

## HK\$10 Food Allowance for FDWs: A Miniscule Offer from the Gov't

After excluding foreign domestic workers (FDWs) from the statutory minimum wage the Hong Kong government finally released its decision on its annual review of the Minimum Allowable Wage which is nothing more than wage freeze and a measly HK\$10 increase in food allowance.

The decision on the MAW review is adding insult to injury. It reinforces the truth that the Hong Kong government views domestic work not work and domestic workers are not workers but labourers who can be disposed off easily together with their rights.

With this new development, the position that migrant workers and their advocates expressed with regards to MAW at the height of the campaign for inclusion to the SMW was affirmed: it is unjust, arbitrary and non-transparent. Unlike the SMW which is legislated, the MAW rests solely on the decisions of the Executive Committee and, as before, they also did not bother to explain the bases of their recent decision on the MAW review.

Essentially the wage freeze is practically a wage cut. Inflation and the rise in the cost of basic goods in Hong Kong have further lowered the real value of the FDW wage. The nominal wage now of FDWs is even much lower than what it was more than 11 years ago.

As for the food allowance it used to be pegged for a long time before 2009 at HK\$300 per month. Last year, it was increased to HK\$740 and this year, another HK\$10 was added. This is a mock consolation for FDWs

First of all, who can provide herself with sufficient food for HK\$750? This is only



HK\$25 per day for one whole month. Further divided into three meals, it is only HK\$8 per meal. This again shows the arbitrariness of the decision.

Also, food allowance is only received by very few FDWs. According to the Guidebook for the Employment of Domestic Helpers from Abroad, food allowance is provided to the Helper if there is no food provided to her/him. Or in simple terms one can avail only of said allowance if it is indicated in the employment contract of the FDW.

Additionally, those who can avail of this are only those who have new contracts after the implementation of said policy. This means they would either be new hires, those whose contracts were renewed by their employers or those who found other employers after the termination of their contracts with their former bosses.

But other than what are stipulated above there is no clear definition what the allowance includes. Like, would the FDW

be allowed to cook his/her own meal at the employer's home; does this include condiments, rice and beverages?

The Mission For Migrant Workers has handled cases of domestic workers who have received food allowance but are not allowed to cook their food inside their employer's house or to touch any condiments for her own food. They are made to supply themselves also with their own rice. There have also been cases where coffee, tea or any hot drinks are not supplied.

Meanwhile, there are also those who receive "free food" but are actually only provided with hot water and a slice of bread for breakfast, and leftovers for lunch and dinner.

The right to food is a basic right for everyone. We should, however, not look at it as separate from other fundamental rights as migrant workers. The issue on food and food allowance is but another glaring proof of how the HK government grossly treats FDWs.

OUR FAITH,  
OUR  
STRUGGLE



# Bp. Gregorio Aglipay and the Struggle for Workers' Rights



**B**ishop Gregorio Aglipay died on September 1, 1940 after leading the Iglesia Filipina Independiente for 38 years.

He was a Roman Catholic priest. At the height of the Philippine Revolution against Spain, he founded in March 1897 a branch of the Kataas-taasan at Kagalang-galangang Katipunan ng mga Anak ng Bayan (Highest and Most Noble Society of the Children of the Country) the revolutionary society leading the revolution, in Victoria, Tarlac.

During the Filipino American War, he was appointed Vicario General Castrence or the Military Vicar General, with a rank of Lieutenant General, by Gen. Emilio Aguinaldo, President of the Philippine Republic.

In 1902, he was hailed as the first Obispo Maximo or Supreme Bishop of the Iglesia Filipina Independiente, or IFI. The IFI was a church proclaimed by Isabelo de los Reyes, president of the Union Obrera Democratica, when all avenues for reform of the Catholic Church in the Philippines failed at the turn of the 20th Century. The first

members of the new church were from workers.

In 1934, Aglipay ran for Philippine president against Manuel Quezon and Emilio Aguinaldo. Consistent with the beginnings of the IFI, one of his platforms of government was "just and decent wages for the workers".

**Were Aglipay alive today, he would be concerned with the plight of the Filipino laborers and the Filipino migrant workers and their families. He would raise his voice in support of their demands.**

He would, if he were HK in this recent times, urge Filipino migrant workers to stand up for their rights and welfare and of their families. Examining the Standard Contract for foreign domestic workers, he would certainly have supported the clamor to recognize domestic work

as work and consequently the inclusion of FDW's in the minimum wage.

Anybody reading the contract issued by the Immigration Department for FDW's would certainly do so.

The contract stipulates the obligations of the employers, such as: "The Employer shall pay the Helper wages of HK\$\_\_\_\_\_ ... An employer who fails to pay the wages due... shall be liable to persecution."

It safeguards the employees from exploitation as well, e.g. "Clause 4(b) The Helper shall not take up, and shall not be required by the Employer to take up, any other employment with any other person."

It is also designed to protect the local labour force: "Clause C The Helper shall work and reside in the employer's residence at \_\_\_\_\_" and Clause 4(a) "The helper shall only perform domestic duties as per... Schedule of Accommodation and Domestic Duties for the Employer."

Furthermore, it grants to the foreign domestic helpers the same benefits the local labour force enjoys as contained in

the Labour Ordinance of Hong Kong (Clauses 6) or of the Employees' Compensation Ordinance [Clause 9(b)] and other entitlements under the Employment Ordinance, chapter 57, The Employees' Compensation Ordinance Chapter 282 and other relevant Ordinances.

The non-inclusion of foreign domestic helpers in the proposed minimum wage is a discriminatory and anti-labour action.

Under this current arrangement, the standard for the salary of foreign domestic helpers is governed by the minimum allowable wage annually reviewed by HK government.

As such, salaries of foreign domestic helpers are not legislated but rather decided upon by only a handful of people who are not even answerable to any constituencies.

If, Bp. Gregorio Aglipay were alive today, he would never turn his back on Filipino migrant workers. He would lead in the advocacy for the rights and welfare of migrant workers and their families.



# Rosi

## A Victim, A Survivor, A Leader

Romlah Rosidah, affectionately known as Rosi, is an Indonesian domestic worker in Hong Kong. Rain was pouring down as she gathered with her friends, mostly from the Indonesian Migrants Muslims Alliance, out of the elements under a bridge. Coincidentally, it was also a celebration of Eid ul-Fitr, the end of Ramadan and cause for much celebration. Everyone was dressed in their finest clothing, and a feast was prepared of various sweets, sticky rice, fruit, and other Indonesian delicacies imported along with the migrant workers who came to HK to earn money for their families.

Rosi was born in East Java. Both her parents are farmers, so there was not enough money to support her three brothers, four sisters, and herself to go to school. Rosi came to Hong Kong in 2000 to work. The money she earned paid for the education of two of her siblings. As Rosi puts it, she simply had “no choice.”

When Rosi arrived, she worked hard for her employer. She worked without holidays, her employer did not pay her for three months, and finally, this overwhelming schedule became unbearable. Rosi ran away. A friend referred her to the Bethune House, and she was assisted with her case and eventually awarded her claims. Rosi was not discouraged by the adversity she faced with her employer. Instead, she remained steadfast in fighting for her rights.

Before this incident, she was not involved in migrant rights, but the conflict and maltreatment at the hands of her employer thrust her into the world of fighting back and working with Gabungan Migran Muslim Indonesia (GAMMI), translated in English to the Indonesian Migrants Muslims Alliance.

Together, this organization works to educate migrant workers about their rights, to hold rallies to raise awareness, and to protest the issues they disagree with. Rosi is one of the chairpersons of GAMMI, which also serves as an umbrella organization over 15 other Indonesian migrant workers organizations.

Indonesian migrant workers still face a host of issues, and Rosi is not exempt. Like many other Indonesians working in Hong Kong, Rosi is not allowed by her employer to wear a headscarf while she is working, a violation of the way Rosi chooses to observe her faith. Many other Muslims face similar religious discrimination from their employers. Some are forced to eat pork. Some are not allowed to pray five times daily. This is in addition

to the multitude of other problems faced by many migrant workers in Hong Kong: salary deductions, underpayment, discrimination, and no rest days.

Rosi has been busy outside of her leadership in GAMMI. In 2006, she married a man in Indonesia. He is currently a migrant worker in Malaysia. Rosi uses her annual leave to fly to Malaysia to visit him. Her plan is to move back to Indonesia next year with her husband so they can start a family. While here, though, she continues the struggle. Before she was introduced to GAMMI, she used to “pray and pray” the working conditions would improve. Now, Rosi feels activism and prayer go hand in hand, and together these efforts can really make a difference.



Rosi (front, fourth from left, in red) is joined by fellow Indonesian migrant workers

## Macau's Labour Affairs Bureau affirms migrant workers have no labour and human rights

Macau's Director of Labour Affairs Bureau (LAB) Shuen Ka Hung's recent statement on the six-months re-entry ban affirms his position that non-resident workers in the territory have no labour and human rights. This is condemnable as it gives the mandate for employers to abuse their migrant workers because they have the assurance that the LAB would not lift a finger to assist the latter.

In an interview with the Portuguese news agency Lusa on August 30, the LAB Director said that if non-resident workers feel that their working conditions are not adequate or they are being mistreated by their employers, they can always go back to their own countries. At the same time he admitted that they don't have the freedom to find jobs (and transfer) by themselves,

This is most irresponsible statement coming from the LAB Director himself and violates his mandate to assist all workers and at the same time confines migrant workers to certain jobs only and

disallows them to transfer even to other employers. This violates International Labor and Human Rights Conventions such as the include International Labor Organization Convention 111 or Discrimination (Employment and Occupation), Termination of Employment Convention, 1982 (No. 158), and Article 10 of C143 Migrant Workers (Supplementary Provisions) Convention.

Since Director Shuen Ka Hung seems bent on ignoring the labor and human rights of migrant workers, this should be raised to the ILO and to the United Nations. Governments of migrant sending countries should also protest this latest statement by the head of the LAB. The statement made by Philippine Consul General Villapando that only few Filipinos have been affected by the 6 months ban and anyway they can get back to Macau later is uncalled for.

Sadly, Macau has gone to the level of notorious Middle East countries such as Kuwait and the Kingdom of Saudi Arabia in its treatment of migrant workers.



## MIGRANT FOCUS

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## Know Your Rights Seminar held for FDWs

A Know-Your-Rights (KYR) Seminar was held on September 5, 2010 at the Fanny Li Hall of St. John's Cathedral. The seminar was sponsored by Iglesia Filipina Independiente-HK.

The seminar was conducted by Cynthia Tellez, Director, Mission For Migrant Workers. The seminar was attended by 41 participants.

Another KYR seminar was held on 12 September in Tsuen Wan. It was sponsored by migrant group Gabriela Tsuen Wan with Edwina Santoyo as facilitator.

