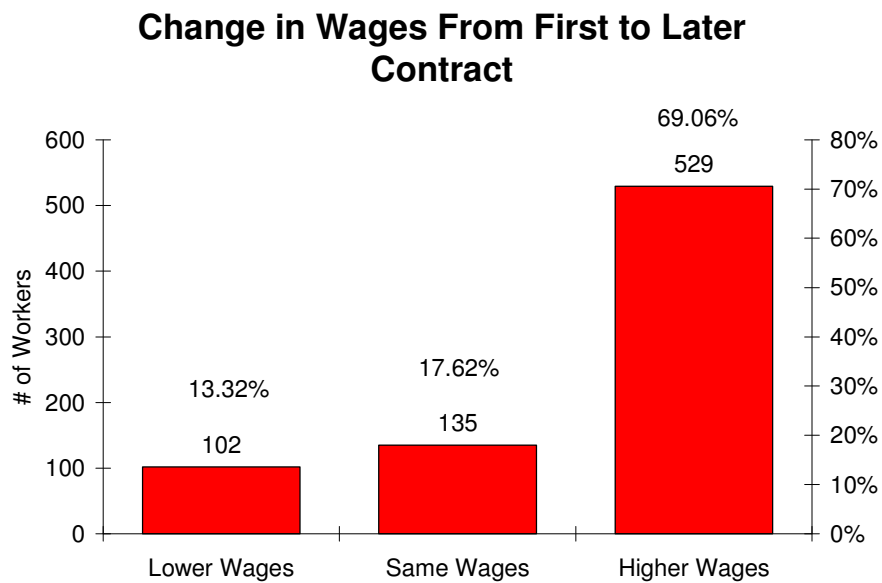
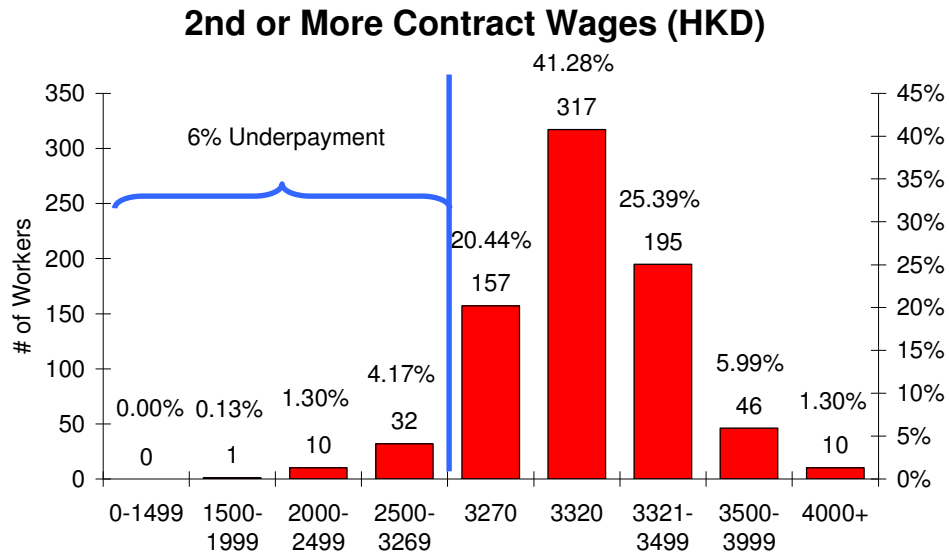
22% of all Indonesian migrant domestic workers in Hong Kong are underpaid. For those workers that are not underpaid 60% receive only the minimum wage. Only 19% of MWs in Hong Kong receive more that the minimum wage.



The 2005 AMC Underpayment report and HKDW survey found that at that time 42% of Indonesian migrant domestic workers were underpaid. The AMC's 1999 survey found that 90% of MWs were underpaid. While there has been an improvement, less MWs are underpaid today than 2 or 8 years ago, it is still unacceptable that 22% of MWs are paid below the legally mandated minimum wage.

When looking at just the first contract 38% of workers in Hong Kong are underpaid on their first contract. For workers currently on their second or more contract 6% are underpaid. That is a difference of 32% which shows the vulnerability of migrants during their first contract. Conditions generally improved from the first to later contracts, but not always. After their 1st contract 18% of workers still earned the same amount, 69% earned more and 13% earned less.





Box Story

Name: Indonesian Migrant Worker “5”

From: Tulung Agung, Jawa Timur, Indonesia

I came to Hong Kong because I was told by a friend that there is a big salary in Hong Kong and the work was not too hard. I spent 2.5 months in the training camp and they gave me no information about Hong Kong. In the training camp I was taught Cantonese, cooking and ironing. There were 100 women in the training camp. There was enough food, it was clean and the camp was OK but we were not allowed to leave.

I came to Hong Kong in August, 2000. I was not allowed to read my contract before I signed it and the agency kept my passport. The agency was not good, not only did they keep my passport but they also lost my passport. My wage was to be HKD 10,000 for four months of work [HKD 2,500 per month]. The pay from month to month ended up varying. Sometimes I would be paid HKD 1,800 sometimes 2,000 sometimes 2,500.

I worked in Hong Kong for six years and I was always underpaid for the first three years. I received the full wage of HK 3,270 only after working for my employer for three years. When the Hong Kong government lowered the minimum wage to HKD 3,270 is when my employer started paying me the full salary at that lower level. I did not have to pay the agency when I extended my contract because my employer was an agent at an employment agency. I did have to pay an initial agency fee of HKD 3,600 split in to two monthly payments

The employer was good but underpaid me. There were no holidays at all and there was no extra pay for working on holidays. For my employer everything had to be done quickly. I had to work both at home and at the employer’s office. If anything broke such as a glass, or clothes when washed I had to replace them. I had to care for two children and my daily tasks were to cook, clean, bring kids to school, shopping, wash car, go to the office and go to the airport to pick up arriving workers.

As I approached working for my employer for seven years I asked about the long service payment. I was told by my employer “If you want your long service payment you have to work for me for 20 years.” Since the employer refused to give me the long service payment I went to the labor department on August 10, 2006. I want to work in Hong Kong again after my case is finished.

To people back in Indonesia I would tell them that working Hong Kong is sometimes good, sometimes bad. I will get a new agency and new employer when my case is finished. To improve conditions for Indonesian migrant workers in Hong Kong I feel that agencies must follow the laws.

5.7.1 Agency Fees

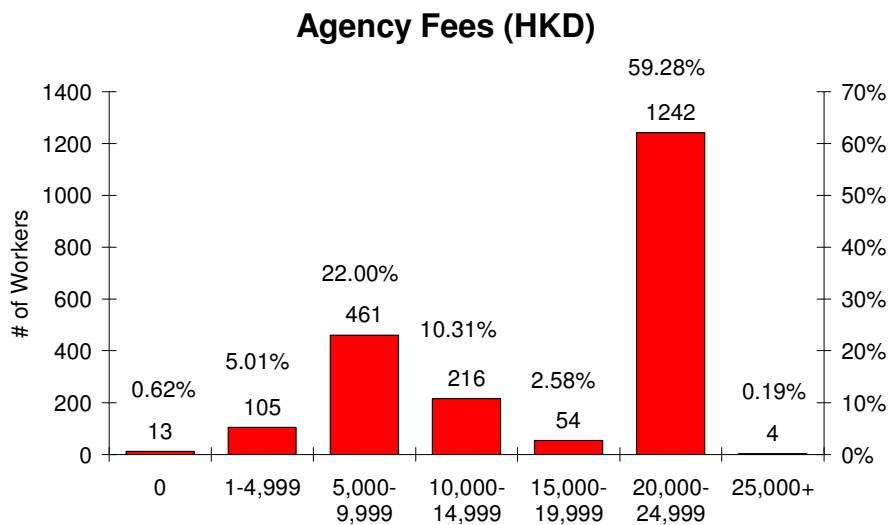
Excessive agency fees are one of the leading causes of underpayment of MWs and are probably the most pervasive and significant problem in the entire migration process. These fees, justified by the ‘training’ given to the migrants and to cover the costs of medical exams, and travel documents are imposed by the employment agencies and permitted by the Indonesian government. These fees are for excessive amounts, usually equaling the first seven months of the migrants salary, around HKD 21,000. This means that migrant workers usually start their employment with a huge debt on their shoulders.

This cycle where the migrants often owe seven months of salary, even before they start working, leads to migrants enduring work conditions that are not just substandard but illegal in an attempt to try and repay the agency. This is an institutionalized system of debt-bondage, a modern form of slavery, perpetuated by the employment agencies in Indonesia and Hong Kong.

According to Mr. Kitman Cheung of the Overseas Employment Center Ltd. The Association of Indonesian Employment Agencies in Hong Kong only 177 employment agencies, out of a total of over 950 agencies working with Indonesian migrant workers in Hong Kong, are accredited by the Indonesian consulate. Thus about 80% of employment agencies are outside the regulations for the consulate but still operating legally according to Hong Kong law as they are registered with the Hong Kong Labor department.

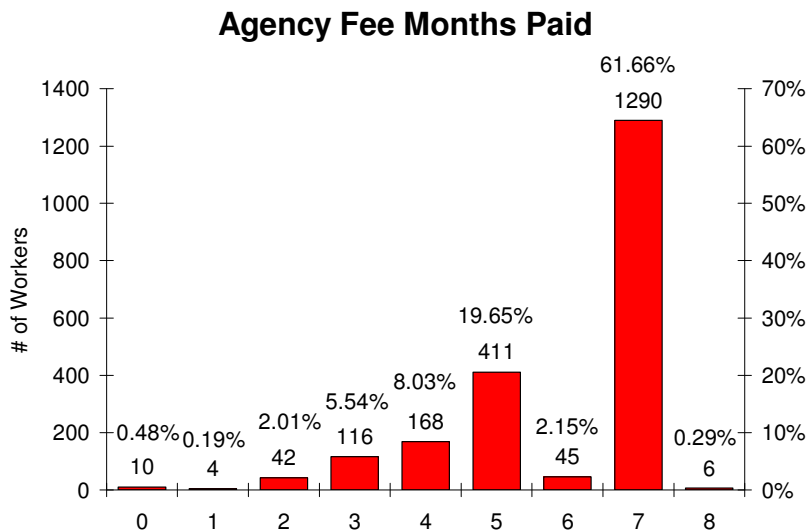
One migrant worker told us how her agency tried to defraud her through excessive agency fees. She was charged by her agency HKD 21,000 in agency fees. However when she saw her contract she learned that she was only supposed to pay the agency HKD 14,000, which was still an excessive amount but significantly less than before. She had found her own employer and according to the contract she should have only been paying HKD 14,000 not HKD 21,000. When she confronted her agency she was told that since she was ‘naughty’ she was being charged the HKD 21,000. Her documents and passport had been originally taken by the agency in Indonesia and then given straight to the agency in Hong Kong and she was told that she would not get them back until she paid the HKD 21,000. She did make payments for the first three months working in Hong Kong, she then lied to her agency saying she needed to go to China and was able to get her documents back.

There is a wide variety of agency fees paid by MWs from no fees paid to paying HKD 28,000. The majority of migrant workers, 59%, paid HKD 21,000 in agency fees. The second most common amount paid was HKD 9,000 by 10% of workers then third was HKD 10,000 by 7% of workers.

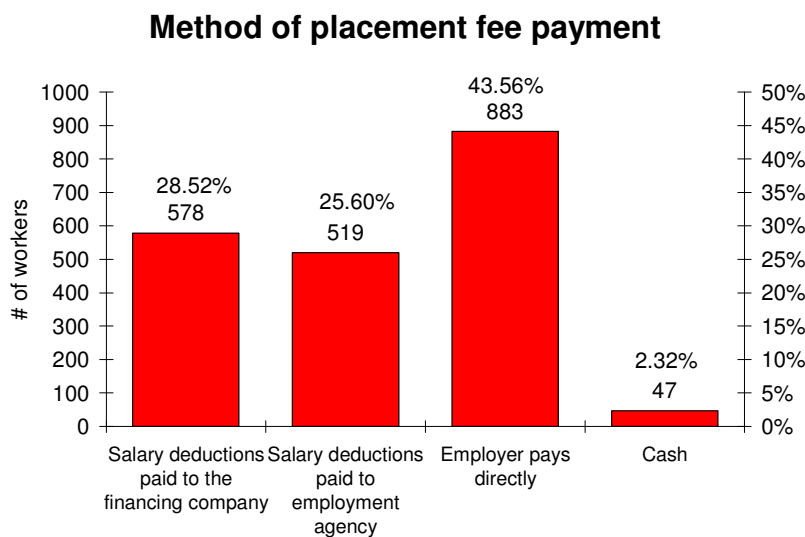


Agency Fee Months Paid

Workers reported having to pay agency fees for a period of time between zero and eight months. The majority of Indonesian domestic migrant workers, 62%, paid their placement fee using 7 months of salary deductions. The next most common length was 5 months of salary deductions for 20% of workers and third most common was 4 months of salary deductions for 8% of workers. The average length of salary deductions was 5.9 months of deductions to pay the agency fee.



These excessive agency fees are paid each month out of the workers salary. There are many methods agencies use to get the workers salary and pay these excessive agency fees. The most common method of placement fee payment is for the employer to pay the agency directly instead of paying the migrant workers. This is the case for 44% of workers. The second most common method is to have salary deductions paid to a financing agency for 29% of workers and third most common method of payment is salary deductions to the agency for 26% of workers.



Current regulations in Hong Kong state that no more than 10% of a migrant worker's first months salary, HKD 348 for those earning the minimum wage, shall go towards paying a recruitment fee. The fees approved by the Indonesian government, however, are often deducted in monthly installments totaling 90% or even 100% of the monthly wage. So, not only do the excessive agency fees promote underpayment of workers but they are in violation of Hong Kong law. Unfortunately, the government of Hong Kong does not actively investigate and enforce this law. Instead they require a worker to come forward and report the violation to them while the violation is occurring.

Initially agency fees were the responsibility of the employer. It was the employer that had to pay these fees, however, in the mid-1990s the system started to change and shifted responsibility for paying the agency fees to the MW. It should go without saying that the MW is the one least able to pay these fees. This was done by the agencies to increase the attractiveness of hiring Indonesian migrants, increasing their business and giving them a larger pool of Indonesians to exploit.

Employment agencies have told us that even if they want to only find employers that guarantee to pay the full salary, it is not possible. This is because for agencies that do not place their workers in situations of underpayment it will be very difficult for them to compete with those that do as their ‘product’ costs more. They contend that agencies that work legally are at a disadvantage since they can not offer the ‘incentives’ of no holidays or underpayment to employers and by ensuring full payment they will put their own business at risk because there are those that will continue to underpay. This race to the bottom can be stopped if the Hong Kong government were to actively investigate and enforce the regulations on the minimum wage and excessive agency fees. This would allow agencies to follow the good practices without worrying about those law-breaking agencies as they can be confident the government will punish violations.

As we have shown, not just here but in the previous underpayment research underpayment and excessive agency fees are pervasive problems. Unfortunately Indonesian agencies are either incompetent or refuse to acknowledge that these problems exist. This can be seen in the agency’s attempts to blame someone else for the problems or they act like the problems do not exist, instead of working towards solutions. This attitude was painfully obvious in our interview with the Indonesian Department of Manpower who are empowered with making policy regarding migration in Indonesia.

Officials from the Department of Manpower told us that it is the job of the Indonesian consulate to regulate the implementation of migration policies since it is an international problem. That this is not the responsibility of the Department of Manpower since they work inside of Indonesia even though the migrants are required to sign the contract before they leave Indonesia. They said that there are strict regulations regarding agency fees, which should be one month’s salary. However, according to them these problems are notoriously difficult to control and are mostly the Hong Kong government’s responsibility.

The Department of Manpower officials said that they recommend migrants to report the problems to the consulate in Hong Kong, which should be implementing the Indonesian regulations. They accused Hong Kong agencies of working to control migrant workers in an organized ‘agency mafia’. To prevent this, the officials requested more data so that they can take action, but they cannot do anything until they gather more data.

The Department of Manpower’s response to the problems is to blame someone else and deny all responsibility. The Indonesian consulate’s response is to pretend that there is no problem at all. In our interview with consular staff they told us that in reality it is very rare for Indonesian migrant workers in Hong Kong to be underpaid. If there are cases the consulate will of course take immediate action by reporting it to the Labor department and the police, but the problem is very rare. They also said that there are very few cases of abuse of MWs in Hong Kong and it is very rare for MWs to sue their employers or pursue labor cases in Hong Kong. These statements are incredible considering the

overwhelming amount of evidence that has documented underpayment and exploitation of Indonesian migrant workers.

The consular staff outdid themselves by going on to say that the two-week rule is really not that bad because at least migrant workers have two weeks to look for a new employer and are not forced to return home as soon as the contract is terminated. With regard to the excessive agency fees that the Department of manpower had said it was the Consulate's job to oversee, consular staff said that this was not under the jurisdiction of the consulate since the sum of agency fee is set by the Department of Manpower in Indonesia and if there are violations of the law it is the job of the Hong Kong government to deal with that.

Consular staff also encouraged all MWs to go to the consulate if they have problems, not to NGOs or migrant worker's organizations or unions, as the consulate are the best ones to help them. They claim the consulate has more resources to help the MWs because they have visits by Muslim clerics and a psychologist visits every three months. The staff also said that agencies should provide a return ticket for MWs and not the cash equivalent because the money will be quickly spent and the MW will overstay and end up in jail. With attitudes such as these it is easy to understand why Indonesian migrant workers in Hong Kong often go to the consulate only as a last resort when problems occur

5.8 Wage Receipts

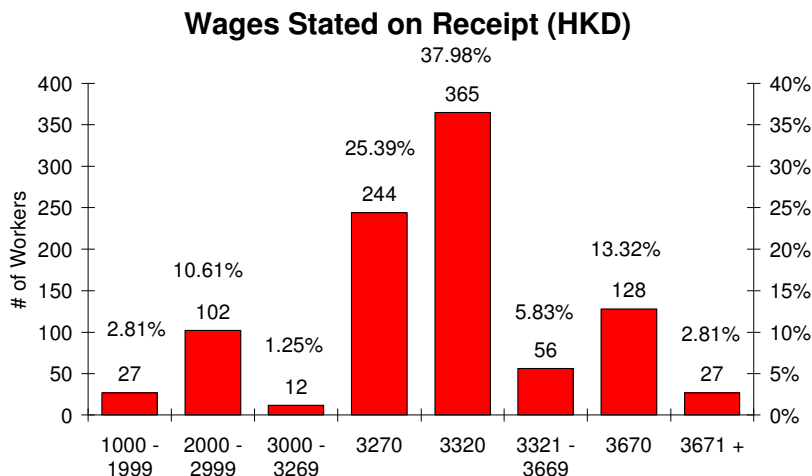
Workers are sometimes coerced into signing receipts for their pay before they begin working, which leaves the employer and the PJTKI free to underpay or, in extreme cases, not pay at all. Other times the workers sign receipts each month stating a false amount and are even required to deposit that amount in the bank to generate a paper trail, before being underpaid in cash.

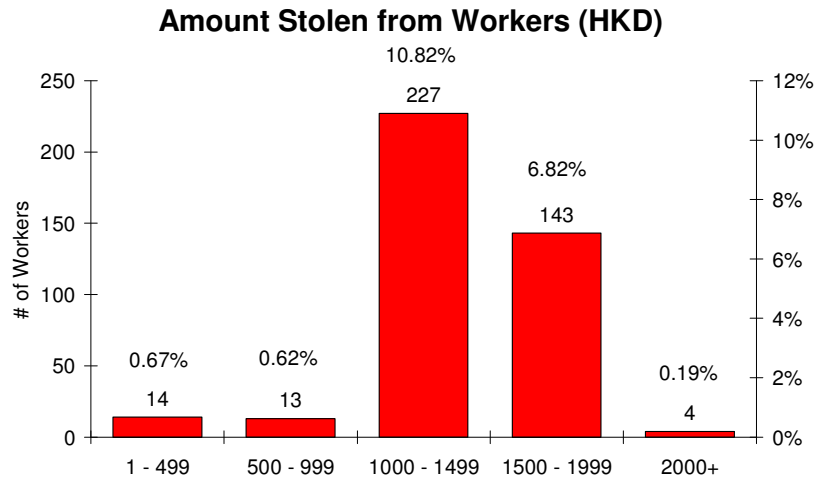
94% of workers did sign a receipt for their wages each month. Of those that did sign receipts 26% did not receive the amount stated on the receipt. 74% of workers received the wage that was stated and signed for on their receipt. For those women that did sign receipts, the most common amount stated on the receipt was HKD 3320 for 38% of MWs. The second most common amount stated was HKD 3270 for 25% of MWs. The third most common amount was HKD 3670 for 13% of MWs that signed receipts.



Wages Stated on Receipt

The wages stated on the receipt are not the actual wages received 26% of the time. The difference between the actual wage received and that stated on the receipt ranged from HKD 80 to HKD 2,370 per month. The average amount not paid which is the difference between the receipt and the actual payment, is HKD 1,390. Since 26% of all workers do not receive the wages stated in their receipt, and the average amount not paid is HKD 1390 per month we can assume that approximately HKD 36,000,000 is stolen from MWs each month in this manner by their employers. That is more than USD 48 million stolen by employers each year and lost by Indonesia as wages and remittances through false receipts.





Box Story

Name: Indonesian Migrant Worker “3”

From: Jember, Jawa Timur, Indonesia

I first worked for three years in Singapore. I went to Singapore because I wanted to gain experience there and then get a job somewhere else. Before departing for Singapore I spent six months in the training center. While in the training center I was given no information about the working conditions in Singapore.

There were about 150 women in that training center. While there I was taught cooking, babysitting, taking care of the elderly, cleaning and car washing. The training center was clean, there was enough food, there were enough bathrooms and we could leave if they wanted to. Before departure I had to pay IDR 250,000 and they would not allow us to read the contract.

After working in Singapore for three years I returned home. Initially I wanted to work in

Taiwan but I was told it was not open so I chose Hong Kong instead. I chose Hong Kong because I was told by my sponsor the salary was bigger there. The sponsor also told me that I would get a holiday every week, a salary of HKD 3,670 and that there were good laws. So I decided to go to Hong Kong and went to the training center again. This time I was in the training center for five months. In this training center there were about 450 women. They taught us Cantonese and other household tasks and once again I was not allowed to read my contract.

I went to Hong Kong in December 2004. When I arrived my agency took my passport and all my documents. I had to pay the employment agency HKD 8,000, HKD 2,000 per month for four months. I learned that the contract with my first employer was supposed to be for HKD 3,270. However I was actually paid only HKD 1,800 per month.

Each month my employer would give me a check for HKD 3,270 that I had to cash at the bank. I had to go home right away and give that full amount back to my employer. The employer then would give me HKD 1,800 from the HKD 3,270. This would happen every month on the 30th or 31st. Since the agency fee was HKD 2,000 per month for four months the employer would then 'lend' me HKD 200 to add to the HKD 1,800 she paid me so that I could pay the agency its fee. For the first four months I ended up receiving no money at all and even owing my employer HKD 200. For the fifth month I was paid HKD 1,000 because I had to repay the HKD 200 I was 'lent' each month previously.

I worked for this employer for 22 months. My tasks were cleaning, washing the car, washing 2 motorcycles, cooking and massage. I had one vacation day a month and I received no other holidays. The employers were very bad. They were always insulting me, always using bad words to me. Nothing I did was ever good enough for them. Almost every day they [the employers] would call me stupid or that I am trash.

On November 10th 2006 I was arbitrarily fired. The employers had previously told me that they would hire a new worker but didn't tell me when. One day I was told to clean up my clothes and I was told I would be sent back to my agency. I didn't want to go back to the agency so instead I ran away from the house. My employer caught me in the MTR station. My employer grabbed me around my neck so I called the police. I then went to the police station with the police. The police said to me "Do you want to go to the employer's house or back to the agency." I told them that I don't want to go to either, I want to go to the labor department.

I had already learned about some of my rights from the KOTKIHO discussions in Victoria park. I went to the KOTKIHO shelter because a friend who had stayed there before told me about it. I don't know if I want to work in Hong Kong again.

The police did not do a good job. When I left the police station my employer followed me and the police did nothing to stop it. I had to go back to the station and ask the police to escort me. The labor department wanted me to act as a witness for the prosecution against my employer but they don't let me work and they didn't give me anything to live on in the meantime so I cancelled the police case against my employer. The government should be quicker in processing the cases because workers can't work while the case is processing.

According to Mr. Ferry Susantio of T.K.I. Employment Services, as reported in AMC's 2005 Underpayment report, when migrant workers from Indonesia first began arriving in Hong Kong, a recruitment fee of HKD 15,000 was the responsibility of the employer, while workers were severely underpaid at HKD 1,000-1,200 per month (the minimum wage at that time was HKD 2,400).

In 1996 the situation began to change for two main reasons. Firstly, in light of the rampant underpayment Hong Kong's Independent Commission Against Corruption (ICAC) started to investigate the situation of migrant workers. Secondly, Indonesian employment agencies were facing increasing competition from Filipino employment agencies. In response to these dual pressures agencies began to pay Indonesian migrant workers more while simultaneously shifting the burden of the placement fee from the employer to the migrant worker.

What happened was the creation of the current system where the MW receives a higher salary, but that salary is automatically deducted to pay for the placement fee, essentially leaving the worker with nothing. This system appeased the ICAC because the MWs were now being 'paid' at the minimum level more frequently. It appeased employers since the cost of the placement fee was now the responsibility of the worker. So while in theory the agencies began to pay workers more, they also began to place debts on the workers, effectively maintaining the system of underpayment rife amongst Indonesian migrant workers and instituting the current system of debt-bondage.

As was reported in the 2005 Underpayment report Directors of PJTKIs stated that Indonesian migrant workers who received below the minimum standard were those who were new migrant workers, still on their first contract. While the underpayment rate during the first contract is much higher than during subsequent contracts, workers still report being underpaid after their first contract. Typically, the employment agency asks the migrant to tell anyone who asked that they received the full salary, and new migrant workers are often scared to talk fearing they will jeopardize their job. This is especially true if they have not yet finished paying the agency fee.

Also previously reported was that the standard recruitment fee was increased in 1999, a move

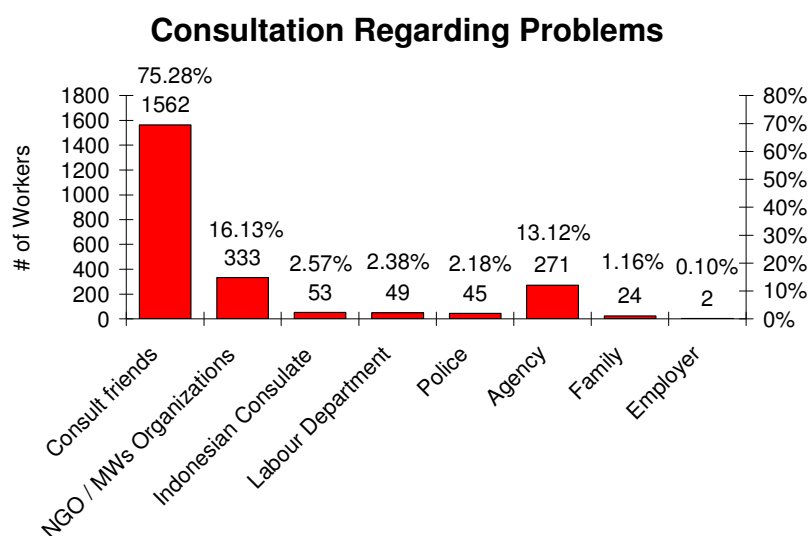
largely influenced by Indonesian Manpower Services Association (APJATI). A letter from to the Department of Manpower and Transmigration, dated 18 May 1999, pointedly requested an increase in recruitment fees to HKD 18,000 per worker. The government promptly acquiesced, informing the association in a letter dated 21 May that the recruitment fee for all migrant workers leaving Indonesia would be set at IDR 17,845,000. All of this is happening while the Hong Kong law states that agencies can not charge more than 10% of the first month's salary as an agency fee.

Obviously there is a huge discrepancy between the Hong Kong and Indonesian regulations. Hong Kong regulations designed to provide some protection to migrant workers, albeit under-enforced regulations; and Indonesian regulation are designed to enrich the employment/recruitment agencies.

Even though the Indonesian government sets the maximum fee at the already excessive rate of IDR 17,845,000 it is still routinely exceeded by employment agencies. These fees are paid by both the worker and employer through both salary deductions and lump sum fees, with the amount varying depending on the agreed-upon wage. The fee goes to the Hong Kong branch of the employment agency and to the APJATI to pay for the 'costs' of training camps, medical exams and travel documents.

5.9 Consult With

In light of the fact that MWs are often not informed of their rights by their agency when problems do occur, they must consult with someone about the situation. When there are problems with the employer the MW may consult with many different people. The most common person for workers to consult is their friend, this is a choice of 75% of workers. The second most common person to consult with is NGOs for 16% of workers and the third most common is the employment agency for 13% of workers.



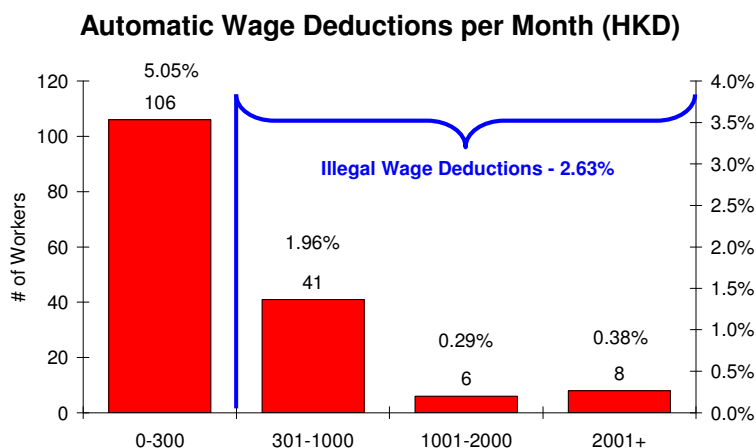
5.10 Salary Deductions

During daily use all items eventually wear out or break. Frequently migrant workers report that any breakage during daily work, whether it is washing dishes, cooking, washing clothes, taking care of the children, is considered the fault of the domestic worker and the replacement cost of those items will be deducted from their salaries by their employers. It is common for migrant workers to report that they must replace old clothes that rip during washing, or a dish that is broken during coking. However, according to the current Hong Kong employment ordinance migrant domestic workers should not pay more than HKD 300 per month regardless of the price of the item that was damaged. Unfortunately lax enforcement, a lack of information available for migrants regarding their rights and greedy employers all contribute to the continuing wage deductions.

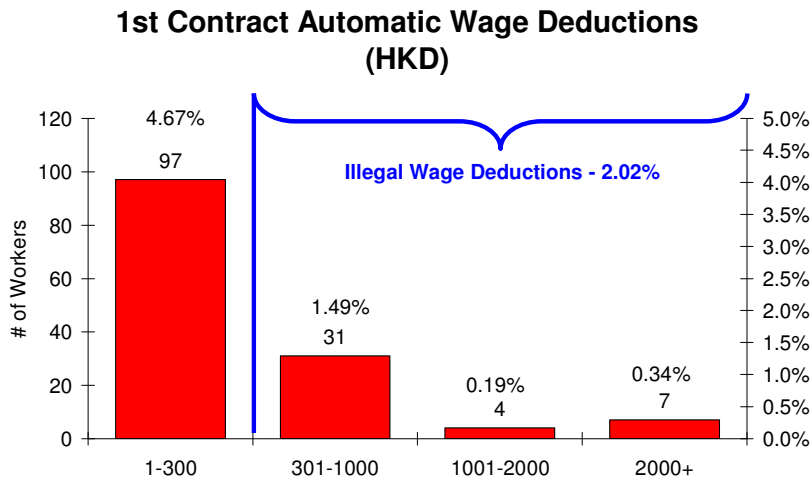
In our focus group discussions with MWs many MWs reported that they were always responsible for breakage, even if it was just an old shirt wearing out from normal wear and tear or DVD player that just happened to stop working while the MW was using it. They related that is was very common to have to pay for repairs to broken or damaged equipment. Even old clothes that tear during washing must be replaced with new ones, one MW even told of having to replace a piece of old clothing with a brand new one that cost her HKD 500.

Automatic Wage Deductions

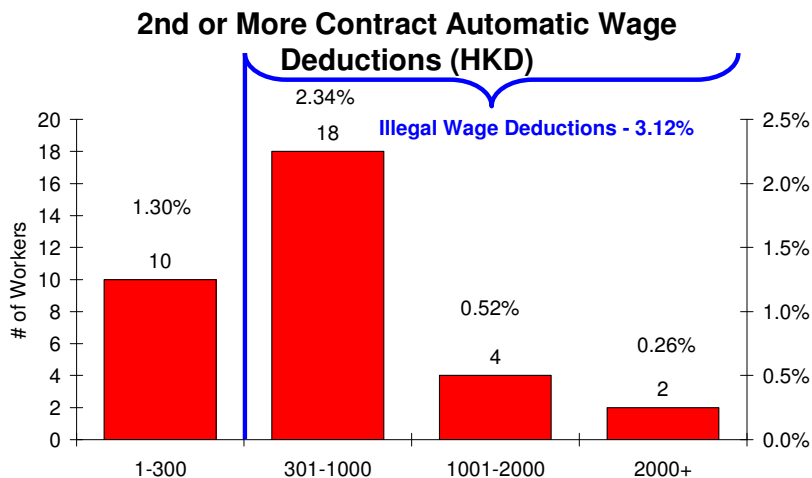
7.7% of employers used automatic wage deductions for items that were damaged during daily use. Of those that did have automatic deductions the average automatic wage deduction, not including any agency fees, is HKD 457 per month. The most common amount deducted from those that had deductions is HKD 200 for 17% of workers, the second most common amount is HKD 300 for 12% of workers and third most common is HKD 100 for 10% of workers. Amounts deducted ranged from HKD 15 to HKD 3300.



During their 1st contract 7% of workers had automatic wage deductions for an average of HKD 431 each. The most common amount deducted, from those that have deductions, during the first contract is HKD 200 by 18% of workers.



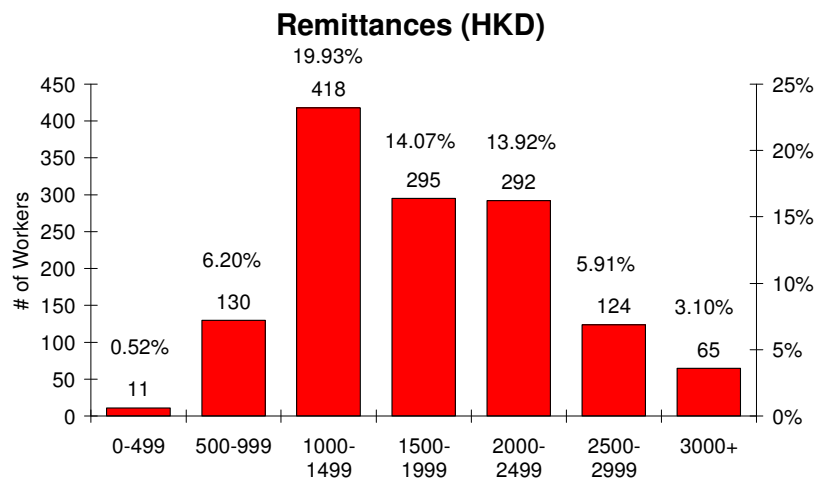
During their second or more contract 4.5% of workers have automatic wage deductions for an average of HKD 703 each. The most common amount deducted, for those that have deductions, during the second or more contract is HKD 500 by 25% of workers. So fewer workers have automatic wage deductions on their second or more contract, but for those that do the average amount paid is more.



5.11 Savings and Remittances

As shown earlier the vast majority migrant domestic workers in Hong Kong are supporting dependants back home. To support them they must send money back home. While some migrants carry their cash home with them, this is a very dangerous practice as they are frequent targets for extortion and robbery during their journey home. Increasingly MWs are remitting money home through banks and other financial institutions and formal channels.

64% of Indonesian migrant domestic workers in Hong Kong formally remit money home. The most common amount of money remitted home each month is HKD 1000 by 18% of workers. The second most common amount is HKD 2000 each month by 14% of workers and the third most common amount is HKD 1500 by 12% of workers. The smallest amount remitted each month is HKD100 and the largest is HKD 3000. The average amount remitted home each month, for those women that do remit money, is HKD 1535. The average amount remitted home each month for all women including those that do not is HKD 982.

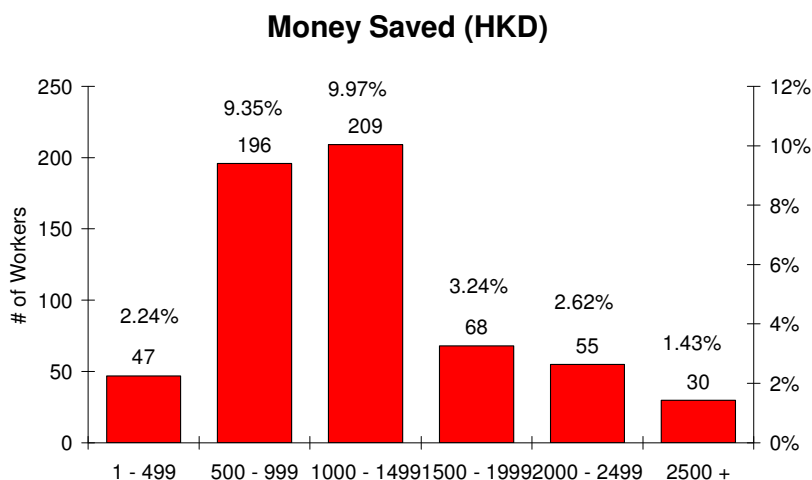


Money Saved

In addition to remitting money home migrant workers also save money in personal bank accounts. Savings in personal accounts is a vital step migrants must take if they want the money they earn abroad to provide a sustainable income and way of life upon their return home. All migrant workers in Hong Kong will eventually have to return home. Remittances home help support the family, but often are

primarily used to fund daily consumption. By saving money in personal savings accounts, migrant workers can save and plan for future investments. By investing in business opportunities at home MWs can establish a sustainable income for them and their family when their time as a migrant worker is done.

29% of MWs saved money in personal accounts. The average amount saved each month in a personal bank account for all workers, including those that don't save is HKD 982 per month. The average amount saved each month for those that do save is HKD 1534. The most common amount saved is HKD 1000 by 10% of workers, second is HKD 500 by 8% of workers and third is HKD 1500 by 3% of workers. The least amount saved each month is HKD 100 and the most is HKD 3270.



5.12 Contract Renewal

Standard contracts are for two years and all contracts expire and must be renewed. According to Hong Kong law, all domestic migrant workers are entitled to a two week, 14 day, annual leave and a return air ticket to be provided by their employer when their contract expires.

Unfortunately once again, Hong Kong and Indonesian laws are contradictory. Indonesian law requires MWs to return home for 30 days to renew their contract. Many employers are unsatisfied if their domestic workers take their annual leave for more than 14 days. Consequently, many employers hire another domestic worker instead of waiting for their domestic worker to return to Hong Kong. The Indonesian government's 30-day forced repatriation to renew a contract puts the migrant workers in a situation where they face losing their jobs, which means they would have to go through the entire migration process again and spend even more money on placement fees.

In an interview with the Indonesian Department of Manpower, the agency responsible for the migration process, officials defended this forced month long repatriation because it is important for migrant workers to unite them with their families and make an easier adjustment for when they eventually return home permanently. They say it usually takes three weeks for the returning migrants to overcome their culture shock, which is hard to believe as the migrants are returning home, not going to a new place. The Department of Manpower officials continued to justify this by saying that there have been cases of women rejecting their husbands upon their return, creating social problems in Indonesia that they wanted to avoid. It is through statements such as these that it is easy to see that the Department of Manpower officials are not at all concerned with protecting migrant workers, but ensuring that these women, newly empowered by their independent income, remember their place in paternalistic Indonesian society.

According to the 2005 AMC Underpayment report the Indonesian government cites the pretext of monitoring for the purpose of migrant protection as a reason for the minimum 30 day stay requirement in the case of a contract renewal. Another reason by the government is preservation of the relationship between a migrant worker and her family. Inherent in this regulation are the gender-biased assumptions that domestic workers must consult with male family members before and after working, and that they may be tempted to experiment with homosexuality while working away from their husbands. In addition to monetary costs, these policies send negative messages to the worker about her self-worth.

Also detailed in the 2005 Underpayment report is that the Indonesian government and PJTKI are fully aware of the struggles a migrant worker must endure to renew their contract. Indeed, the evidence would indicate that they have collaborated against workers to not only sanction such bureaucratic difficulties, but to profit from them as well. The process of contract renewal has been structured so that migrant workers have little alternative but to rely on the very institutions which are exploiting them. Nowhere is this more evident than in the difficulties faced by migrant workers attempting to renew contracts independently, without a broker or agency.

According to Indonesian law all ‘informal workers’ i.e. migrant domestic workers must return to Indonesia to renew their contracts regardless of where they are working. The Protection and Advocacy section of the Indonesian Department of Manpower and Transmigration enforces this requirement. They require migrants to return to Indonesia for contract renewal under the pretext of monitoring and protecting the migrants. However, this pretext comes at a high cost to the migrant, who must cycle through the entire system of government regulations and employment agencies again with all of the associated excessive fees.

The forced repatriation of Indonesian migrant workers by their own government for the purported purpose of renewing their contracts has severe consequences for the migrant worker financial and otherwise. This highly exploitive process was documented in AMCs 2005 Underpayment report and is reproduced below.

In order to renew their contracts, workers must once again be processed through the Hong Kong branch of the employment agency that first hired them. The employment agencies often require additional fees for renewing the contract. In Hong Kong contract renewal fees are set at a reasonable standard (no more than 10% of the worker's first monthly salary), the same rate as the original agency fee standard. Unfortunately that standard is rarely enforced by the Hong Kong government and once again relies on the workers themselves to report abuse while taking little or no proactive action.

In 1999, the Indonesian government approved a contract renewal fee of HKD 5,500, which was summarily violated by most PJTKIs, who would charge workers anywhere from HKD 3,000-13,000. After a restructuring of the Indonesian Labor Ministry in October 2000, a new policy, fought for by migrant workers and meant to bring the fees in line with Hong Kong policy, stated that contract renewal fees could not exceed 10% of the worker's initial monthly salary. Again, this directive was breached by PJTKIs, who continued to ask for fees between HKD 3,000-7,000. The current policy, initiated after yet another leadership change at the Labor Ministry, forces agencies to only charge 10% of the initial salary. This policy also imposes a mandatory minimum stay of 30 days upon migrants' return to Indonesia following the termination of their contract. It is still unknown how the new migrant protection agencies BNP2TKI will address these issues.

Employment agencies continue to overcharge workers for contract renewal. Further on you will find just how much they are overcharging. Virtually all MWs renewing their contracts paid more than Hong Kong's legally mandated 10% of salary limit for contract renewal fees.

According to an AMC interview with the consul-general of Indonesia, originally reported in the 2005 Underpayment report, Indonesian labor laws concerning migrant workers generally favor the employment agencies because the agencies pay large amounts to the government in licensing fees. A license to operate an Indonesian employment agency in Hong Kong requires a deposit of around HKD 50,000 at the Indonesian consulate. A license to deploy workers abroad from an Indonesian PJTKI is around HKD 500,000, payable to the Labor Ministry. According to the consul general, there are around 180 employment agencies in Hong Kong, and more than 400 PJTKI in Indonesia. Were the government to make it easier for Indonesian migrant workers to renew a contract independently, it might threaten the income provided by employment agencies and.

Upon arrival in Indonesia, migrant workers are forced to use the special, migrant workers only, Terminal III in Jakarta. Workers or their families are often pressured to pay exorbitant bribes to various officials before they leave the airport. Services provided at terminal III from ground transportation, to money changers, to travel agents are all designed to extort money from returning workers. MWs families are also not allowed to simply pick-up returning MWs at the airport without paying exorbitant fees. The excuse behind forcing returning MWs to use the special terminal III is to protect MWs upon their return home. Unfortunately terminal III is just another step on the long road of extortion for the migrant worker.

In addition, of course, is the pressure to not return empty-handed after working abroad. Even if they are only returning for a short while, workers feel obliged to bring money and gifts for their family and friends back home.

Hong Kong is unique as it is the one destination country where Indonesian MWs do have the right to renew their contracts through the Indonesian consulate. In theory, a migrant worker attempting to renew her contract independently should be eligible for the consular endorsement necessary to continue working. But in practice, respondents for the 2005 Underpayment research reported that they were unable to get consular endorsement without first getting the endorsement of the Hong Kong employment agency in partnership with the PJTKI that first dispatched them from Indonesia. Workers who attempt to navigate a contract renewal on their own are given a daunting list of demands not required of those who seek agency endorsement. Moreover, many employers will not give workers advance notice of whether or not they have decided to offer a contract renewal. Thus, migrants often find themselves with as little as two weeks to collect the necessary documents (the two week rule / grace period given to unemployed migrant workers in Hong Kong before they must leave).

One migrant worker recounted to us her experience with contract renewal. She had initially discussed contract renewal with her agency but decided to do it on her own through the Indonesian consulate in Hong Kong. When she went to the consulate with her employer she was initially not allowed to renew her contract. They said “In Hong Kong you need your agency to help you when you have finished your contract.” The migrant worker argued with the consular officials telling them that Philippine migrant workers do not need the agencies to ‘help’ them and were capable of renewing their contracts on their own. The consulate then told her that Indonesians could not speak English and would be confused by the Hong Kong Immigration department. After two hours of arguing the consulate still refused to renew her contract and she still refused to seek the ‘help’ of an agency. At this point this migrant worker threatened to go to the media, at which time the consulate swiftly allowed her to renew her contract. The total cost was HKD 700 when going through an agency usually cost between HKD 6,000 to HKD 7,000.

When a migrant worker’s contract is terminated, the worker must leave Hong Kong within two weeks due to the Two-Week Rule requirement. MWs are not allowed to change employer in Hong Kong, and thus have to undergo the entire recruitment process again in order to work for a new employer. As migrant workers have only two weeks to find a new job, they are under pressure to sign the first contract available to them, without the opportunity to secure a minimum wage and/or a favorable employer.

This very short, two-week, time frame also helps the employment agencies exploit the MWs through the contract renewal process. As the time frame does not give the MW enough time to assemble all the documentation required by the Indonesian consulate the MW is left with no choice but to go through the agency system again. As originally published in the 2005 Underpayment report MWs must

collect the following to renew their contract at the Indonesian consulate in Hong Kong:

1. A letter from APJATI

Employment agencies will discourage migrant workers from attempting to navigate a contract renewal on their own, which is exactly why it is so absurd to request that a migrant worker obtain a letter of approval from the association of Indonesian PJTKIs / employment agencies. Some migrant workers have as little as two weeks to request this document, a window of time sufficiently short enough for APJATI to delay such a letter.

2. A letter of ‘permission’ from a husband or parent in Indonesia, endorsed by a village leader

Again, a two-week period of time is not always sufficient to request and receive such documentation from abroad. Many migrant workers’ families live in rural areas with infrequent or inefficient postal service. In addition, the endorsement of a village leader will often require an homage, or fee, thus adding to the already sizeable list of expenses incurred by contract renewal. Finally, in assuming that she must obtain her husband’s and/or parent’s permission to continue to remain employed abroad, the agencies and government bodies provide yet another example of the institutionalized gender-bias that a migrant worker must endure. By demanding the permission of a husband or parent, the Indonesian government takes the power over the migrant worker’s life away from her and gives it to other people.

3. An agreement, drafted by a solicitor, which must be signed by the employer

The purpose of this agreement is so that the employer establishes that he or she accepts full responsibility for the migrant worker in the eyes of the consulate. A migrant worker renewing her contract through an agency would be considered to be the responsibility of the agency by the consulate. This is, in essence, an attempt by the Indonesian consulate to deny responsibility for the welfare of the worker, despite her status as an Indonesian citizen. Because employment agencies will rarely accept responsibility for a worker in need of help, the consulate is, in effect, ‘washing its hands’ of the situation. As before, the time limitations make it difficult to obtain this documentation in the necessary time. This additional obligation, and expense, to the employer may prompt him or her to consider hiring a new worker rather than attempt to renew the contract.

4. A certificate of a medical check-up

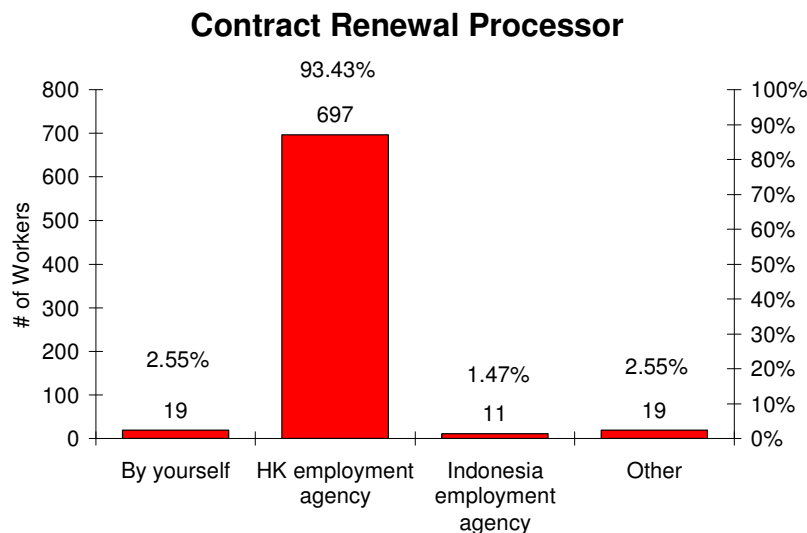
As before, time limitations and costs associated with obtaining a medical certificate in addition to all of the other requirements hamper the MWs ability to fulfill

this requirement. In addition, most workers are unaware of how and where to get a medical exam in Hong Kong.

The above unfair requirements are only imposed on MWs that attempt to renew their contracts on their own, through the Indonesian consulate in Hong Kong. For any migrant worker that wants to renew their contract through the agency system, these requirements do not apply. Indeed, many workers who have pursued independent contract renewal reported to AMC that they were treated rudely by counter staff at the Indonesian consulate who used rude language when speaking to workers. Unfortunately as we have seen the alternative contract renewal through the agency system, is an even more highly expensive, exploitive and harmful system.

Contract Renewal Processor

Of the vast majority of migrant workers that have already finished their contract, and wanted to renew their contract, 93% processed their contract renewal through the Hong Kong employment agency. 3% processed it themselves through the consulate and 1% processed it through an Indonesian employment agency. 3% of MWs reported that they had some type of difficulty renewing their contract.

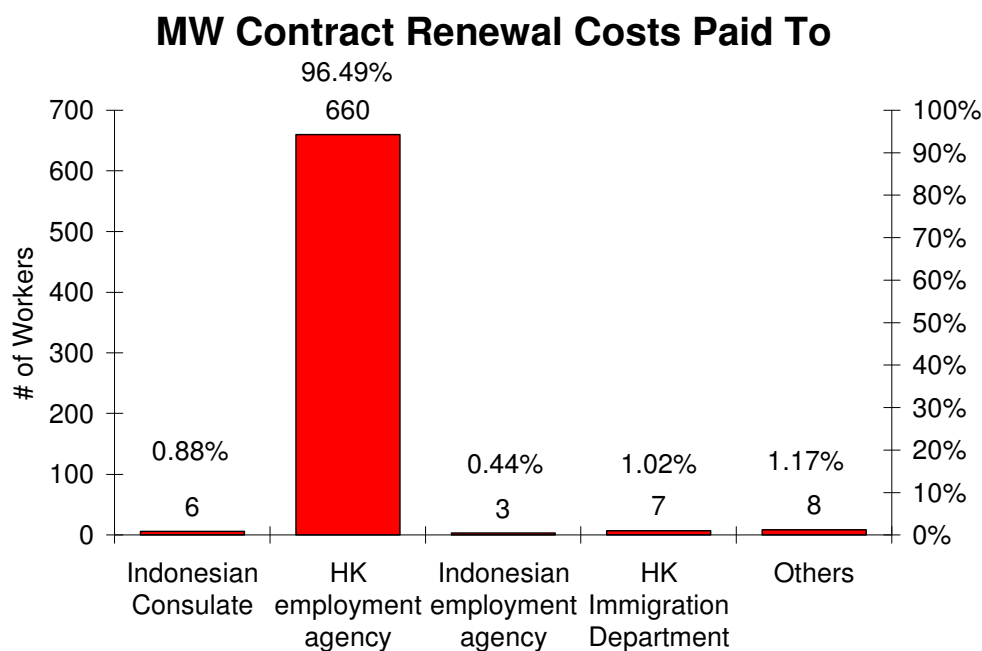


Contract Renewal Costs

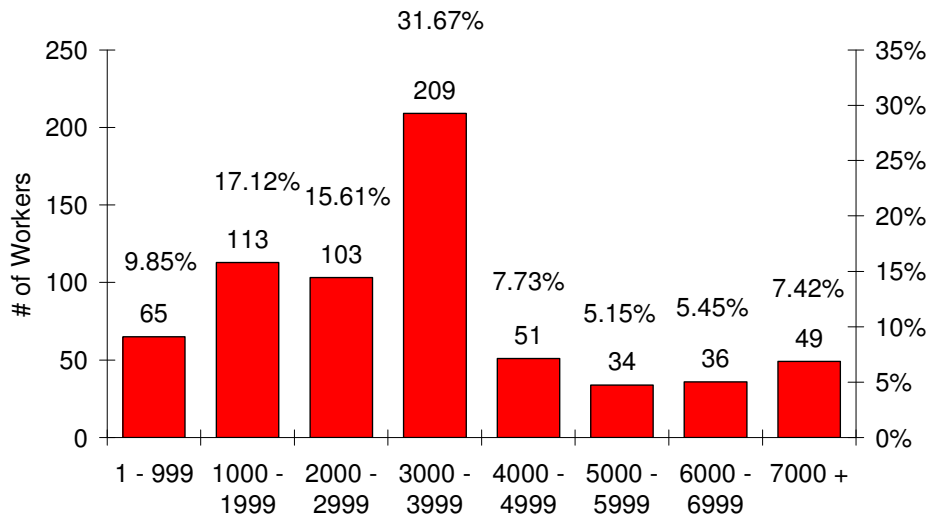
For every contract renewal there are the associated contract renewal costs. 96% of MWs paid contract renewal costs to the HK employment agency at an average amount of HKD 3,598 each. The

amounts paid to HK agencies varied from HKD 200 to HKD 21,000 with the most common amount paid being HKD 3,000. Of those workers that paid contract renewal costs to the HK employment agency 27% paid HKD 3,000. The second most common amount paid is HKD 2,000 for 9% of workers and third most common is HKD 1,500 for 8% of workers.

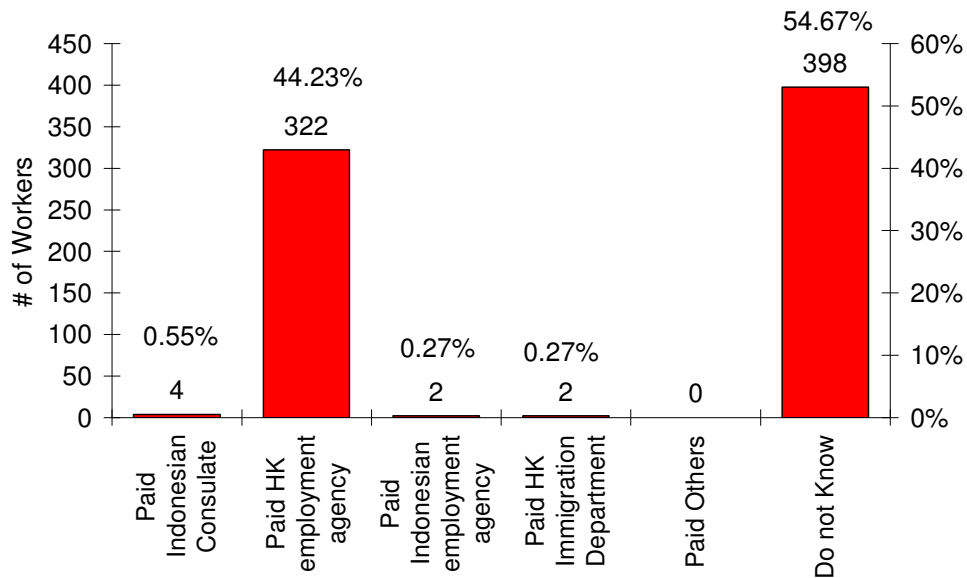
In addition to workers having to pay contract renewal fees, employers have to pay these fees as well. For those workers that know what their employer paid for the contract renewal the most common payment was to the HK employment agency by 55% of employers at an average amount of HKD 2,510. Amounts paid varied between HKD 100 and HKD 12,000 with a payment of HKD 2,000 by 22% of employers that paid being the most common. Second most common is for 20% of employers who pay to pay HKD 3,000 and third most common is for 12% of employers to pay HKD 1,500.



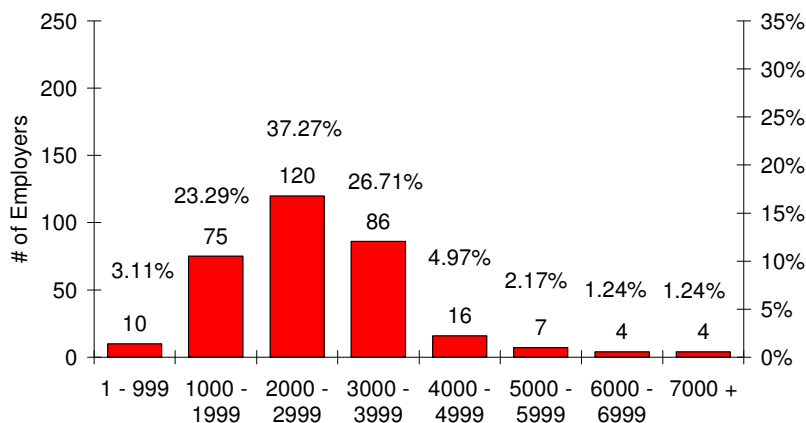
Amounts MWs Paid to HK Agencies for Contract Renewal (HKD)



Employers Contract Renewal Costs



Amount Employers Paid to HK Agencies for Contract Renewal (HKD)



Box Story

Name: Indonesian Migrant Worker “4”

From: Salatiga, Jawa Tengah, Indonesia

I first worked in Malaysia for 2 years. After that I worked for 6 months in Hong Kong. I originally wanted to work in Hong Kong but at the time there was the SARS outbreak so I went to Malaysia to work instead. My sister had already worked in Hong Kong and she is the one that first told me about working in Hong Kong. My sister told me if I work in Hong Kong then I get more money and I get holidays.

I was in the first (prior to going to Malaysia) training center for 3 months before departing for Hong Kong. The training center was ok. There was enough food, it was clean and there were around 300-400 women there at that time. We all slept on the floor and there were only 12 bathrooms which were not enough. I was not allowed to leave the center.

After working in Malaysia for 2 years I went back to Indonesia for 5 months. I was in the 2nd (prior to going to Hong Kong) training center for 3 months. This training center was

good, better than before. There were about 300 women and 20 bathrooms. It was a clean, large place. Once again I could not go out of training center. At this training center I was taught cooking, Cantonese, how to take care of the elderly, the baby, cleaning, washing the car and ironing.

I arrived in Hong Kong on March 23, 2006. I was able to read and sign my contract. I kept my passport and my employer kept the contract. There was an agency fee of HKD 21,000 which was to be paid for seven months. I was paid HKD 3,320 per month and HKD 3,000 went to the employment agency. I paid the agency myself at the bank.

I spent 6 months with my employer. I got 2 days off a month but no public holidays or other holidays. My daily tasks were to take care of the children, cleaning, cooking and ironing. There were 2 children of 5 and 9 years old. I had to wash the car once a week. I had to teach the children singing and English every day. My employers, if they were angry with their children they were also angry with me. Sometimes the employers were nice, sometimes not.

After 6 months of work I was terminated. I do not know why. I found out my employer wanted to replace me and had contracted a new domestic worker. I confronted my employer before this happened and my employer said she would cancel the new worker. However, one day I woke up and the employer told me to gather my things and sent me to my employment agency. Usually my employer got up at 11am, one day she woke up and told me to prepare my things and brought me to my agency. The employer paid me HKD 3,000, one month's salary since there was no notice but the agency took it and made me sign saying it had been paid. I was fired on September 18, 2006.

The employment agency told me that they would look for a new employer and that I would have to pay another 7 months of salary deductions for a total of 14 months of salary deductions. The employment agency told me they could not find me a new employer unless I paid the additional 7 months so I left and looked for a new employment agency.

I found a new agency where I would have to pay them HKD 3,000 and they said I could pay them after I was employed. I slept at the agency but had to pay HKD 30 a day to stay there, my friend gave me money to pay. I stayed at the employment agency for around 2.5 months. This was at the agencies boarding house where there were 3 more people. While at this agency I wanted to find another agency to help me find an employer faster. This agency would not let me go out but I snuck out and looked for a new agency.

This second agency held my passport and contract. They told me that in November an employer wanted to try me part time but that my visa had expired and that I should go to China to extend my visa. On October 1st I went to china to extend the visa because my two weeks post termination time had run out. I paid for the trip myself but I came back in on the same visa, so the trip did not help. The immigration still had my visa listed as if I was with my employer.

I went back to china again on October 2nd to re-enter on a different visa. The immigration officer did not ask me anything and gave me the same visa as before which would be good until 2008, but only if I was still employed but I wasn't. I told the immigration officer that this visa was not possible because I was terminated and I asked if I could get the other [visitor] visa. That officer sent me to another immigration officer. That officer wrote in my passport that I had until October 22nd 2006 to stay in Hong Kong but they did not stamp it with a new stamp. I then went back to the agency.

The agency said I would get a new contract, that an employer wanted me, but the truth is no employer appeared. So on the 21st of October they sent me to China again. This time Hong Kong immigration wouldn't let me enter china. They told me that the next day I should go to the Wan Chai immigration center. However the next day was 22nd and I couldn't go since it was Sunday, so I went to the immigration center on the 23rd.

At immigration they told me to return to immigration on November 2nd however this time I had to go to the Kowloon bay center which is another immigration office. I went to the Kowloon Bay office on November 2nd. Immigration interviewed me and they told me that every two weeks, on Thursday, I had to go to Kowloon bay to report. They took my passport and ID card and gave me a letter.

They then told me that I had overstayed my visa. I was given a court date for January 2nd. I continued to report every two weeks but I forgot that January 2nd was my court date. I went on January 3rd instead. The court was in Sha Tin and they asked me is I was guilty or not guilty. I said that I was not guilty so they set the next court date for the 18th but took me straight to the jail in the meantime. The only way people knew I was in jail was because I had taken a friend with me that day.

On the 18th, my court date, one person did not show up and since I continued to claim not guilty the court date was postponed until the 29th of January. I had an interpreter but the immigration interpreter that took my previous statement was the one that did not show up. On the next court date of the 29th the interpreter still did not come. At that point my lawyer

took me to a separate room and the lawyer told me that if I say guilty he can help me but if I say I am not guilty he can not help me. He said if I say guilty maybe I will only live in the jail for 3 or 4 months again. He said if I say not guilty and then I am not the winner I might be in the jail for more than one year. The lawyer asked me to say I am guilty. He said 'it is better to say you are guilty then you will just live in the jail for three months.' but I did not say guilty because I am not guilty.

I still continued to say not guilty. Then the judge then said that I am not a problem and that I could go home, that I was free. I had been charged with making false statement to immigration and overstaying but now I was free.

I was supposed to go back to the immigration office on 30th for my passport but they refused to give it back to me and made me sign a paper saying that they could destroy my passport and asked me to get a travel document from the Indonesian consulate. They told me that if I wanted to come back to Hong Kong I could not use this passport and would have to get a new one. [This probably was because her passport was forged by the employment agency with a false birth date before she left Indonesia]

In jail I had to clean in the morning, then there was breakfast, then time to watch TV, read, study, then bathing, then more reading time. At 4:30 we ate dinner, 1:00 was lunch. Breakfast was rice with vegetables, lunch was congee, dinner was rice with vegetables and sometimes meat and fruit. From 8pm on we were free until sleeping time at 11. Some people were working in the jail, they paid HKD 4 dollars per day, HKD 120 a month. The jobs available were cleaning, sewing, laundry and cooking. All work was for the jail.

I want to return to Hong Kong and work again. This was not a success and I want to do better than before. I will be careful when I look for the new agency, for a good agency. I want to ask the Hong Kong Immigration department why they do not buy a ticket for me to go home when they know I only worked for 6 months and the termination was not my fault. Also, I want to ask why they would not give me my passport and ID back when this is not my fault.

I think that the Hong Kong government needs to check the agencies because many of them are not good. The agencies tell the employers it is ok if they terminate their workers. The agencies tell the employers "Don't worry I will find you a new one." The agency gets 7 months salary, so the agency will help employers terminate because they get the 7 months salary again. The winner is always the agency. We want to work but we can not

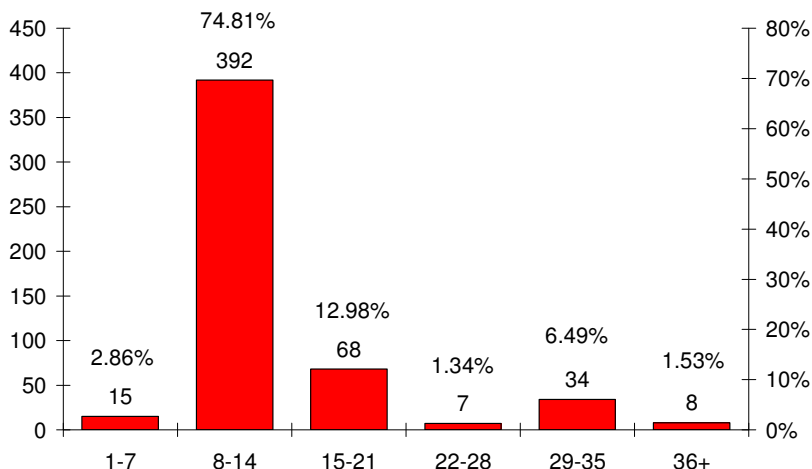
do anything and after 7 months we don't have any money, just working but not getting paid.

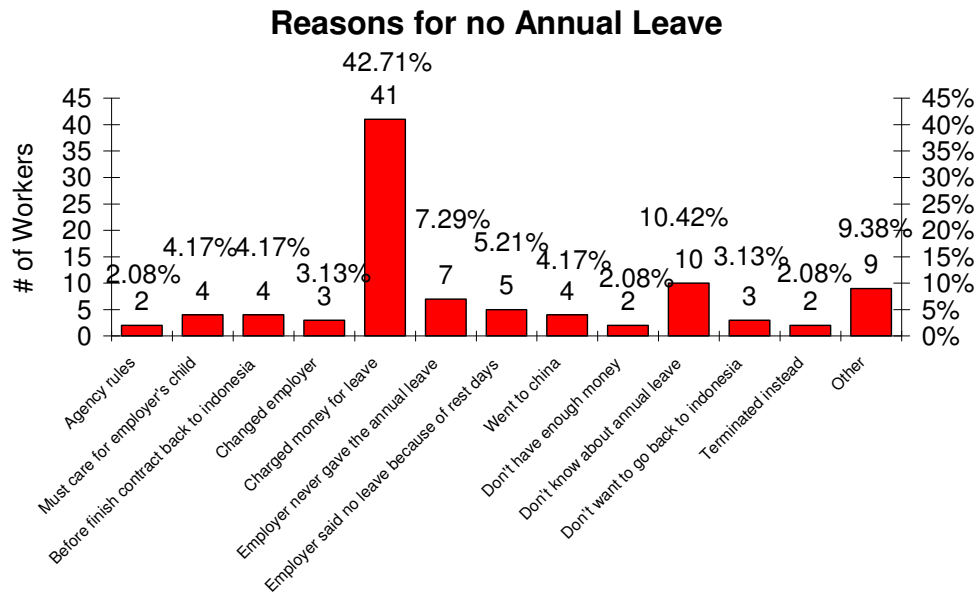
I will tell my friends that someone who works in Hong Kong is lucky and also unlucky. Some workers are underpaid, some employers are good. I will tell them the truth. My sister worked for 2 years and was underpaid for 1.5 years but she called the labor dept and then got the full salary. I learned about KOTKIHO and IMWU after termination. A friend of mine gave me the phone number of IMWU, I called and someone answered. I am very lucky to find the KOTKIHO shelter. They gave me support.

5.13. Annual Leave

According to Hong Kong law, all domestic migrant workers are entitled to a two week, 14 day, annual leave and a return air ticket to be provided by their employer. 33% of workers did not receive their annual leave, 67% did. For workers that did receive annual leave the most common length of time for annual leave is 14 days for 70% of workers. Second is 21 days for 7% of workers and third is 30 days for 6% of workers. For workers that did not receive an annual leave the most common reason was because the employer would charge them/deduct wages if the worker took the annual leave, this was the case 30% of the time. The second most common reason was because the employer wouldn't allow the worker to take the annual leave, this was the case for 13% and third was because the worker did not know they were entitled to annual leave and this was the case for 10% of workers.

Annual Leave - Days





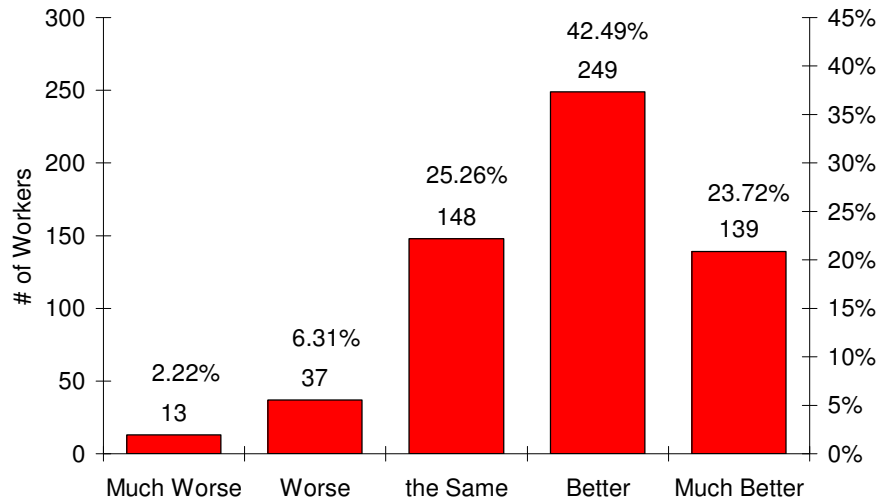
95% of employers paid for the workers plane ticket to Indonesia at the end of the contract.

5.14 Change

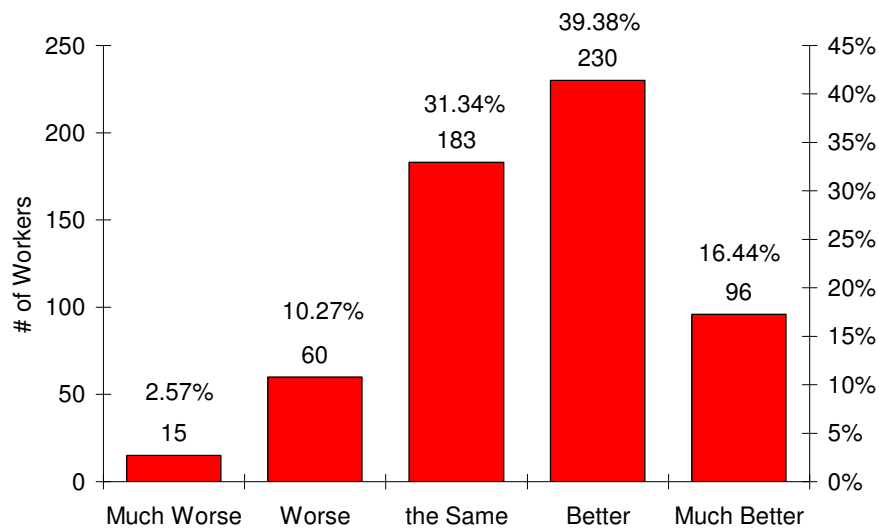
Approximately one-third of the MWs surveyed were on their second or more contract in Hong Kong. They were asked about their opinions regarding how their situation has changed since they were working under their first contract and to compare the two time periods.

66% of workers on their second or more contract feel that economically their situation has improved since their first contract. 25% feel that it is the same and 9% feel that it is worse. Physically, 56% feel that their physical conditions have gotten better, 31% think they are the same and 13% think they are worse. For social conditions 57% feel that their social conditions have improved. 32% felt they are the same and 10% feel they are worse. Regarding overall change, 49% feel that overall, things have gotten better since their first contract. 36% feel that they are the same and 14% feel that they are worse.

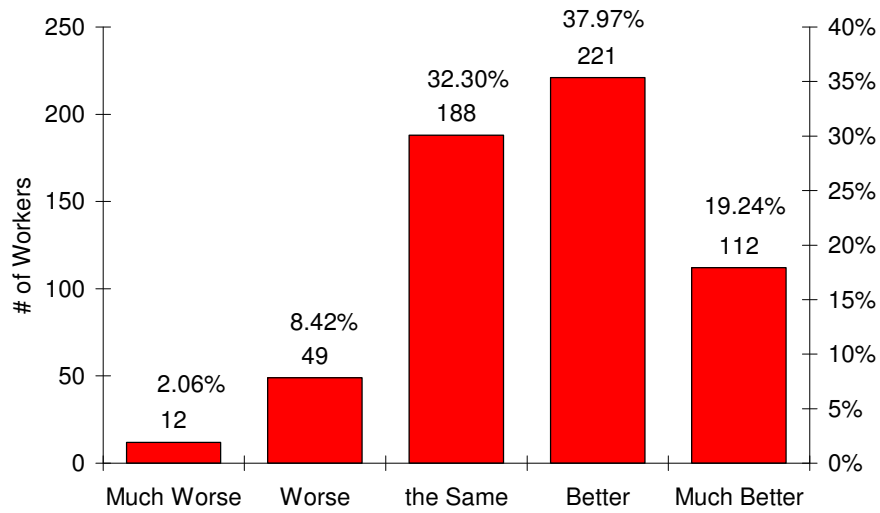
Changes in Economic Conditions



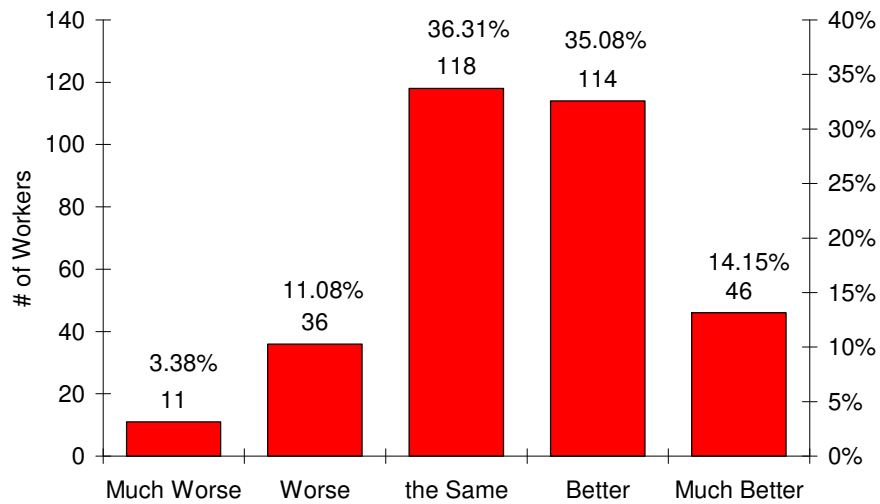
Change in Physical Condition



Change in Social Conditions



Overall Change



5.15 Repatriation

AMCs 2005 Underpayment report contains an in-depth study of the problems Indonesian MWs face upon repatriation and return to Indonesia. For more information please see the previous 2005 Underpayment report which can be found online at www.asian-migrants.org. Issues surrounding repatriation and return were not explored in this survey.

Chapter 6: Conclusion

With the continuing economic stagnation in Indonesia resulting in an economy that is essentially creating no new jobs an increasing number of workers are looking overseas for employment. Coupled with Indonesia's persistent poverty and Hong Kong's continuing economic growth every year Hong Kong becomes a destination for an ever growing number of Indonesian migrant domestic workers.

It is not just economic factors that push and pull migrant workers to domestic work in Hong Kong. Persistent discrimination against women in Indonesia and a culture of domestic wage work that already exists in Indonesia both lead women into migrant domestic work. At the same time there is the impression that there is more personal freedom and progressive laws for migrant workers in Hong Kong that draws workers to Hong Kong.

Since the push and pull factors of migration both out of Indonesia and in to Hong Kong continue to be very strong there continues to be a large supply of workers ready, willing and able to risk the migration process in the hope of securing a better life for themselves and their family through migrant domestic work.

Despite the existence of protective legislation in Hong Kong and the creation of a new agency in Indonesia to protect MWs it still is relatively easy for employment agencies and individual employers to thwart laws designed for worker protection and problems persist throughout the migration cycle.

The unfortunate fact is that most frequently occurring problems have not changed since the publication of the 2005 Underpayment report. At that time the problems were, and they still are:

- ✈ At the point of pre-departure the lack of information provided by brokers, the length of time spent at the training camps, the establishment of a workers debt-bondage and lack of pay for work done while at the training camps
- ✈ During the time spent working in Hong Kong the main problems are underpayment, contract violations, under enforcement of HK laws, verbal abuse, and early termination
- ✈ On returning to Indonesia the main problems that Indonesian migrant workers encounter are illegal charges, extortion, and bad treatment on arrival at the airport and forced repatriation and more excessive fees for those returning to renew their contracts.

The above problems continue to be caused by:

- 1) No proper regulation and control of the recruitment agencies' operations to prevent over-charging of agency fees. Consequently there are continued illegal practices committed by

Indonesian recruitment agencies, i.e. PJTKI, in collaboration with Hong Kong Employment agencies. For instance, there is very little or no indictment or punishment of abusive recruiters. There is very little or no blacklisting, revocation of license, spot inspections or investigations of recruitment agencies based on complaints by MWs, NGOs and or unions. There has been no adoption of code of practices or other combination of measures that can help alleviate the problem.

- 2) Flawed and exploitive Indonesian regulations on recruitment and placement process;
- 3) Poor monitoring of officials' conduct and inefficiency in law enforcement in both Indonesia and Hong Kong.
- 4) The discriminatory policy imposed by the Hong Kong government such as New Condition of Stay (NCS) and Two Week Rule Policy;
- 5) Insensitivity and limited training for government officials in Hong Kong and Indonesia on this issue;
- 6) Lack of information available to migrants concerning their legal rights in Hong Kong;
- 7) The absence of a bilateral agreement between Hong Kong and Indonesia protecting the MWs and based in human rights principles;
- 8) Policies and practices of both the Indonesian and Hong Kong governments and recruiters that are not consistent, or out right violate, international UN and ILO standards, specifically MWC, CEDAW, CERD and ILO conventions No. 143 & 97; relevant UN Committees have already issued reports criticizing the HK government about these discriminatory policies or practices.
- 9) Continued absence of institutional mechanisms in Hong Kong and Indonesia for consultation and representation of MWs to jointly address these problems and carry out solutions. For instance, after the 2005 research and dialogue with the HK Permanent Sec for Labor, IMWU, KOTKIHO, CMR and AMC proposed, and the Secretary endorsed, the creation of a multi-partite regular committee where the MW unions (e.g. IMWU), HK government representative, Indonesian consulate representative, migrant NGOs and employers' representative sit down and regularly discuss and find solutions to the problem.
- 10) Weakness in the migrant domestic worker employment contract – e.g. lack of regulation of work hours, lack of provision on “due cause” in terminating the MW. At present, employers

can easily and unceremoniously terminate a MW by whim, and even by making false accusations (e.g. theft, laziness, etc.). As in companies/offices, the MW contract should be strengthened so that employers have to demonstrate due cause in terminating the worker.

- 11) Lack of redress services and channels of assistance, and unfair policies, in cases of abuse and termination – e.g. shelters, counseling services, hotlines. MWs with complaints and/or cases that are being processed are also prohibited from working during this time, thus discouraging them from revealing the abuses. In many instances, MWs with complaints are made to enter into a conciliation agreement with the employer, where only half or a fraction of the MWs' legitimate claims/benefits are granted. This is a form of institutionalizing and legalizing the employers' violation of the law, and encourages employers to continue with their underpayment practices,

The above underlying causes result to the specific problems of the Indonesian and other migrant domestic workers in HK, as revealed by the research. These underlying causes create the conditions of vulnerability and places MWs in a weak position, especially as women and domestic workers, to resist the abuses/violations and/or assert their legitimate rights.

As revealed by the research (e.g. denial of annual leaves and underpayment), the employer and/or employment agency can very easily threaten the MWs with being terminated, not paid, or sent back to Indonesia if they report the abuse or assert their lawful rights. Unless these causative factors are removed or reformed, the specific problems of MWs will persist, as we have seen for the past 30 years of MWs experiences in HK.

It is important that MWs in HK, especially the Indonesians, are well-organized and unionized, and that there are NGOs/support groups which provide crisis services/shelters/counseling, etc. It is critical, given the structural and policy problems, that there is a vibrant advocacy and MW movement that exposes the problems and seeks redress to those problems. These civil society interventions so far are the primary factors, that have lead the HK government to act on the problems and for the problems to decrease in intensity or prevalence (e.g. underpayment, lack of days off, excessive recruitment fees, physical/verbal abuses, etc.). Migrants' organizations and their advocates should continue to strengthen their leverage and this movement.

The HK and Indonesian government will greatly benefit (e.g. less administrative costs, abuses/problems and violations of the law) if they institutionally consult and work with the migrant domestic worker unions/organization to address the long-term structural and policy problems.

Chapter 7: Recommendations

In view of the above findings, we urge the governments of Indonesia and Hong Kong to take the following measures to eradicate abuse and violations experienced by the Indonesian migrant domestic workers in Hong Kong. Some of the recommendations have changed since the publication of the 2005 Underpayment report. The sad fact is that many of the recommendations remain the same as both governments have done little to better protect migrant domestic workers. Consequently the rampant exploitation both in Indonesia and Hong Kong of migrant workers continues.

7.1 Hong Kong Government

1. The Hong Kong government must take more serious action to stop the rampant practice of underpayment of Indonesian migrant workers in Hong Kong. In particular, conducting routine spot inspections of employers' homes, stepping up inspections of agencies, blacklisting abusive employers, and revoking the licenses of violating agencies.
2. The Hong Kong government must be more proactive prosecuting criminal violations by employers in accordance with existing Hong Kong law.
3. The Hong Kong government must create and implement practicable means for migrant workers to remain in Hong Kong for the duration of their civil and criminal proceedings, including providing migrants with the appropriate immigration visa and basic living allowance and/or the right to work so that they have a means to survive.
4. The Hong Kong government must recognize MWs unions as legal representatives who can file complaints on behalf of their union members.
5. The Hong Kong government must consult registered MW trade unions when amending terms and conditions in the standard MW employment contract.
6. The Hong Kong government must include MWs in the coverage of universal social security, such as the Mandatory Provident Fund (MPF).
7. The Hong Kong government must abolish the New Conditions of Stay, "2-week rule", and other discriminatory policies against MWs.
8. The Hong Kong government must negotiate bilateral agreements with all sending countries, including Indonesia, that protect migrant workers throughout the migration process.

7.2 Indonesian Government

1. The Indonesian Government must empower the newly created National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) to ensure the full protection of migrant workers in the deployment process, ensuring that they are consistent with international human rights standards. Currently BNP2TKI is charged with the protection of migrant workers however their authority or willingness to do so have both not yet been proven.
2. The Indonesian government must train and monitor officials to ensure the implementation and enforcement of regulations protecting migrant workers in Indonesia and abroad. To this end Indonesian consular officials need to begin to treat migrant domestic workers as citizens that have the right to protection and services from their government. This must include the provision of routine training, legal assistance and dissemination of information to migrant workers in the destination countries, including Hong Kong
3. The Indonesian government must begin to strictly monitor the compliance of recruitment and placement agencies to. They must take action against those agencies that violate regulations, including revoking their business licenses and prohibiting them from being granted new licenses; this is crucial to prevent their future operation and continued exploitation of migrants.
4. The Indonesian government must take serious steps to eradicate the fake issuance of travel documents by employment agencies; including monitoring and ensuring the proper implementation of regulations by immigration officials and coordinate with other countries to further address this problem.
5. The Indonesian government must update the current legislation with the following:
 - (a) A review of the role of the recruitment agency in preparing migrant workers for their deployment overseas, placing migrant workers, reducing the amount of fee charged by the agent, provide effective redress mechanisms in cases of violation of migrants' rights by the agents or the employers where the agents place the workers.
 - (b) The repeal of the clause in the current legislation requiring migrant workers to return to Indonesia to renew their contracts.
 - (c) The Indonesian governments' policies and practices are consistent with Hong Kong labor laws on agency fees and minimum wage. These policies should be enforced through sanctions against agency and consular officials charging illegal fees and rigorous audit of agencies.
 - (d) Strict policies to guarantee that agencies place Indonesian domestic workers in contracts that comply with the minimum wage requirement—offending agencies should be fully prosecuted and their licenses revoked.

- (e) The participation of migrant workers and their advocates in the process of formulating the new national legislation in line with the recommendations of the ILO Committee of Experts on the Application of Labor Standards.
- 6. The Indonesian Government must ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), ILO Convention No.97 Concerning Migration for Employment (Revised 1949), and Convention No. 181 Concerning Private Employment Agencies (1997).
- 7. The Indonesian government must create, fund and implement a comprehensive education program in conjunction with migrant workers' organizations and unions, national trade unions and NGOs in both sending and receiving countries, for prospective and returning migrant workers and their families that disseminates information on the realities of labor migration, migration processes and procedures, migrant workers rights, policies and laws in Indonesia and host countries, including Hong Kong, how to obtain assistance abroad and how to access economic alternatives to migration upon return. This is crucial so that migrants can make informed pre-departure and reintegration decisions.
- 8. The Indonesian government must negotiate bilateral agreements with all destination countries, including Hong Kong, that protect migrant workers throughout the migration process.

Glossary

AJASPAC	Association of Indonesian Recruitment Agencies for Asia Pacific
AMC	Asian Migrant Center
APJATI	Association of Entrepreneurs for the Placement of Migrant Workers
BKPTKI	A Non-Structural Entity, Coordinating Body for the Placement of Migrant Workers
BKOW	Coordinating Body of Women Organization
BP2TKI	Service Office for the Placement of Indonesian Migrant Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
Convention	A Formal Agreement, especially between countries, about particular rules
Depnakertrans	The Ministry of Indonesia Transmigration and Manpower, Jakarta
Deportation	A forced Return from one country
Disnaker	A local/rural branch of the Labor Ministry (Depnakertrans)
FOBMI	Federation of Indonesian Migrant Worker's Organizations
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICAC	Independent Commission Against Corruption (Hong Kong)
ICW	Indonesian Corruption Watch
IDEA	Indonesia Development and Employment Agencies
IDW Survey	Survey conducted late 2006 which is the basis for this report
ILO	International Labor Organization
IMWU	Indonesian Migrant Workers Union
Kepmen	Ministerial Decree
Kepmenakartrans	Ministerial Decree from the Labor Ministry (Depnakertrans)
KOPBUMI	The Consortium for Indonesian Migrant Worker Advocacy
KOTKIHO	The Hong Kong Coalition for Indonesian Migrant Worker's Organizations
LUK	Competency Test Body
MW	Indonesian migrant domestic worker in Hong Kong
MFA	Migrant Forum in Asia
MoU	Memorandum of Understanding
MUI	Indonesian 'Ulama' Council (council of Muslim leaders)
NGOs	Non-Governmental Organizations
Perda	Local Regulation
Perwada	Local Representatives Offices
Perwalu	Overseas Representatives Offices
PJTKA	Overseas branch/partner of an Indonesian recruitment agency (PJTKI)
PJTKI	Indonesian recruitment agency
POLRI	Police
PPTKLN	Placement and Protection of Indonesian Migrant Workers Overseas
SARS	Severe Acute Respiratory Syndrome
TKLN	Indonesian Migrant Workers Overseas
UN	United Nations
UU	A legal bill (i.e., Bill No. 39, UU PPTKLN)