

MIGRANT FOCUS

The Monthly Newsletter of The Mission For
Migrant Workers (Hong Kong) Society, Limited

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June-July 2008

*Suspend the Levy
for All Contracts
NOW!*



SUSPEND the
Levy for All
Contracts NOW
AMCB-IMA

立刻豁免新合
約的外傭稅!
AMCB-IMA

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Coordinating Body
Alliance
AMCB-IMA

Position of Service Providers on the Suspension of the Levy

Suspend the Levy for New and Ongoing Contracts



The AMCB held a picket-press conference last Tuesday, July 22, calling for the suspension of the levy for all contracts, meaning new and ongoing ones.

The recent announcement of Chief Executive Donald Tsang to suspend the levy on employers of foreign domestic helpers (FDH's) for a two year period to bring relief to people affected by it should be viewed as a victory for the migrant workers in HK. What is causing anxiety for the domestic workers, though, is the pronouncement by the Immigration Department that this will be implemented for new contracts only.


The recently announced suspension effective 1st September became a cause for grave anxiety and apprehension. It has threatened whatever job security foreign domestic helpers have.

As early as this time, even as the date of implementation is moved a month earlier, we already have received reports and complaints from foreign domestic helpers whose contracts are expiring this month (July), expressing fears of non-renewal of contracts simply because their employers are waiting for the effectivity of the suspension before hiring new helpers in order to escape from paying the levy. Moving the date of suspension a month earlier will not resolve the anxiety because early suspension of levy for new contract may mean early termination.

We call for the suspension of the levy to be implemented for all employers of foreign domestic workers. We further reiterate our call for the outright abolition of the levy - which hopefully be the conclusion of the suspension.

We maintain, as we have always have maintained, that the levy is a tax imposed on the foreign domestic helpers – whose income falls below the taxable income level -- by the Hong Kong government through their employers. The inability of the Hong Kong government to meaningfully use the levy is an indication that its imposition was an ill-thought of idea.

The direct and indirect contributions of foreign domestic helpers to the economy of Hong Kong could not be overemphasized. Foreign domestic helpers free their employers from household chores thus providing them the opportunity to be gainfully employed. They also contribute to the transport, food, telecommunication, garment, cosmetic and other industries as well to the government coffers through the levy and other government fees.

The billions of dollars accumulated by the HK government through the levy should be spent only after due and thorough consultation with the foreign domestic helpers. 

Twenty-seven year-old Eni Lestari, chairperson of the Association of Indonesian Migrant Workers a.k.a. ATKI and representing the Asian Migrants Coordinating Body (AMCB) during the recent founding assembly of the International Migrants Alliance (IMA), won the prestige of heading the Executive Committee of the IMA's International Coordinating Body (ICB) on June 16, 2008 at the YMCA Youth Village in Wu Kai Sha, Shatin, Hong Kong.

Lestari accepted the responsibility with humility and accepted the challenge on behalf of her fellow Asian domestic workers in Hong Kong. The experiences and strategies of the AMCB in building a solidarity movement of Asian migrants to push for better working and wage conditions served as a challenge for other grassroots organizations from other countries to expand their membership and build alliances with other migrants from other nationalities.

Other elected members of the executive committee include: Ufuk Berdan of ATIK-Europe, vice chairperson; Connie Bragas-Regalado of Migrante International-Philippines, secretary general; Teresa Gutierrez of the May 1st Coalition for Immigrant and Worker Rights-USA, deputy secretary general; and Tess Tesalona of Immigrant Workers Center-Canada, treasurer.

The ICB consists of 15 regular members coming from grassroots organizations and two associate members representing NGOs and migrant-serving institutions.

Seven regions were represented namely: Latin America, USA, Canada, South Asia, Europe, Middle East and Africa, and East Asia and Oceania. At the final tally, the IMA assembly gathered 167 participants representing 118 organizations from 25 countries.

According to Lestari, one of the major resolutions that were approved was the participation of the IMA in the International Assembly for Migrants and Refugees which will be held simultaneously with the Global Forum

On the historic founding of the first grassroots migrants alliance

AMCB spokesperson heads International Migrants Alliance




NOW WE SPEAK FOR OURSELVES. Eni Lestari of ATKI-AMCB (second to the right) leads the members of the International Coordinating Body of the International Migrants Alliance. Other members include (standing, left to right) Wahu Kaara of Kenya (associate), Ramon Bultron of Hong Kong (associate), Ufuk Berdan of Turkey, Connie Regalado of the Philippines, Tess Tesalona of Canada, Shiek Rumana of Bangladesh, Irene Fernandez of Malaysia, Sol Pajadura of Canada, Robyn Rodriguez and Teresa Gutierrez of the USA, Jose Gonzalez of Mexico, (seated, l-r) Ramesh Pandit of Bangladesh, Hsia Hsiao Chuan of Taiwan, Nhel Morona of UAE and Grace Punongbayan of The Netherlands..

on Migration and Development (GFMD) in Manila in October this year.

"The IAMR will challenge the anti-poor framework of development that the GFMD apparently pushes. We shall ensure that our position on issues of migrants will be registered and we shall work hard to pressure governments of sending countries to respond to our legitimate demands," Lestari said.

Other resolutions that were approved involved issues on job security, wages and rights; migrants on death row; rights

of domestic workers, recognition of domestic work as work, migrants under the *au pair* system and fundamental changes to the live-in caregiver program in Canada; the US-Led war on terror and its impact on im/migrants; HIV and Health; overcharging and debt bondage; and many more.

The major outputs were the finalization and approval of the Alliance's Basis of Unity, Constitution and General Program of Action which would provide the roadmap of what the IMA wishes to achieve for the next three years. 



From left to right: Legislator Leung Kwok Hung addresses the FMWU. Participants and guests in the GA. Norman Uy Carnay speaks at the assembly.

General Assembly of FMWU Chater Road held

Forty-one members of the Filipino Migrant Workers Union Chater Road Chapter (FMWU Chater Road Chapter) held their general assembly (GA) on the last Sunday of June at the David Kwok Room of the St. John's Cathedral in Central district.

Members of the organising committee and active members warmly welcomed their guests and friends.

Four of the executive officers of the FMWU national discussed the union's constitution and by laws as well as gave their congratulatory remarks to the assembly. They also served as the COMELEC during the election proper.

The occasion was also witnessed by the representatives of the FMWU National, FMWU Chater Garden, Friends of Bethune House, Asia Pacific Mission for Migrants (APMM), TransAsia Sisters Association, Taiwan (TASAT). Guest speakers Norman Carnay of the Mission for Migrant Workers (MFMW) and Leung Kwok Hung ("Long Hair"), a member of the HK Legislative Council came early to witness the event..

Eni Lestari of the Association of Indonesian Migrant Workers (ATKI-HK) gave her message while a message from Migrant-UAE was also delivered.

The inspirational speeches of the respected speakers revolved around the GA's theme, "Hawak-kamay, Patatagin at Palawakin ang Ating Unyon! Itaguyod Karapatan at Kagalingan ng Migranteng Manggagawa at Sambayanan! (*Hand-in-hand, Strengthen, & Expand Our Union! Uphold Migrant Workers' and Peoples' Rights & Welfare!*).

Long Hair also updated the body of the wage increase and abolish the levy campaign. He said that the wage increase is in a critical condition. The HK government, he said, is not keen on giving a substantive increase while some members of the LEGCO, including him, have already submitted a resolution for the abolition of the levy.

Migrants, Human Rights Groups Hold Asian Day Against Torture

The International Day in Support for the Victims of Torture was held in Hong Kong on June 29, 2008. This is to commemorate the United Nations Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment which was enforced on June 26, 1987.

Most of the hundreds who watched the activity were Filipino and Indonesian

The GA voted in confidence as their officers for the term 2008-2010 the organising committee members who were present and one member nominated from the body. The GA culminated with the oath taking of the nine newly elected officers.

The nine executive officers voted among themselves their respective designations on the following Sunday, namely: Chairperson - Diana delos Santos, Vice chairperson - Agnes Paz, Secretary general - Edna Bruno, Deputy secretary - Yolanda Balante, Treasurer - Elma Oliva, Deputy treasurer - Fely Inandan, Auditor - Lilia Pajarit, Public Relations Officers - Elena Puno and Nerida Turda.

migrant workers as it was held on their day off and in one of their congregating places. Others who took part were migrant workers from Thailand and asylum seekers in HK who come from different countries of the world.

Those who organized the activity include the Asian Human Rights Committee (AHRG); Hong Kong Christian Institute (HKCI); Asia Pacific Mission for Migrants (APMM); Asian Migrants Coordinating Body (AMCB); Asian Students Association (ASA); Justice & Peace Commission of the Hong Kong Catholic Diocese and Ziteng.



Bethune House: A Reflection

*Kellie E. Mansure, a Global Justice Volunteer
General Board of the Global Ministries, United Methodist
Church, USA*


I'm home in Delaware now, and I am itching to see the world again. After spending six weeks getting to know a group of energetic, genuine and beautiful young women, spending time in my suburban neighborhood is like waiting in line to get on the next amusement park ride. Before I took this trip abroad, I was only aware of the more prominent international justice issues: Darfour, Iraq and some others. But I've found that every country has its own political and social issues, most of them dealing with things that we, as Americans, would scarcely think about despite the fact that our floundering dollar effects their economy in big ways.

The women at Bethune House educated me on the corrupt government in the Philippines and how our U.S. troops continue to diminish their quality of life.

I heard from Indonesian women about the poverty in their country and how they have become the latest targets for maltreatment in Hong Kong by employers and employment agencies. Most importantly, I learned that there are amazing people out there who are worth spending time with and worth getting angry for.

My trip mate and I learned very quickly that justice means a lot of waiting – for court trials, for conciliation meetings and for the law to finally sort things through. The women at Bethune House were high in spirits, despite their hardships, but they also had a lot of time to sit and think about their situations. We were encouraged to find activities for the girls and keep them motivated, and it was these activities that really brought us close to our new

sisters. My trip mate taught a dance class, I led an exercise walk three times a week, and we tried to incorporate ourselves into as much of their day-to-day lives as possible. Helping them to file their claims and translate their stories of termination allowed us to walk through the door into their lives with empathy and understanding, and the recreational activities served to build on those relationships.

These women now all have names and stories in our minds, and I am always eager to hear their updates, despite being saddened by the knowledge that I can't be there to comfort or laugh with them. My time at Bethune House has expanded my view of the world and its people tremendously, and I will never forget the souls who helped me to reach this new level of knowing. 

Thai Regional Alliance holds workshops for migrant workers

The Thai Regional Alliance, a very active organization of Thai migrant workers in Hong Kong, has been holding various workshops and courses for migrant workers, Thai and not. Here are some of them:

Language Course

The TRA conducts language courses for the Thais, especially domestic helpers. They do this to help domestic helpers who need to improve their skills and ability to speak the local and English languages for better job/employment opportunities. Around 120 people attend the English class while 13 people go to the Cantonese class.

Thai Massage Course

They also conduct Thai foot massage and body massage workshops for

additional skill of Thai workers. Their objective is to help migrant workers with skills that they can use when they go back home. There are 40 people attending each course.


Computer Basic Use

TRA conducts computer classes, too. Many workers are interested in this programme especially domestic helpers who have children at their employer's homes.

The TRA Objectives for Weekly Activities

According to TRA, their main objectives for conducting weekly activity are: a) to promote worker's rights; b) to educate them about situation of workers in both Hong Kong and Thailand; c) to convince

them to join and be active in their campaigns as well as those of the Asian Migrants Coordinating Body (AMCB).

The TRA is one of the founders and remains to be an active member of the AMCB and has been greatly involved in the coalition's many campaigns and activities. 



FOR MIGRANT WORKERS. Bungon Tamasorn, one of the leaders of Thai Regional Alliance, gave a talk to migrant workers in one of their weekly activities.

ATKI holds forum on Indonesian People's Situation



A forum titled "Sharing on Current Condition of People and their Movement in Indonesia" was held last June 29, 2008 in City University, Kowloon Tong, from 13:00 to 17:30 under the banner of Indonesian People Struggle Front (FPR) in Hong Kong. The Association of Indonesian Migrant Workers (ATKI-HK), member of FPR in Hong Kong, was the main organizer of this event that successfully attended by 150 participants from the migrant workers community and the Indonesian-Chinese community.

ATKI vice chairperson, Ms. Karsiwen, who was the master of ceremonies of the day said that this forum was purposely organized to educate both sides, the Indonesian migrant workers and the people in Indonesian through their progressive leaders.

"Indonesian migrants should know the current condition and issues faced by our people in Indonesia, especially the peasants as the major sector and the workers. However, the people in Indonesia must also understand the problems and hardships we encountered which caused by the anti migrant policy of Susilo Bambang Yudhoyono regime" she explained in her opening.

Afterward, speakers were invited one by one to the

front. The speakers were Mr. Rudi Hartono, the chairperson of Alliance of Indonesian Workers Federation (GSBI), Mr. Erpan Faryadi, the chairperson of Alliance of Agrarian Reform Movement (AGRA) and Ms. Eni Lestari, the chairperson of Association of Indonesian Migrant Workers and newly elected chairperson of International Migrant Alliance.

The first speaker, Mr. Erpan Faryadi from AGRA explained the issue of monopoly on land by the landlords and the intensification of land grabbing by the regime for the sake of foreign investments in the name of 'development' and the role of the government in encouraging the people to plant corn for export purposes instead of for food

consumption. This deprivation has resulted to more poverty and unemployment problems where the food supply was insufficient and many became landless, which led to the intensification of migration abroad. He also strongly emphasized the urgent struggle for land reform in order to solve the issue of basic sector in Indonesia.


The second speaker, Mr. Rudi Hartono from GSBI shared the workers in Indonesia facing greater issues under the program of flexibilization and outsourcing promoted by the Indonesian government to gain more profit and intensify the exploitation against the workers.

Under this system, the workers must apply jobs through third party (the

agency) and subjected to pay high fees between HK\$1,000 to HK\$2,000 before obtaining the job or the workers are actually employed by the company A but the one who dealt with them is company B. When workers faced problems in their employment e.g. non-payment of wages, they can not sue the company B because their real employer is company A whom they never met and unaware on the information regarding company A.

Last speaker was Ms. Eni Lestari from ATKI. In her presentation, she concluded the points raised by the two speakers as the root causes of forced migration of millions of Indonesian migrant workers. According to Eni, the monopoly capitalist countries were in great need of unskilled and cheap labour for their economy aggressive development.

The Global Forum on Migration and Development (GFMD) was even set up to manage the international migration and use the remittances from migrants for "development". This proves the fact, said Eni, that migrant workers are just commodities for export where their value was only the remittances they send to their home countries. They are source for cheap labour while their rights and welfare are completely neglected.

Questions and answers session was begun right after the last speaker and the participants were actively engaged in the discussion. Due to limited time, only few questions were entertained. However the organizer promised to continue this same kind of forum in the future. 



Steps Towards Justice

Like most domestic workers, Pam* came to Hong Kong from Indonesia with the hope of earning money to help support her family back home. She began working for her employer in July 2005, but unfortunately, was taken advantage of by her employer. Pam's employer was underpaying her salary. While she should have been paid \$3,320 a month, she was only receiving \$1,900 a month. There were also many weeks, sometimes months at a time, that Pam went without a rest day. Her employer told her that she would compensate her for the times that she wasn't allowed to take a rest day, but even then, she was only given an extra \$100 a month for every month she didn't have rest days. By March of 2007, Pam decided she had been taken advantage of long enough, and decided to constructively terminate her contract with her employer, due to the underpayment of salary and lack of proper rest days. She came to the Mission for Migrant Workers and the Bethune House for advice and shelter. A week after leaving her employer's house, Pam filed a labour claim against her employer, asking for compensation for rest days and the 20 months of underpayment, but no decision was made in the Labour Department and in April 2007 the case was sent to the Labour Tribunal.

After four hearings at the Labour Tribunal over the course of 4 months, the Labour Tribunal decided to suspend the labour case for 3 months while the case was investigated. In December the Prosecution Division of the Labour Department began a full investigation. Pam, her counselor from the Mission and another counselor connected with Pam's case, were all asked to be witnesses against the employer. They each met with the Prosecution Division in Admiralty to give statements regard-

“Every hearing, statement and visa extension has put not just Pam, but the entire migrant community, one step closer to justice for all migrant workers. This case shows that migrants in Hong Kong are willing to fight back, to stand up for their rights, and that those who violate the law will eventually be brought to justice.”

ing Pam's case, and the Division also met with the employer and investigated forms of payment and statements. Pam reported a total number of visits to the Prosecution Division, and in June 2008 the case was finally brought to court.

Before the result of the court case came through, Pam dealt with a lot of emotions, from fear to depression. A previous case similar to Pam's had resulted only in community service for the employer, no money for the client, and Pam was worried that all of this time may have been wasted. Times were tense leading up to the court result. But when the result was given, there was a new emotion – joy. The employer ended up pleading guilty to the court, meaning that Pam and the other witnesses did not have to appear in court. The employer was ordered to pay \$10,000 in fines for underpayment, on top of the

\$27,000 in labour claims. The case is being reviewed by the Immigration Department, and at the end of July Pam will be able to return home for the first time in over two years. There is a little irony to be found in the dates of this case.

Pam started her contract in July 2005, and ended her labour and court cases at what would have been the end of the contract had the employer followed the rules and regulations set by the Hong Kong Government in the Employment Ordinance. After Pam returns home, she can begin to look for a new employer in Hong Kong if she chooses. This time, Pam will know her rights before signing a new contract and will be able to enter into a new employment situation with the confidence of someone who knows how to stand up for herself.

While Pam's case was long, tiring and at times, overwhelming, the migrant community should be thankful for all of the effort she put in to fighting for justice from her employer. Pam's employer clearly violated the Hong Kong Labour laws, and because of Pam's willingness and determination to see this case through to the end, justice was won.

Every hearing, every statement and every visa extension has put not just Pam, but the entire migrant community, one step closer to justice for all migrant workers. This case clearly shows that migrants in Hong Kong are willing to fight back, to stand up for their rights, and that those who violate the law will eventually be brought to justice. So thank you to Pam for fighting and for not giving up. This migrant community is seeking justice one step, one case, at a time.

**Names have been changed to protect the identity of the client. 🇮🇪*

Pro-Migrant Congresswoman Visits Filipino Migrant Workers in Hong Kong



The attendance of Rep. Luz Ilagan to the first-ever International Migrants' Assembly or IMA brought her to visit GWP - Hong Kong sub-chapters and grace a forum among migrant workers and advocates. It has also given her the opportunity to meet Hong Kong women's groups and widen GWP network overseas.

A visit to the game site of the GWP Volleyball Team in mid-levels overwhelmed the women who felt that somehow, *our representative does not discriminate. We felt important.* Under the heat of the glaring sun that made the temperature go up as high as 30 degrees celsius, Ma'am Luz (as she is fondly called being a retired professor from Ateneo De

Davao) happily spent the Sunday hopping from one migrant organization to the other, and her Monday from one local Hong Kong women's group to another before enplaning.

Visiting several groups starting from the United Pangasinan at Ice House Street in the morning of Sunday where several groups were rehearsing for the coming Sunday's UPHK anniversary-cum-dance contest; to the volleyball court at mid-level; Ma'am Luz went on to giving a message of thanks after the Filipino afternoon mass at St. John's Cathedral. At the Mass, at the party after the mass and the public forum at Chater Road, Rep. Luz Ilagan expressed her Party's thanks for the migrants' support that

helped bring an additional representative for women, the migrant workers and their families to Congress. Like wise, she had emphasized many times her welcoming migrant workers' demands and issues that she could bring to Congress. Several issues on women's rights under the constitution, the family law and divorce issue, the POEA Guidelines that GWP criticized and had fully supported migrant organization's protest against, were the meat of the questions thrown on the floor during the public forum.

Keeping in touch is a must to maximize the role the migrant workers' representative in the Philippine Congress could play... let us help her play it efficiently. 📞

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