

23 July 2006

H.E. Donald Tsang
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China



Dear Hon. Chief Executive,

Greetings!

On July 2, 2006, 400 Filipino women leaders from 98 organizations of domestic workers gathered for the First Filipino Women Migrant Workers Summit at the Hong Kong University. The summit was organized by five (5) of the biggest and most active federations and union of Filipino domestic workers.

Filipinos comprise the biggest majority of foreign domestic workers in Hong Kong. As domestic workers, we have faced various issues and concerns stemming from policies of the Hong Kong government that impact on our employment condition, job security, wages, rights and status as foreign workers in Hong Kong.

As domestic workers in Hong Kong, Filipino women are exposed to situation very much vulnerable to abuses and exploitation of unscrupulous employers, recruitment agencies and financing agencies.

On top of these, various policies implemented by the Hong Kong government have made the situation of foreign domestic workers even worse. These include the New Conditions of Stay (NCS) or Two-Week Rule, the annual review of the Minimum Allowable Wage (MAW) that has resulted to two drastic wage cuts and two insufficient increases, the levy imposed to employers of domestic workers, strict enforcement of live-in employment arrangement, and the limited social services for foreign workers.

It is in this situation that we found it imperative to convene the Summit. The gathering aimed to discuss the abovementioned issues as well as the impacts of Philippine government policies to Filipino domestic workers in HK.

More importantly, the Summit aimed to come out with a list of demands and policy recommendations to your government and that of the Philippines' in order to address these concerns.

It is in this regard that we would like to submit to your office the attached document that outlines the issues and our recommendations that we wish the Hong Kong government to take actions on.

We very much hope that these matters will be given the required attention. Thank you very much.

Sincerely yours,

Summit Steering Committee

Caridad Bachiller
President
Abra Tinguian Ilocano Society (ATIS)

Josefina Carolina Pingkihan
Chairperson
Cordillera Alliance (CORALL-HK)

Lagunas Cunanan
Chairperson
United Pangasinan HK (UPHK)

Alberto Laconsay
President
Filipino Migrant Workers Union (FMWU)

Dolores Balladares
Chairperson
United Filipinos in Hong Kong (UNIFIL-MIGRANTE-HK)

Submission to the Hong Kong Government on Issues and Policies Concerning Foreign Domestic Workers in Hong Kong

A. Immigration concerns

1. Abolish the New Conditions of Stay popularly known as the two-week rule.
2. Repeal the mandatory live-in arrangement.
3. Apply without discrimination the Right of Abode to all migrants who met the requirements stated therein.
4. Reprimand and eventually blacklist employers who are repeated offenders.
5. Employers must shoulder the expenses of FDWs leaving Hong Kong because of the mandatory percontract home leave.
6. Allow FDWs whose contracts are terminated to work legally while their cases are on-going
7. Allow FDWs who are unreasonably terminated to process new contracts in Hong Kong.
8. Allow Filipino nurses to practice their profession in Hong Kong
9. Scrap the levy to employers of foreign domestic workers

B. Labour Concerns

1. Implement the internationally recognized working hours to migrant workers.
2. Amend the long service provision in the Labour Ordinance to remove unfair conditions such as nonpayment if the migrant worker is the one who terminated the contract or did not renew the contract even if they have met the minimum requirement of 5 years in service.
3. Entitlement of a 13th month pay for FDWs.
4. Institute policies to discipline employers (e.g. fines, etc) who committed unlawful or unreasonable termination of employment contract.
5. Bring back the Minimum Allowable Wage to HK\$3,670
6. The Hong Kong government and the Philippine government must prohibit recruitment agencies and financing agencies in "confiscating" passports and employment contracts as collateral to loans.
7. Ensure the full compliance to contract provisions pertaining to better living conditions for migrant workers, i.e proper accommodation, privacy, provisions of essential utilities, etc.
8. Strict enforcement of the law against overcharging of recruitment agencies.

C. Concerns on the General Condition of Work and Situation in Hong Kong of Foreign Domestic Workers

1. Provide social services to distressed and dismissed FDWs, i.e. to provide temporary shelters (by setting up government shelter or by providing government subsidy to existing shelters operated by nongovernmental organizations) and free health care (including women's health) while in Hong Kong.
2. Ban the use of surveillance camera inside the employers' premises.
3. Launch comprehensive review on Immigration and Labor laws and policies and ensure the FDWs participation in the whole process through their organizations/unions.
4. Call for the immediate introduction of the Race Discrimination Bill to the Legislative Council

23 July 2006

H.E. Gloria Macapagal-Arroyo
President
Republic of the Philippines



Dear Hon. President,

Greetings!

Overseas Filipino Workers (OFWs) have always been hailed as heroes by the Philippine government. However, we are very much burdened by various issues and concerns that impinge on our rights and wellbeing as Filipinos and as migrants.

Filipinos comprise the biggest majority of foreign domestic workers in Hong Kong. As domestic workers, we have faced various issues and concerns stemming from policies of the Hong Kong government that impact on our employment condition, job security, wages, rights and status as foreign workers in Hong Kong.

As domestic workers in Hong Kong, Filipino women are exposed to situation very much vulnerable to abuses and exploitation of unscrupulous employers, recruitment agencies and financing agencies.

Burdened with problems, Filipino women migrants in distress rightfully turn to the Philippine government for assistance. However, to our disappointment, service delivery and protection of the government, through the Philippine Consulate General and its various offices is either slow, insufficient, or totally absent. For the Philippine government, migration is a profitable business for private recruitment agencies and the Philippine government through various fees that they impose. This situation is even compounded by the worsening condition of the economy, political situation and public services in the Philippines that family of migrant workers directly experience.

It is in this situation that we found it imperative to convene the Filipino Women Migrant Workers Summit that gathered 400 women leaders from 98 migrant organizations. The Summit was held last July 2, 2006 at the Hong Kong University. It was the broadest gathering of Filipinos in Hong Kong that aimed to discuss the abovementioned issues as well as the impacts of Hong Kong government policies to Filipino domestic workers in Hong Kong.

More importantly, the Summit aimed to come out with a list of demands and policy recommendations to your government and that of Hong Kong's in order to address these concerns.

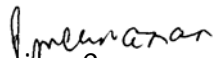
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Submission to the Philippine Government on Issues and Policies Concerning Foreign Domestic Workers in Hong Kong

A. Concern on Government Services and Protection to Filipino Migrant Workers

1. Scrap OWWA Omnibus Policies
2. Work for a pro-migrant OWWA charter that will also include:
 - a. OFW representatives comprising the majority of the OWWA Board of Trustees
 - b. OWWA budget for personnel should come from the national budget through the General Appropriations Act (GAA) and allotment should be 80% for services and 20% for administrative expenses.
 - c. Reinstate OWWA programs such as legal services, death gratuity and medical assistance
 - d. Create special programs for women migrants on reproductive rights, psychosocial counseling, etc.
3. The P6B Fund outsourced to Land Bank of the Philippines and the Development Bank of the Philippines should be returned to OWWA and reinstate family assistance and livelihood programs.
4. Expose, investigate and prosecute all corrupt officials and criminally negligent officials and bar them from holding any public office in the future.
5. Return the Loan Assistance program of the OWWA with very minimal interest rate. Such a loan program must also be made available to would-be migrants.

B. Concerns on Policies of Recruitment Agencies and Illegal Recruitment

1. To remove Sections 29 and 30 in the RA 8042 and for the government to seriously address the monitoring and prosecution of recruitment agencies to discourage victimizing applicants and file cases against those found doing illegal acts.
2. The conciliation meeting and the very long period of resolving agency cases discourages migrant workers to pursue their case against the agencies. In connection with this, it is demanded of the government to create a special court that will attend to the cases being filed by migrant workers.
3. The Hong Kong government and the Philippine government must institute policies or laws that will prohibit recruitment agencies and financing agencies in confiscating passports and contracts as collateral to loans.

C. Concerns on Philippine Government Fees to Filipino Migrant Workers

1. To stop relegating to Central Bank the printing of Passport if it will cause the raising of the amount of passport.
2. To abolish the Overseas Employment Certificate (OEC). It is only one way of getting more money from migrant workers.
3. The queue-less processing method must not be imposed to every one and instead make it as an option. Even at its early stage, one migrant worker was almost fired by her employer when somebody from the consulate called at 9:00 in the evening to just inform her that she can already pay at HSBC and get her papers.
4. Abolish the authentication fee as it is not being required by the HK government and it was done away with before.
5. Passport fee must be the same as in the Philippines.
6. The Consulate should only take holidays as that enjoyed in Hong Kong instead of also declaring Philippine holidays as holidays of the Philippine Consulate

D. National Issues and Concerns that Impact on Families of Filipino Migrant Workers

1. On public services

- a. Stop privatization of public hospitals and increase its budget so as to provide decent employment to health workers.
- b. Stop the commercialization of education and yearly tuition fee increase. Lower tuition rates and improve the quality of public education including improvement in facilities and increase in its budget.
- c. Scrap hospital policies of non-admittance without deposit.

2. On the situation of peasants and workers

- a. Institute genuine land reform and provide subsidies to Filipino farmers including financial, implements and other agricultural needs. Build irrigation to agricultural areas in need.

- b. Stop the liberalization of agriculture to protect our own farmers and agricultural products.
 - c. Create decent employment for Filipino workers and implement a legislated P125 increase in the daily wage for workers in the private sector and P3,000 for government employees.
 - d. Scrap the contractualization of labour policy.
 - e. Give to coconut farmers the long-withheld Coco Levy Fund
- 3. On the issue of price increase**
- a. Re-establish the Price Control Commission that shall protect the poor consumers.
 - b. Scrap the Oil Deregulation Law and roll back the prices of oil and of transportation.
- 4. On Human Rights**
- a. Stop the political persecution of leaders and members of progressive organizations and human rights defenders and free all political prisoners.
 - b. Scrap the Anti-Terrorism Bill and other laws that violate the people's civil and political rights.
 - c. Resume the peace negotiations with the National Democratic Front of the Philippines and the Moro Islamic Liberation Front.
- 5. On other National Issues**
- a. Decisively address graft and corruption. Investigate and prosecute the big fish in the government involved in big time corruption and plunder of the economy.
 - b. Improve the taxation and tax collection on businesses. Stop giving tax incentives to big foreign multinational corporations.
 - c. Scrap the Charter Change, stop the railroading of impeachment proceedings in the House of Representatives.
 - d. Protect the natural riches of the country and ensure that the people benefit from the country's natural resources.
Scrap the Mining Act of 1995 that liberalizes the mining industry.
 - e. Stop all economic policies that only serve the neo-liberal policies of the rich and highly industrialized countries and detrimental to the economy of our country and its people.