CASEWORK REPORT
2014

Statistics on MFMW counseling, shelter, and other emergency services

Published in May 2015
This report summarizes the work of the Mission For Migrant Workers (hereafter referred to as MFMW or the Mission) in providing direct welfare and emergency services to distressed Asian domestic workers in 2014. It also provides insights into the current conditions and needs of the foreign domestic worker population in Hong Kong.

The data presented in this report form only part of the total number of migrants that were assisted and empowered by the MFMW last year. They were derived from those who benefitted from our counseling and case work, shelter provision and other emergency services, which form parts of our Labor and Employment Assistance (LEAP), Pastoral and Social Welfare (PCSW) and Women Initiatives towards Empowerment programs.

Please acknowledge Mission For Migrant Workers (MFMW) of the St. John’s Cathedral if you quote any data found in this report.

**About MFMW**

The Mission For Migrant Workers (MFMW Ltd.) is a registered charitable organization dedicated to deliver responsive services to Asian migrants and develop self-sustaining capacities of migrant’s organizations for mutual aid and cooperation.

Established in 1981, the MFMW Ltd. is the longest existing independent service provider for migrants in Hong Kong and Asia. It is an outreach program of the St. John’s Cathedral of the HK Sheng Kung Hui (Anglican) where it is based.

MFMW provides various direct welfare services, ranging from paralegal counseling, legal assistance, to temporary shelter, to aid the migrant workers in distress. In addition, it promotes educational and organizational work among migrant groups to provide seminars about their legal rights, creates and distributes publications geared towards issues affecting migrant workers (including legal, educational, and social publications), and coordinates efforts to raise awareness of issue affecting migrant workers in Hong Kong.

For 34 years now, Mission For Migrant Workers has provided unwavering assistance for a variety of types of cases, including labor, agency-related problems, immigration, police, and employment issues. This report will show you the difficulties in employment for being a migrant worker in Hong Kong.

**Support Our Work**

💡 **Volunteer**

You can help us with our everyday work from encoding case files, to collecting news clips on relevant themes, to contributing articles or photos to our newsletters – every day is a busy day of service to the migrants. We can also train you to be paralegal counselors for migrant workers with problems. Especially on Sundays, the MFMW needs all support for our various events every week.

💡 **Donate**

We rely on donor foundations, development agencies and kind-hearted individuals to sustain our services to migrant workers. Each dollar you give can already go a long way in delivering assistance to those in need. A HK$100 donation can help provide food for a client in the shelter for a week or sustain our counselling services for a week. **Donations over HK$100 are tax-deductible.**

#Deposit to the following account and send the receipt with your e-mail address to us as a record:
Account No: 210-116448-883
Bank Name: Hang Seng Bank
Bank Code: 024

#Donate by check: Please send the check to the following address. Write the check to “MFMW Limited” and your e-mail address at the back of the check.
Mailing Address: MFMW, St. John’s Cathedral, 4 - 8 Garden Road, Central
Client Overview

New Cases, inquiries and phone counseling
Cases - 1,253
Inquiries - 1,340
Telephone counseling - 1,604

Hospital and Prison visits
54

Shelter referrals
623

Seminars and Trainings
2348

Mobile Counseling and Care Services
8000+

Demographic

Country of Origin
- Philippines: 86%
- Indonesia: 12%
- Other south and southeast Asian countries: 2%

Age
- 19-29: 27%
- 30-45: 62%
- 46 & above: 11%

Sex
- Female (97%)
- Male (3%)

Civil Status
- Married (50%)
- Separated (5%)
- Widowed (4%)
- Divorced (1%)
- Single (40%)
What Issues Affect Migrant Workers?

**Note**

Many Mission clients experienced more than one problem when they come to us. A client might have experienced physical assault, non-payment of wages and overcharging of agency fees. Unlike previous reports, we are using a bar chart to show the issues.

**Labor - 51%**

51% of our clients faced labor related issues. This includes contractual violations on the part of the employer, especially upon termination of the contract. Workers are often not paid their full entitlements and have to go to the Labour Department for conciliation.

**Agency Malpractices - 46%**

46% of Mission clients reported agency malpractices, either in Hong Kong or back in their home country. This includes confiscation of their personal documents, such as passport or their contract; illegal charging of agency fees and fraudulent loan.

**Termination of Contract - 56%**

56% of Mission clients' contract was terminated prematurely. With the condition of the two-week rule, it is extremely hard for them to get a new job in 14 days. Being jobless to pursue justice is an added weight to many of these migrants.

**Police - 11%**

11% of Mission clients had cases involving police investigations. There is a significant increase in this category from 2% in 2013. Police investigations can include physical or sexual assault to the workers by the employers; or employers accuse workers for theft.
Agency fees charged from Mission Clients

In 2014, 46% of Mission’s clients reported agency malpractice, mainly related to illegal charging of placement fees.

Among those who reported that they paid agency fees, only 2.9% of the workers were paying the legal amount under current HK regulation. 38% of them paid more than HK$15,000.

Did you know?

Maximum Agency fee from workers: 10% of first month's wage.

As per the current level of foreign domestic workers’ Minimum Allowable Wage, it should be not more than HK$411. Employment agencies sometimes would charge the workers in other names, such as registration fees, photocopying fees, training fees. But according to the Employment Ordinance in HK, all fees other than the prescribed commission charged from the workers are illegal.

HK$411 or below  2.9%
HK$412 - HK$5,000  17.9%
HK$5,001 - HK$10,000  26.4%
HK$10,001 - HK$15,000  15.8%
Above HK$15,000  38%
% of those reported that they paid

129 HK recruitment agencies were reported by our clients to have collected more than HK$3,000 as agency fees.

50 HK recruitment agencies out of the 129 cited have been involved in agency fees amounting to more than HK$15,000

Among their counterparts in sending countries, 83 recruitment agencies were reported by our clients to have been involved in the collection of fees of more than HK$3,000.
### Conditions of Work

<table>
<thead>
<tr>
<th>Condition</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long working hours</td>
<td>82%</td>
</tr>
<tr>
<td>11 to 16 hours/day - 54%</td>
<td></td>
</tr>
<tr>
<td>More than 16 hours/day - 46%</td>
<td></td>
</tr>
<tr>
<td>No private room</td>
<td>47%</td>
</tr>
<tr>
<td>Work before take day off</td>
<td>41%</td>
</tr>
<tr>
<td>Illegal recruitment</td>
<td>34%</td>
</tr>
<tr>
<td>No statutory holiday</td>
<td>25%</td>
</tr>
<tr>
<td>Insufficient food</td>
<td>24%</td>
</tr>
<tr>
<td>No regular day off</td>
<td>23%</td>
</tr>
<tr>
<td>Ill-treatment</td>
<td>23%</td>
</tr>
<tr>
<td>Documents taken by employer</td>
<td>12%</td>
</tr>
<tr>
<td>Documents taken by agency</td>
<td>10%</td>
</tr>
<tr>
<td>Physical abuse</td>
<td>9%</td>
</tr>
<tr>
<td>Illegal work</td>
<td>9%</td>
</tr>
<tr>
<td>Unpaid salary</td>
<td>8%</td>
</tr>
<tr>
<td>Criminal case</td>
<td>8%</td>
</tr>
<tr>
<td>Illegal deduction</td>
<td>7%</td>
</tr>
<tr>
<td>Incapacity</td>
<td>4%</td>
</tr>
<tr>
<td>Sickness or accident</td>
<td>3%</td>
</tr>
<tr>
<td>Overstaying</td>
<td>2%</td>
</tr>
<tr>
<td>Rape and sexual harassment</td>
<td>1%</td>
</tr>
<tr>
<td>Maternity issues</td>
<td>1%</td>
</tr>
<tr>
<td>Deaths</td>
<td>1%</td>
</tr>
</tbody>
</table>

The top two difficult working conditions among Mission's clients are working long hours and having no private room. These are in fact a result of the current HK regulation due to the mandatory live-in policy of foreign domestic workers, and the lack of regulation on working hours for all workers.

Other conditions are mostly comprised of various contractual violations. 41% of Mission's clients do not have a consecutive 24-hour day off that they would have to work on their day off. In addition around 1/4 of our clients reported having no statutory holiday nor regular day off.

* % of those who responded working long hours

### Settlements and Claims

HK$2,286,200.83

Total amount recovered by clients from their labor dispute
Bethune House Migrant Women's Refuge is a registered charity in Hong Kong. It was established under Mission For Migrant Workers since 1986 in order to provide emergency relief and shelter for the migrant women in need.

Bethune House now operates two small flats located in the center of Hong Kong. Each flat has both sleeping quarters and common area for the residents and one room for the staff and a kitchen. There are bunk beds for 15 residents in each shelter but in emergency situations the house is occupied by more than that number.

The residents themselves share the household chores (marketing, cooking, cleaning and washing). A daily schedule and a set of house policies are provided to systematize the operation of the shelter.

<table>
<thead>
<tr>
<th>Bethune House Clients' Intake In 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indonesians</strong></td>
</tr>
<tr>
<td><strong>Filipinos</strong></td>
</tr>
<tr>
<td><strong>Other nationalities</strong></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Cases</th>
<th>Cases Handled</th>
<th>% of All Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>362</td>
<td>55.8%</td>
</tr>
<tr>
<td>Police (Physical and sexual assault and harassment, theft, fraud)</td>
<td>92</td>
<td>14.2%</td>
</tr>
<tr>
<td>Immigration</td>
<td>4</td>
<td>0.6%</td>
</tr>
<tr>
<td>Employees Compensation</td>
<td>7</td>
<td>1.1%</td>
</tr>
<tr>
<td>Agency/Illegal collection of placement fees</td>
<td>7</td>
<td>1.1%</td>
</tr>
<tr>
<td>Health-related (tumor, hepatitis, thyroid, hypertension, cancer patients, tuberculosis, shoulder pain, flu)</td>
<td>19</td>
<td>2.9%</td>
</tr>
<tr>
<td>Shelter</td>
<td>158</td>
<td>24.3%</td>
</tr>
<tr>
<td><strong>Total Cases:</strong></td>
<td>649</td>
<td></td>
</tr>
</tbody>
</table>
Conclusion

In 2014, the media worldwide has put a spotlight on the maltreatment of foreign domestic workers in Hong Kong due to Erwiana Sulistyaningsih’s case. MFMW, as Erwiana’s representative of her civil case, as well as a service provider to migrant domestic workers in Hong Kong, meet many workers who experience predicament alike. The workers might not be as badly beaten as Erwiana did. Yet Erwiana’s situation reflects how extreme can the situation be when a worker is working and living at the mercy of her employer.

Last year, we have recorded 51% labor-related cases. The workers were not paid their full entitlements of the contract. And 41% do not have a consecutive 24-hour day off while 25% and 23% have no statutory holiday and day off.

Apart from contractual violations, long working hour is commonly reported by our clients. 82% of our total clients reported they have to work long hours, while 46% of those who said yes have to work more than 16 hours a day. The lack of statutory regulation on working hour in Hong Kong and the mandatory live-in policy has put live-in domestic workers in such a working environment whilst the workers are practically working on call round-the-clock.

Cases of agency malpractice have taken up to 46% of our total cases. Many cases involve charging exorbitant amount of agency fees from workers, and confiscation of documents. 50 HK placement agencies were reportedly involved in charging our clients for more than HK$15,000 for employment.

This prevalent yet illegal practice among placement agencies was not taken seriously by the Labour Department in Hong Kong. Employment Agency Administration (EAA) puts on evidences such as receipts before they accept a complaint of overcharging whereas they have already been informed of the practice of non-issuance of receipts by erring recruiters and moneylenders; the six-month statutory barrier that make lots of complaints inadmissible. With all the aforementioned barriers, only 4 employment agencies were successfully prosecuted in 2014 according to the statistics disclosed by the Labour Department.

In addition to the aforementioned problems, there is a marked increase in physical assault reported by our clients, from 3.6% in 2013 to 9% in 2014. It might be a result of the exposure of Erwiana’s case which encouraged more migrants who have similar experience to come forward.

When we hailed for Erwiana’s victory for the court verdict earlier this year, we still have to continue advocating for policy change for better protection and fair treatment to all migrant workers.