

PICTURES FROM THE INSIDE

INVESTIGATING LIVING ACCOMMODATION OF WOMEN MIGRANT
DOMESTIC WORKERS TOWARDS ADVOCACY AND ACTION



MISSION FOR MIGRANT WORKERS

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DOMESTIC WORKERS TOWARDS ADVOCACY AND ACTION**



Mission For Migrant Workers

Supported by HER Fund

May 2017

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This research outcome would not have been possible without the information and insights shared voluntarily by the 3,075 Hong Kong migrant domestic workers during the conduct of the survey and the various focus group discussions.

The Mission For Migrant Workers dedicates this report to them as we hope to draw attention to their situation under forced live-in conditions. We also wish the results of the investigation to prompt various departments and agencies to effect positive reforms to better the lot of our live-in domestic workers according to accepted international labour standards and basic human decency.

MFMW would like to thank the assistance provided by our survey instrument enumerators coming from our various migrant partners – the member organizations of the Asian Migrants’ Coordinating Body (AMCB) and in particular Network of Indonesian Migrant Workers in Hong Kong composed of ATKI, IMWU, PILAR, LiPMI and GAMMI; United Filipinos in Hong Kong (UNIFIL-MIGRANTE-HK); Filipino Migrant Workers Union; Abra Tinguian Ilocano Society (ATIS-HK); Cordillera Alliance; United Pangasinan in Hong Kong; Thai Regional Alliance; and Overseas Nepali Workers Association. They generously provided volunteers whom we trained to be our survey administrators, participated in the focus group discussions and submitted pictures and images of their accommodations*.

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This research is made possible via a grant from the HER Fund. We are fortunate to have partnered with them in advancing the rights and welfare of women migrants in Hong Kong. Thank you for your continued support and partnership.

Norman Uy Carnay
Lead Researcher, Writer and Editor

** Except for the front-cover photo, all images used in this publication are actual photos of the accommodations provided to migrant domestic workers.*



*This is not a dog house.
This is my "private room".*

EXECUTIVE

Pictures from the Inside is a research project by the Mission For Migrant Workers (MFMW) in partnership with the HER Fund to deepen knowledge on the condition of migrant domestic workers (MDWs) in relation to accommodation towards enriching the conversation and advancing the advocacy on the living arrangements for MDWs.

For several years now, MDW organizations and advocates have been calling for a review of the mandatory live-in arrangement enforced by the Hong Kong government through the Immigration Department. Various arguments have been presented that center on the implications of the live-in arrangement on the working condition, working hours, health, rest periods and other important issues.

This research is an in-depth investigation on the living and sleeping arrangements inside Hong Kong households. Through a survey and focus group discussions, the research gives a clear picture of accommodation arrangements MDWs are in.

Findings of the research reveal that problems involving accommodations is widespread among MDWs.

These problems exist in either type of accommodation arrangement – those provided with a separate room and those who do not have a separate one.

While problems are graver among those who are not given a separate room, those who have one still reported difficulties including provision of amenities and the lack of privacy - either they have limited access and control over the room, or the room serves another purpose in the household such as storage or space to hang and dry clothes.

For those who do not have a room, their problems are more extensive as it includes discomfort during times of rest or sleep, health problems arising from difficulty in having fitful and continuous sleep, severe lack of privacy, absence of space to store personal belongings, and access to amenities for decent sleep and rest.



SUMMARY

If viewed from the lens of international conventions and agreements, the Standard Employment Contract (SEC) in Hong Kong for MDWs and the actual accommodation arrangements on the ground are way below international standards in terms of definition on accommodation, enforcement of existing rule, and ensuring that policies are nondiscriminatory and conform to internationally-agreed upon ideals.

In comparison with other countries, Hong Kong can learn much with how policies on accommodation are defined. While the local Hong Kong context can be taken into account, it must not be used as a barrier to define and enforce accommodation policies for MDWs that promote their wellbeing, preserve their dignity, secure their person and belongings, and adhere to standards of human rights of migrants, workers and women.

To this end, the research recommends for the Hong Kong government and its relevant branches to:

- (1) Define “suitable accommodation” in the SEC.
- (2) Institutionalize effective regulatory and monitoring mechanisms on accommodation condition of MDWs.
- (3) Develop complaint system for migrant workers to address issues of accommodations.
- (4) Raise awareness of employers and household members regarding unsuitable accommodation and the rights of MDWs regarding living arrangements.
- (5) Analyze and align Hong Kong policy according to international standards.
- (6) Ratify ILO Convention No. 189.
- (7) Reconsider the live-in requirement and make live-out an option.







*This sofa is my “bed”
and the living room is
my “accommodation”.*

INTRODUCTION

OVERVIEW

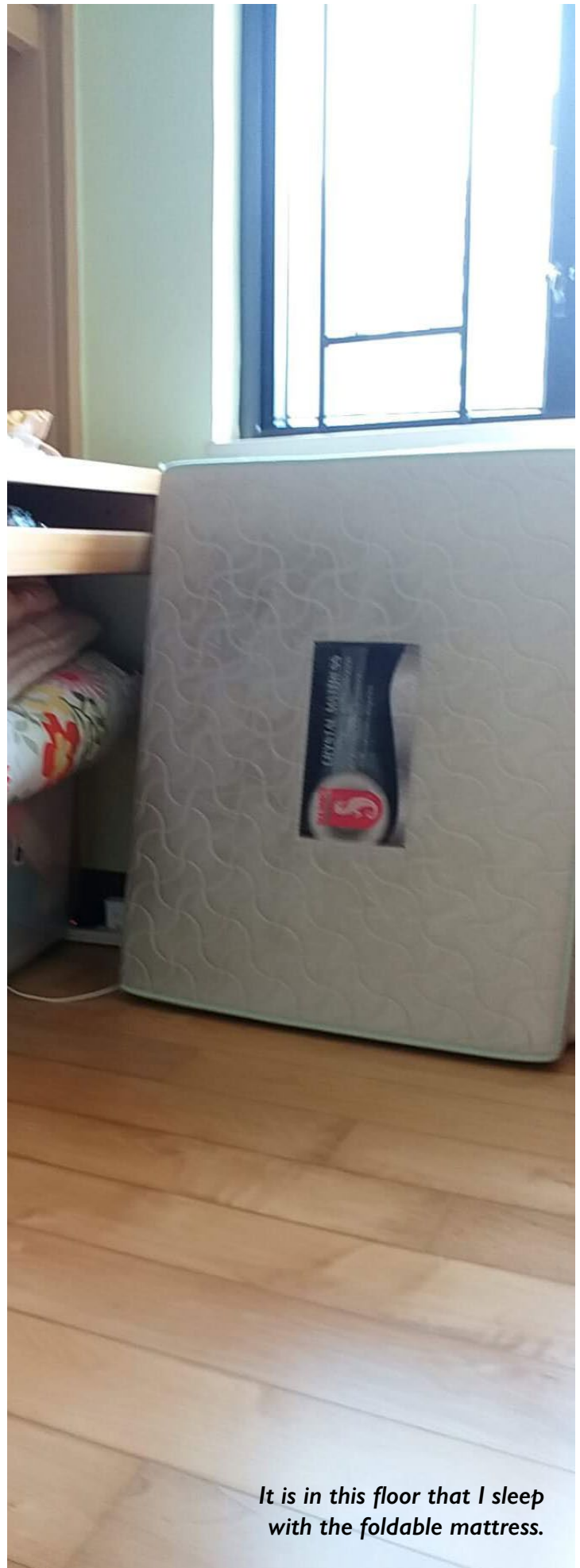
In partnership with the HER Fund, the Mission For Migrant Workers (MFMW) is issuing this report which presents the findings of a baseline research started in the last quarter of 2016 to quantify and determine the prevalent living and sleeping conditions and accommodations of migrant domestic workers (MDWs) in Hong Kong and how they compare with international benchmarks and practices, as well policies in selected countries.

While previous literature and research studies do mention findings about accommodations of MDWs in Hong Kong, either they are usually not the main focus of the study or the sampling of the study may be too small to actually establish the most common arrangements.

The MFMW believes that in the current discussion about mandatory live-in domestic work in Hong Kong, it is important to ascertain whether the current practices and policies for accommodation for MDWs in Hong Kong do subscribe to international benchmarks and global best practices and whether they can be improved in the spirit of promoting decent work for domestic workers.

This research is the first of its kind to focus on determining the range of accommodation as well as sleeping arrangements of MDWs based on a large sampling of respondents of currently employed MDWs in HK. It may well be useful as baseline data as well as a reference for constructive recommendations for policy reforms that are needed to improve the living conditions of our MDWs currently forced to live in with their employers.

“This research is the first of its kind to focus on determining the range of accommodation as well as sleeping arrangements of MDWs based on a large sampling of respondents of currently employed MDWs in HK.”



It is in this floor that I sleep with the foldable mattress.

BACKGROUND

Currently, domestic workers encounter many labour concerns in Hong Kong. One of the most controversial issues is the mandatory live-in requirement for MDWs. Since 2003, Hong Kong requires all MDWs to live and work at the employer's listed address in Clause 3 of the Standard Employment Contract (SEC).

With a live-in requirement in place, MDWs are more vulnerable to violations of human dignity, exposed to dire working conditions, prone to grave treatment, and subject to long working hours.

In 2013, the Mission For Migrant Workers (MFMW) launched the project, "Identifying Sexual Vulnerabilities of Women Foreign Domestic Workers in Live-in Arrangement," to research the vulnerabilities of MDWs face due to the live-in requirement. Some of the major findings were:

- 58% of women MDWs experience verbal abuse (name calling, insults, threats, etc);
- 18% experience physical abuse (hair pulling, poking, slapping, pinching, kicking, etc.);
- 6% experience different forms of sexual abuse;
- 25% feel they are unsafe in their employer's house;
- 45% believe that live-in arrangement makes MDWs vulnerable to abuses.¹

In 2016, 90% of more than 5,000 MDWs who approached the organization for case

assistance reported long working hours.² Long working hours has been a consistent issue in the last few years - 83% in 2015,³ 82% in 2014, 86.6% in 2013. In 2015 and 2016, 2 out of every 5 domestic workers reported working for more than 16 hours daily while 3 out of 5 work 11 to 16 hours daily. Working long hours each day is just scratching the surface of the problems created by the mandatory live-in arrangement.

Ending mandatory live-in requirement and opening the option for live-out arrangements are long-term goals. Meanwhile, policy makers and researchers need to look into the current live-in requirement mandated by the SEC and analyze how this clause impacts workers and their well-being. It is imperative that Hong Kong addresses the problems MDWs face as a result of the live-in policy.

It is thus important to study the current regime of accommodation and sleeping arrangements of MDWs as a crucial component of determining the status of living conditions of MDWs in general and determining how "healthy" the mandatory live in requirement is towards MDWs in particular.

The issue of what constitutes suitable accommodation should be determined first and foremost by international standards, determined by the average living conditions that contribute to decent work standards.



LIMITS OF CURRENT HONG KONG POLI

The **Standard Employment Contract**⁴ is the only guide outlining accommodations for MDWs at the moment.

In Clause 5(b), the SEC states, “The Employer shall provide the Helper with **suitable and furnished accommodation** as per the attached Schedule for Accommodation and Domestic Duties and food free of charge.”

Referring to Section 3, Part A of the said Schedule of Accommodation and Domestic Duties, it is mentioned that “the Employer should provide the Helper **suitable accommodation and with reasonable privacy**.” This policy is premised on the assumption that in Hong Kong, “...the average flat size in HK is relatively small and the availability of separate servant room is not common.”

The clause then proceeds to list only two examples of **unsuitable accommodations**: “made-do beds in the corridor with little privacy and sharing a room with an adult/teenager of the opposite sex.”

Suitable accommodation is not specifically defined by the SEC. Although one may deduce what “suitable” sleeping arrangements could be from what information the Schedule demands from Employers who may not be able to provide a separate servant room. Among them are shared room with child/children or a “separate partitioned area”. The Employer may also indicate alternative arrangements, presumably for approval by the Labour and Immigration Departments.

But this very vagueness of the clause is an enticement to varying interpretations by all stakeholders concerned, not the least of which is the employer. These issues are intensified without a definite clarity by the government for the term “suitable.” Since MDWs’ live-in accommodation is not well-defined by the SEC, it is left to the employer to define “suitable.” This requirement is problematic because it creates a living environment where migrant workers are subjected to lack of rest. Also, it makes it difficult for Hong Kong MDWs to obtain legal redress for related complaints related to unacceptable accommodations.



POLICY ON ACCOMMODATIONS FOR MDWS



“Since MDWs’ live-in accommodation is not well-defined by the SEC, it is left to the employer to define “suitable.” This requirement is problematic because it creates a living environment where migrant workers are subjected to lack of rest.”

As the appropriate government agency mandated to enforce this contractual clause, Hong Kong’s Labour Department does not even have a regulatory mechanism to weed out unsuitable accommodations for every MDW after the contract is approved.

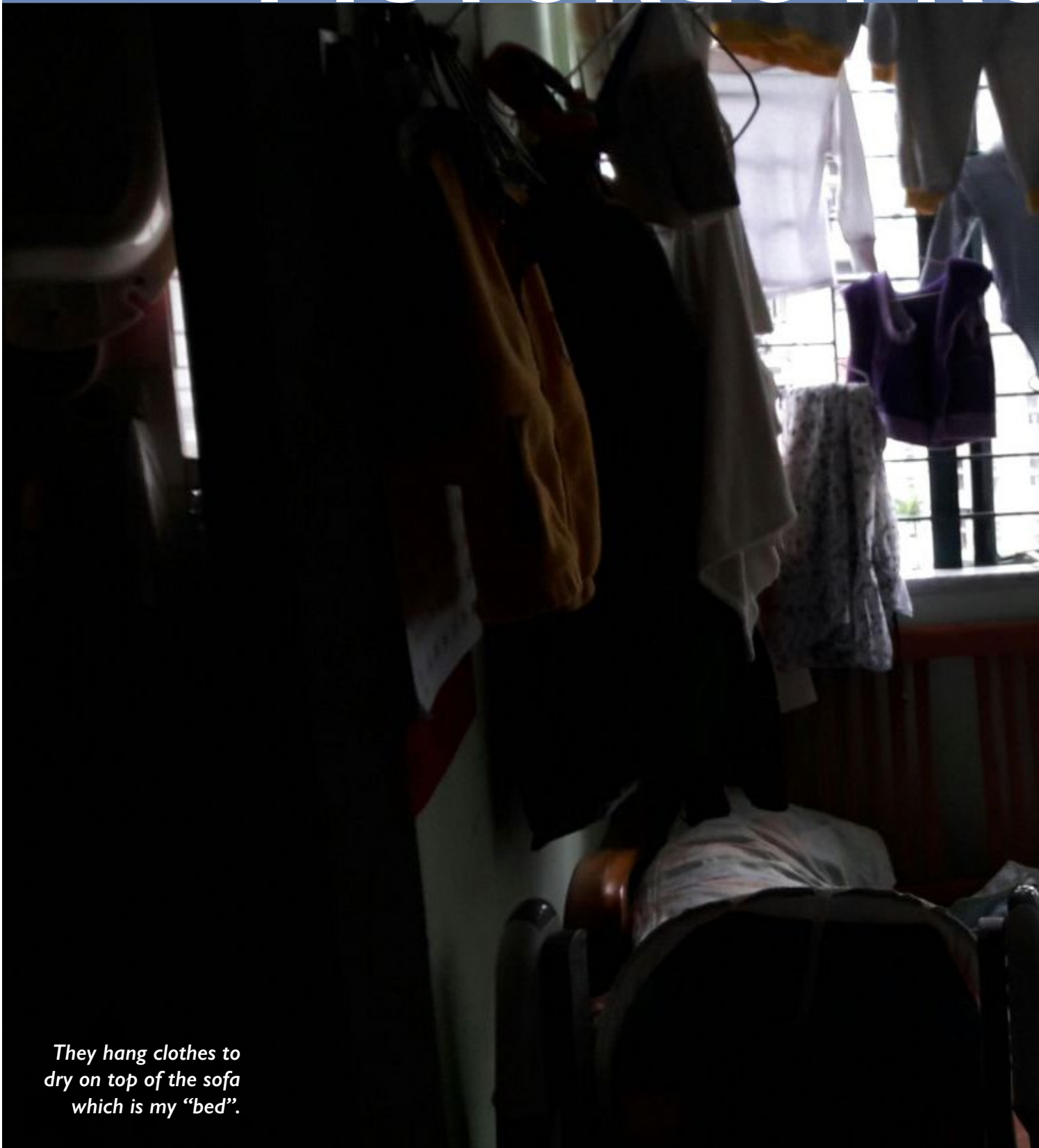
There is also no action taken by Hong Kong’s Labour or Immigration Departments to ensure that the provided accommodation is suitable after submission, contrary to the hiring of imported workers. Under the Supplementary Labour Scheme (SLS), “employers will be requested to arrange the accommodation for inspection by the Labour Inspectors of the Labour Department during the stay of the imported workers.” SLS workers, similar to MDWs, are migrant workers hired from other countries; however, under the SLS, their housing is inspected by the Labour Department. The lack of inspection and accountability has allowed MDW employers to interpret the law as they see fit, which leads to varied definitions of “suitable accommodation.”

Part B of Clause 3 then mentions the “essential facilities” that needs to be provided to the MDW for free, else the application for entry visa may not be approved. These include:

- (a) Light and water supply
- (b) Toilet and bathing facilities
- (c) Bed
- (d) Blankets or quilt
- (e) Pillows
- (f) Wardrobe
- (g) Refrigerator
- (h) Desk
- (i) Other facilities

Since no study has been done to determine compliance of employers to provision of these facilities, the current research becomes more relevant. While there have been reports of ill-treatment by some MDWs coming from denial of some of these basic amenities, it would be to the interest of all stakeholders – MDWs, employers, government – to determine the current state of affairs regarding this requirement.

PICTURES FROM



They hang clothes to dry on top of the sofa which is my "bed".

**INVESTIGATING LIVING ACCOMMODATION
WORKERS TOWARDS A**

FROM THE INSIDE:



**EXPERIENCES OF WOMEN MIGRANT DOMESTIC
WORKERS: ADVOCACY AND ACTION**

RATIONALE

There is now a need to ascertain the living accommodations of MDWs to dispel myths and assumptions, to provide baseline information on which to determine future progress or regression in practice and policy, and to know the needs of MDWs in terms of accommodations. Thus, the research project, Pictures from the Inside, partnered with HER Fund, was conducted.

Through this research, further information would reveal the living and condition of women MDWs inside the households they work and live in. This is a research that will hopefully broaden and deepen the knowledge base on the condition of women migrant domestic workers and to amplify the advocacy for better working and living condition for MDWs.

OBJECTIVES

(1) Determine the range of accommodation types among foreign domestic workers in Hong Kong, what the most common among these are, and how these relate to privacy and adequate rest. Also determine whether the requirement for essential facilities are provided to MDWs according to the Schedule of Accommodation.

(2) Study the policies and laws and socio-economic context that determine accommodation conditions for MDWs in Hong Kong, and compare these with international standards and country-specific practices and policies.

(3) Recommend steps to the Hong Kong government that will lead to a clearer definition and enforcement of the accommodation clause in the contract.

*“Beware of falling objects”
- my “private room” is
located outdoors.*





METHODOLOGIES

The research utilized multiple methods consisting of (1) a quantitative survey, (2) qualitative focus groups and (3) comparative analyses of local and international policies and best practices.

A literature and policy review was done in the last quarter of 2016 to collect relevant international labor standards, agreements and policies that was used to present benchmarks for defining accommodation standards for MDWs. Also, country-specific laws and regulations pertaining to accommodations were also surveyed to determine limitations, challenges as well as possible opportunities for improvement.

Quantitative surveys provided demographic data about MDWs' live-in arrangements while qualitative focus groups allowed a more detailed portrayal of these living situations.

The quantitative surveys consisted of 28 closed-ended questions covering MDWs' demographics, living accommodations, and provisions of amenities. A modified random sampling was conducted between December 2016 and January 2017 with a target sample size of 3,000 MDWs from two countries - the Philippines and Indonesia. These two groups represent the majority of MDWs in Hong Kong - 53.43% and 44.14%, respectively. The final number of respondents was 3,075 - 1,489 Filipinos and 1,586 Indonesians.

Qualitative focus groups were held separately for Filipino and Indonesian MDWs as well as migrant organization leaders on one Sunday in March 2017. Within each nationality, MDWs were split into two groups - those without private rooms and those with private rooms. This division allowed MDWs of similar living arrangements to share their experiences with one another. A total of five FGDs were conducted.





MAJOR FINDINGS

SURVEY RESULTS

The total number of respondents is 3,075 - 1,489 Filipinos and 1,586 Indonesians. An overwhelming majority of them, at 98%, are women.

Respondents are on the age ranges of 26-35 and 36-50 with a slight variation according to nationality – the former age group was dominant among Indonesians while it is the latter for Filipinos.

MDW’s employers are mainly in Kowloon City district followed by Central and Western with 14% and 10%, respectively. Other locations are more or less evenly distributed with districts in the New Territories (Shatin – 8%, Tsuen Wan – 7%, Yuen Long – 5%, Sai Kung – 5%) also having significant respondents. Among Indonesian MDWs, Tsuen Wan and Kwun Tong are districts with quite a concentration.

Most of employers of MDWs live in flats (83%) while some live in detached houses (6%) and in public housing (5%).

Employer’s houses are medium to small (51% and 26%, respectively) with 42% having three bedrooms while 29% have two. About 3% of employers have only one bedroom. Assuming the usual ratio of one employer for one helper, this situation of households living in a one-bedroom abode means that about 11,000 MDWs already automatically do not have a bedroom of their own.

Usual employer’s household consist of four (30%) to five (32%) members (including the MDW), and many of the residences have only one toilet (45%) or two (34%).

Figure 1. Demographics of MDWs.

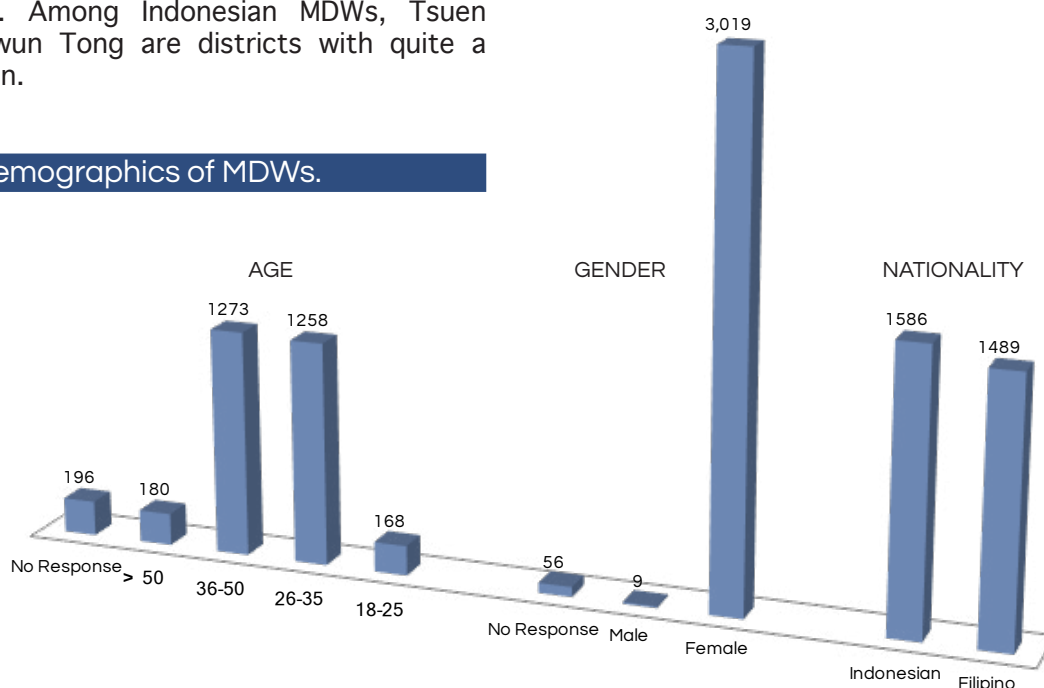


Figure 2. Demographics of residence.

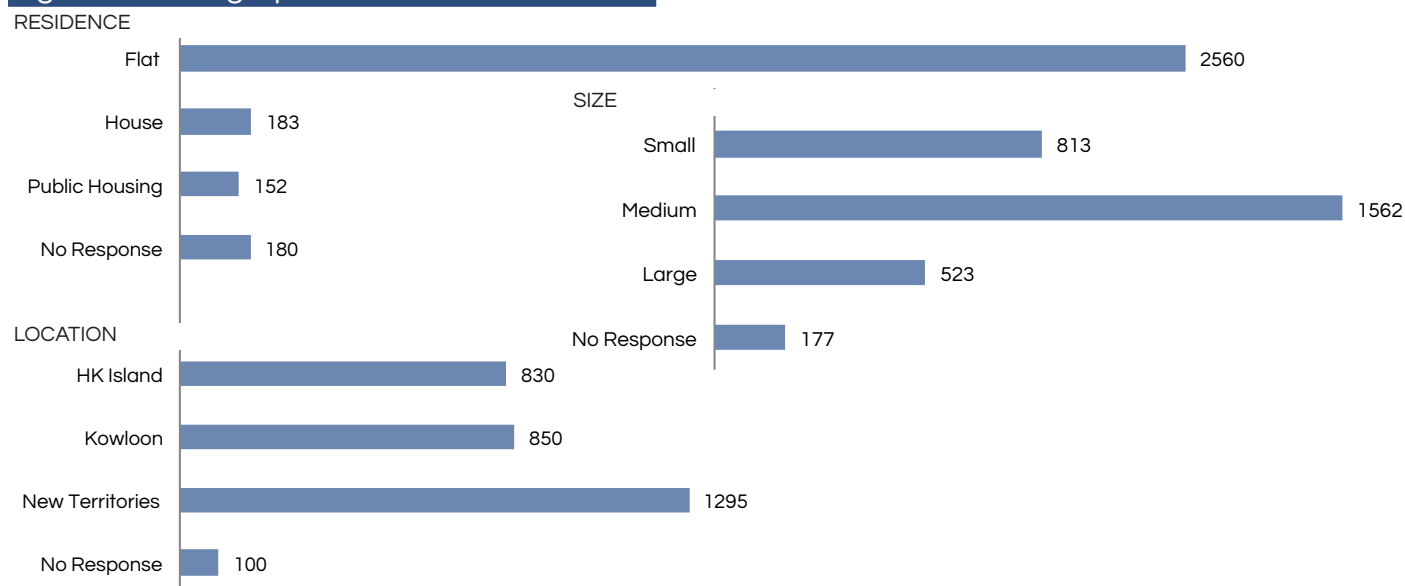


Figure 3. Size of employers' homes.

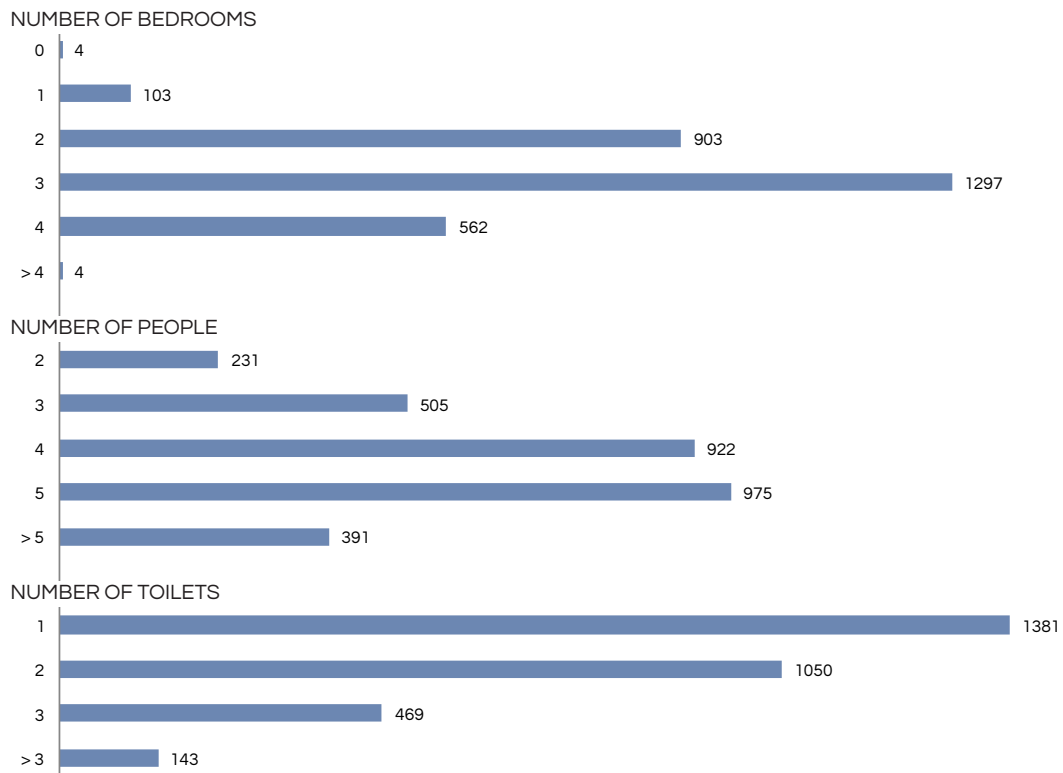


Figure 4. What kind of home does a MDW usually work?

WHAT KIND OF HOME DOES A MDW USUALLY WORK?



medium sized flat
with 2-3 rooms and 1 toilet



located in either Kowloon City
or Central and Western District

Household members number 4-5 including the domestic worker.



CONDITIONS OF ACCOMMODATION

More than half (57%) of respondents have their own room. However, only half of them have the room for their own personal use. It was found out that 33% of those who declared they have their own private room also admitted that their room is not exclusively for their use.

If we add this to the 42% of respondents who at the onset declare that they do not have their own separate/private room, this means that, in fact, about a total of three-fifths (61%) of the more than 340,000 MDWs in Hong Kong either do not have a bedroom to sleep in or the room they are made to use is also utilized for other purposes. In absolute value, that figure may run up to more than 200,000 MDWs.

Of the respondents who have their own room but also said that their room is used for other functions, 64% reported that the room is used for storage. Meanwhile, 49% said it is also used for hanging clothes, and a few said it is an area for ironing and washing (4%), computer, study and office area (3%), and an area for pets (1%).

From self-reports and estimates, the usual size of a separate room for MDWs is 50 square feet or less (52%).

“... about a total of three-fifths (61%) of the more than 340,000 MDWs in Hong Kong either do not have a bedroom to sleep in or the room they are made to use is also utilized for other purposes...”

50 sq. ft. or less
The usual size of a separate MDW room

Figure 5. Do you have a private room? (N=3,075)

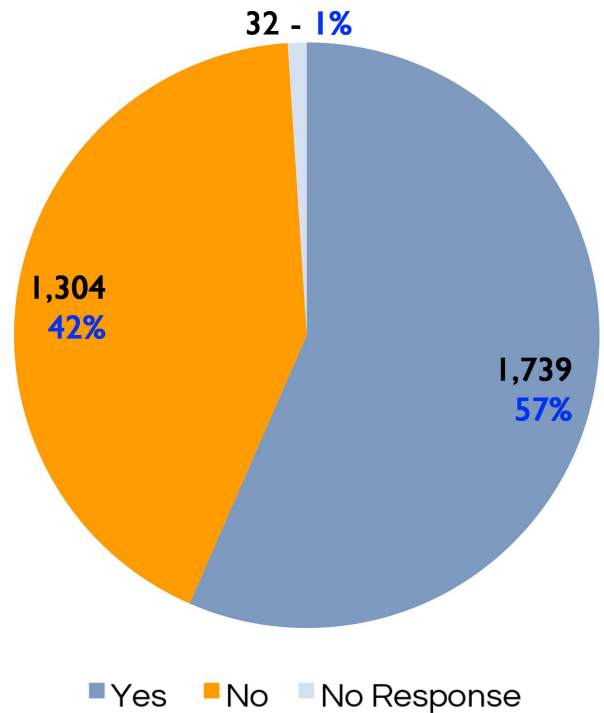
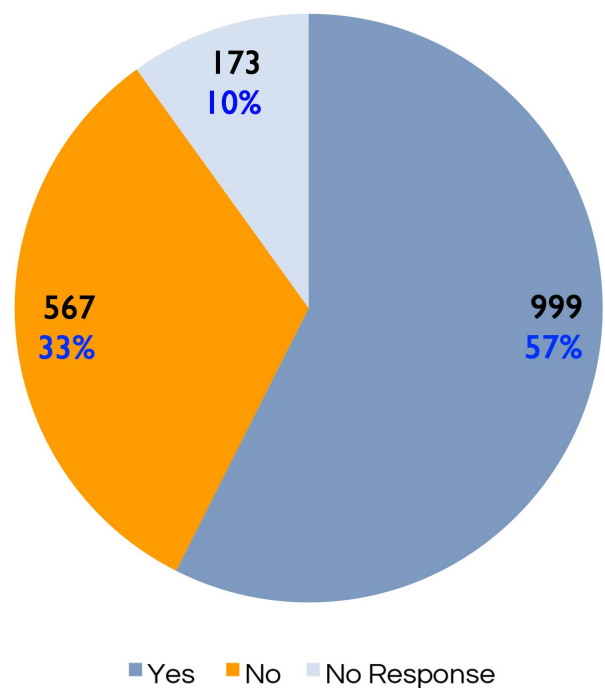


Figure 6. Is the room for your personal use? (N=1,739)





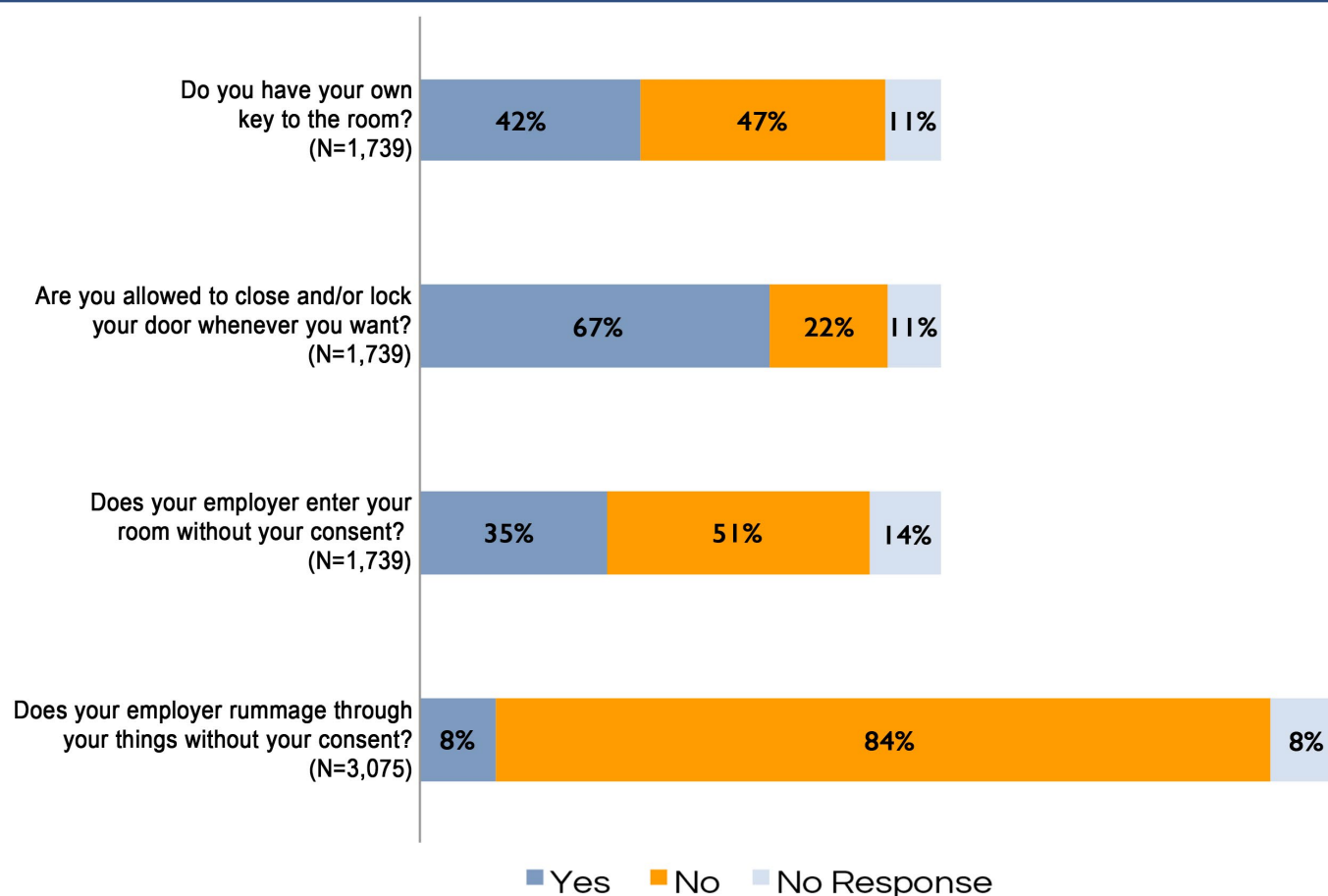
In terms of privacy in relation to their accommodation arrangements, almost half of MDWs (47%) said they do not have their own key to the room. Similarly, half of the MDWs (51%) said that their employer even enters the room without their consent.

While majority of employers do not rummage through the personal belongings of MDWs, 8% still reported that their employers do. That means there is an estimated 2 out of every 25 employers who look through their employees' belongings without permission.

Figure 7. Other functions of "private room" of MDWs (N=567)

Hanging clothes [276]	49%
Storage Area [362]	64%
Area for Pets [8]	1%
Computer, study or office [15]	3%
Ironing and washing [24]	4%

Figure 8. How private is their "private room"?



Among those who declared not having their own room, co-occupancy is the most widespread arrangement. Seventy percent (70%) said they share the bedroom with children (73%), with adults or elderly (21%) or with another co-worker (6%).

The living room – a very common area for the households to gather and spend leisure time – is the most usual sleeping space (21%) for MDWs next to shared bedroom. Three percent (3%) sleep in the kitchen. In absolute values, the latter may run up to almost 5,000 MDWs.

Of the respondents, 0.4% reported sleeping inside the toilet. This means that of the total MDWs in Hong Kong, more than 500 still sleep inside the toilet despite the indignation shown when this type of arrangement was exposed.

Aside from toilets, other spaces MDWs are made to sleep or take rest include stock, storage room, warehouse (0.6%); backdoor, basement, balcony and roof (0.5%), computer room, study room and music room (0.4%), and; closets, dressing room or a space with a division within another room (0.2%).

Taken together, about 2% of MDWs – or almost 3,000 MDWs – are made to sleep in practically anywhere in the employer’s house that is not a bedroom, living room or kitchen.

For places of sleep, only one-third (35%) or one out three MDWs are provided with a bed. Almost half of MDWs are provided with portable sleeping implement (folding bed or mattress) that are stowed away during the day and thus unavailable for periods of rest until sleeping time. Of the respondents, 9% sleep on the sofa while 6% are in bunk beds or pull out beds.

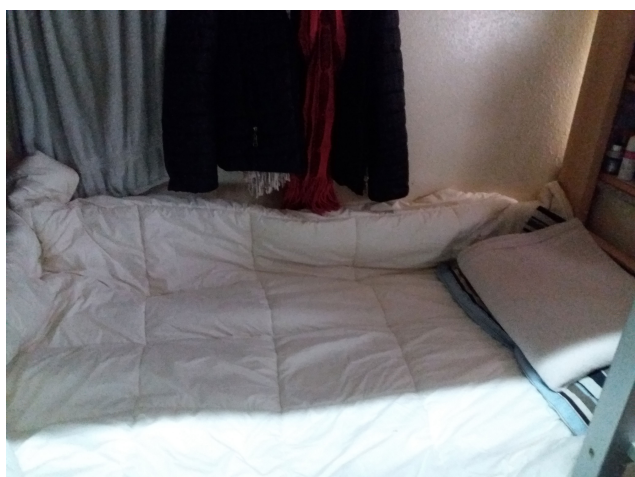
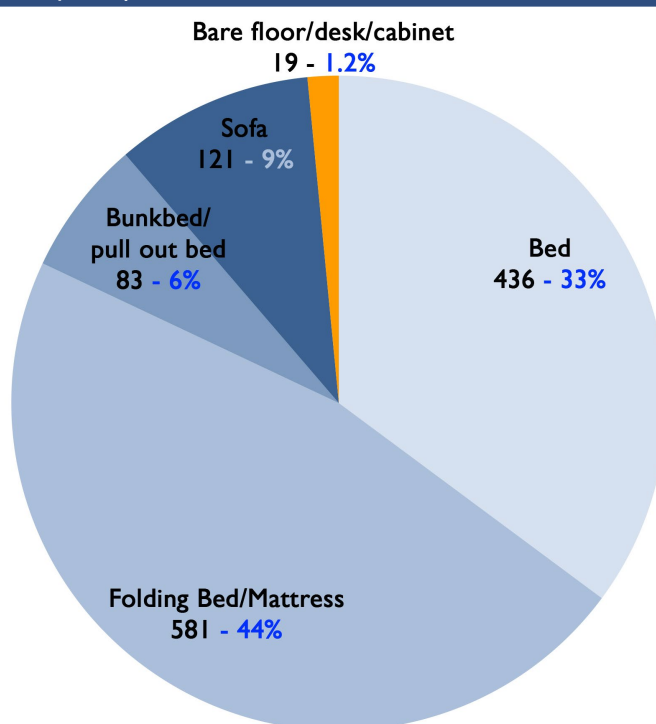


Figure 9. If it is not your own room, where do you sleep? (N=1,304)

Shared bedroom	917	70%
Living room	275	21%
Kitchen	45	3%
Stock, storage, warehouse	8	0.6%
Backdoor, basement, balcony, roof	6	0.5%
Toilet	5	0.4%
Computer, Study, Music room	5	0.4%
Closet, Division, Dressing room	3	0.2%
No response	40	3.1%
Total	1304	100%

Figure 10. What type of bed do you sleep on? (N=1,304)



PROVISIONS OF AMENITIES

Aside from basic lighting, significant number of respondents reported inadequate amenities.

Sixty-seven percent (67%) of MDWs do not have their own toilet and have to share with household members.

An astounding 14% of MDWs or around 32,000 MDWs do not have ready access when they need to use it. Such a condition is also very much a hygiene and health risk for the MDWs.

The most commonly absent amenities are air conditioning/electric fan during summer (33%), and heating amenity during winter (56%). MDWs are made to contend with the weather pattern of Hong Kong on their own.

About 10% reported lack of sufficient ventilation in the room they use for sleeping

that represents a health hazard for the MDWs.

Also, 10% of the respondents said they are not provided with beddings while 13% do not have their own closet for their clothes. It should be noted that that the Standard Employment Contract of Hong Kong stipulates the provision of beddings and a closet, but 1 out of 10 MDWs does not get such right.

Meanwhile, a quarter of MDWs (25%) do not have storage space for their personal things.

It must be recalled that according to Part B of Clause 3 of the Schedule of Accommodation, the above mentioned are part of the “essential facilities” that need to be provided to MDWs for free. Any denial of these amenities should be counted as a violation of the SEC.

Figure 11. Do you have your own toilet? If not, do you have access to a toilet when you need it?

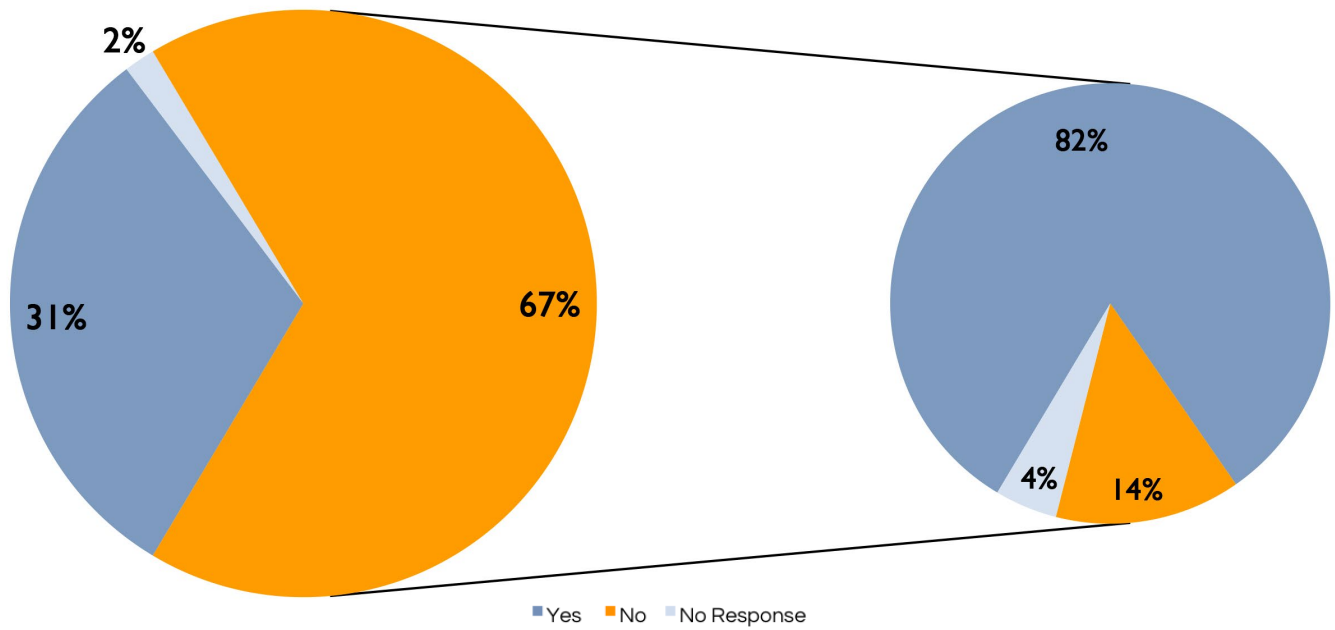
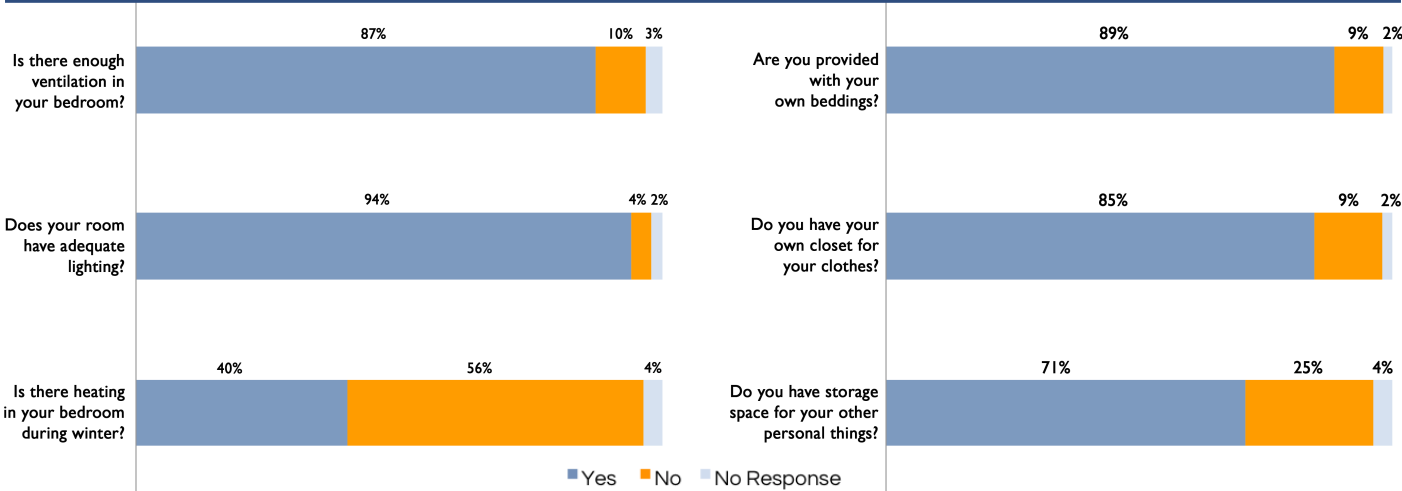


Figure 12. Provisions of amenities. (N=3,075)



*This is not a cabinet.
This is my "private
room" on top of the
shower area.*



FOCUS GROUP DISCUSSIONS

A number of focus group discussions were used to expand the knowledge and dig out qualitative descriptions of the MDW accommodations and sleeping arrangements and how they impact the quality of life of the workers.

With Separate Room Arrangements

Among those who are provided their own, or separate, rooms, there is a consensus that this arrangement is highly desirable. Multiple advantages have been expressed, including:

- (1) being able to get adequate rest and sleep;
- (2) having some degree of privacy;
- (3) being able to do personal activities, such as talking privately with families and friends after work schedule or pray;
- (4) having your own space to put one's belongings.

The degree of comfort experienced by participants with this arrangement is quite high and widespread. As one participant mentioned, "You can talk with the family. You can take a rest as long you finish the work. This is nice. You can feel comfortable." In fact, when asked if they wanted to change anything in their accommodations, some even categorically refused because they appreciate the situation they are in.

What is striking is that these participants who have separate rooms usually have defined working hours. Some are allowed by their employers to take periodic rests during the day as long as they follow work schedules or accomplish their duties. For some, they are usually not disturbed while inside their rooms and can even lock it. They are also usually provided with the basic or essential amenities by their employers, such as a bed, blankets, and quilts. There are even two who have their own washroom/toilet.

Adequate rest and privacy generally associate this solo arrangement. MDWs are able to retreat to their separate rooms and enjoy these advantages after their work in the household is finished. Interestingly, they summarize these positive attributes with concepts such as, "I feel free," or "being free," or "This is really, really free."

However, there are also disadvantages mentioned by the focus group participants even in this presumably ideal situation. What is interesting is that most of the complaints come from the discussion group among Indonesian domestic workers.

The most common complaint is that while having a separate room, it is usually double or multi-purpose. A significant number of the focus group participants reported that their "separate" rooms are also being used as hanging area for laundry and

storage area for the household, the former being a top priority for change.

A participant was emphatic with this demand because she, like others, is concerned about her health: "Yes, I also want to remove all the clothes from my room. Actually they can put their clothes in the living room, but I don't understand why they still put it on my room. So I really want to change this condition. Why? Because I feel my room is so humid and sometimes I can't breathe properly when I sleep because of the wet clothes and the heater."

Another concern that they have is security and feeling of vulnerability. There were various arrangements with regards being able to close or not their doors. Some can stay in their rooms but are forbidden to close it. Some reported that while they are able to close their door, they do not have keys to their own room and cannot lock them. This is the more common arrangement because "in case they (the employers) need to get something from my room, they can easily get it."

This situation of not being able to close and lock their rooms creates feelings of discomfort and even distress to the MDWs. As participants declare:

"I don't know if my employer have key for my room or not. I never ask. In the day time I cannot close my room, but in the night time I can close my room. But sometimes at night my employer can enter my room."

"I feel I don't have privacy because I feel uncomfortable because my employer can enter my room anytime."

"If you ask me, 'Do I have my room?' I will answer, 'Yes'. But I tell you that even if I have my own room, I feel I never have privacy."

The extreme issue of lack of privacy is highlighted with one participants reporting that a CCTV camera is placed in front of her room.

Having a separate room also does not mean that rest is assured. Some complain that even with their own rooms, they still sleep late because they wait for their employers to return home before being able to sleep, or they have to wait for everyone to go to sleep before they can. Some say their sleep is disturbed because employers ask for help even when they are in their rooms already so they are forced to serve or that kids and wards go in and out of their rooms.

Without Separate Room Arrangements

The prevailing sentiment of FGD participants under this arrangement is of distress and helplessness. The distress stems from the resulting fatigue and sense of vulnerability brought by the features of the alternative accommodations. The helplessness results from being forced to accept the situation due to fear of losing their jobs or resigning to the fact that space is indeed objectively lacking. In both cases, MDWs are called to sacrifice and suffer in silence. Each and every one of the participants in this focus group wanted their conditions changed.

The most common arrangements for those not having separate quarters are:

- (1) sleeping in the living room or storage room, and
- (2) sharing the room with their wards.

Each of these alternate arrangements pose various concerns to the health, security and privacy of the MDWs.

For those sleeping in the living room, the complaints revolve around:

- (1) lacking rest and sleep;
- (2) having no privacy; and
- (3) feeling vulnerable as a woman.

Sleeping in the living area of the household prevents MDWs from getting adequate sleep and rest. The living room is an activity room and is not a quiet restful area of the house. For example, one participant reported that she could not sleep because her employer watches movies at night and is quite noisy. Even if the employers do allow them to rest early, it is impossible for MDWs to do so since their rest area are still occupied by the household members. All participants who sleep under these arrangements complain about general fatigue and restlessness. One even attributed her deteriorating asthma condition from this arrangement.

Since they use made-do beds (usually laid down mattresses or sofa beds), the level of discomfort is extremely high.

“I use this very hard and thin mattress on the floor. In the winter time I don’t want to sleep in the floor because it is very cold.”

“Every time I wake up in the morning, I feel uncomfortable, and my whole body so painful.”

Disturbance of sleep is also highly reported. Members of the household would walk around,

access the toilet or kitchen, or would do activities that would wake up the MDW in the living room. This results to a lot of feeling tired and sleepy during the day’s work.

These problems are compounded by serious lack of privacy which extends to creating situations of physical and sexual vulnerability for women.

Privacy issues also are widespread. One participant laments:

“I feel I have no privacy. One day I was about to go out for my day off. But then I forgot to get something in my cabinet which is installed in the living room. I was on a hurry at that time, so I just opened my cabinet and get the things I need. Then when I go back home, my employer asked me, ‘why is your cabinet so messy, did you clean it?’ Since then I notice that she checked my things when I am out.”

“I feel now I have no privacy because everyone at home can always see what I am doing. For example, when I touch my personal things, like books or clothes, my employer will ask me “What is that” or “What are you doing?” and I don’t like it.”

“I feel I have no privacy, because that storage room is not my room only, because my employers also use it to store her stuff there.”

“I use this very hard and thin mattress on the floor. In the winter time I don’t want to sleep in the floor because it is very cold.”

“Every time I wake up in the morning, I feel uncomfortable, and my whole body so painful.”

*This "cupboard" is
my private bedroom.
I belong to the kitchen.*



For those who share rooms with their wards, they also share complaints about lack of rest mainly due to the late sleeping patterns of the kids that they sleep with or the degree of “naughtiness” of these children which disturb the MDWs during rest time.

Many of those in shared rooms occupy the top side of bunk beds which for some are uncomfortable. One participant even fell off the top bunk twice already.

Because of all these concerns, the MDWs want their sleeping conditions changed. However, they feel powerless to do so.

In fact, for many of them, this helplessness started even when they were shown their accommodations for the first time. Those in the discussion mentioned that what was indicated in their contracts do not reflect the reality of arrangements provided them.

For example, even when their employer indicated that the MDW will have a private room, she finds out that it is actually a storage room or worse, she is brought to the sofa as her sleeping quarters.

According to these MDWs, they do not ask their employers about the arrangement because they “don’t dare to do so.” One participant explained, “I am forced to accept because whether I like it or not, I have no choice because there is no space in my employer’s house. Because I know the answer will be - there is no space in her house.”

Another pointed it more bluntly:

“We agree because we need to earn money. If we disagree, of course, we’re sent to the agency, or we’re sent to go back home, right? So just agree.”

Asking for any reconsideration from employers can also be quite scary for the worker. In one example, a MDW asked her employer for room to be changed twice. “Why are you so demanding?” asked her employer.

Another MDW requested for a bigger fan because she is not allowed to use the air conditioner and she is only provided a small clip-on electric fan. Her employer quipped, “Why are you so demanding? It is enough for you. You’re so demanding.”

Some do understand the objective situation of lack of space. They may even trade or sacrifice their need for better sleeping arrangements because the employers treat them well in other matters. But sometimes, the patience to wait and sacrifice also wear thin.

“I feel sad. But I understand, because my employer always apologizes to me and he still promise me that within a year I will have a room, share with his child. I hope that I will have my own room and my own wardrobe someday.”

At the end of the focus group discussion, most of the participants stress the need to overcome the challenges of their current sleeping arrangements. Many propose a clearer policy on hours of work and uninterrupted rest periods. Some suggest the need to relax the mandatory live in policy and to allow the option for employers and their MDWs to arrive at live out arrangements if mutually beneficial for them.

Figure 13. Case study.

In one extreme case, the employer uses their one-bedroom house also as a travel agency office. The MDW is forced to sleep in the living room/office area under a working table. The space is so cramped that she cannot even put a thin mattress underneath the working table so she has to just lay a cloth on the floor to sleep on.

Since the beginning, her employer honestly told her that there is no room for her but did promise that by 10 or 11pm, there will be no more people in their travel agency/living room so that she can sleep. But many times, “People are still at work until 2 a.m. so I cannot sleep until they leave.”

She adds, “I am afraid with those people who work with my employer, because some of them are men. So I feel very uncomfortable and I cannot sleep whole night if they are taking overtime. I don’t have enough sleep.” She wants to at least have a curtained or partitioned area to cover herself while she is sleeping because she feels vulnerable to the opposite sex occupying the same space as her supposed rest/sleeping area.



*The bed on the left
is not mine.
I sleep on the floor.*

Figure 14. Major issues discussed by MDWs.

HOURS OF SLEEP

Focus group respondents brought up the issues of sleep whether they had their own room or not. Multiple MDWs with private rooms point out they still have to perform work duties, some as late as 3am to get up again at 6am. Respondents reported feeling weak and sleepy when doing their job due to lack of sleep. Employers require MDWs to wait for them to return home late at night (1am-3am) before allowed to sleep. For those who sleep in public spaces, such as the living room, MDWs have to wait for family members to vacate the premises and set up the sofas before sleeping. Such living arrangements do not provide workers with enough hours of sleep to recharge for work the following day.

ON-CALL 24 HOURS

Employers and other family members are able to call on their MDWs 24 hours a day. For respondents who live with children, they are woken up in the middle of the night if the child needs anything, regardless if the respondent shares a room with the child. One MDW, who sleeps in the storage room, disclosed that when the child would vomit in the middle of the night, her employer would wake her up to tell her to clean the child and change the bedsheet.

DUAL-PURPOSED ROOMS

Employers may provide MDWs with a room of their own, but the room also serves another purpose. The most popular dual usages for MDWs' rooms are for storage and hanging of clothes. Multiple focus group respondents addressed the issue of sleeping in store areas. Employers are free to enter to retrieve their items from MDWs' rooms, especially when those items are for babies, such as diapers and wet tissues. Constant uncertainty of when employers will need access to their room does not provide MDWs with adequate rest. For domestic workers sleeping in public areas, such as the living room and kitchen, it is difficult to rest when household members can walk through at any time.

LACK OF CHOICE

When asked why they agreed to sleep in the conditions not listed in their contract, everyone agreed, "We agree because we need to earn money. If we disagree, of course, we're sent to the agency or we're sent to go back home, right? Just to agree." MDWs have no choice because the salary offered in Hong Kong is more than they will make in their home countries. They make sacrifices to provide for families back home. "We don't have a choice."



I AM FORCED TO ACCEPT
BECAUSE **THERE IS NO SPACE**
IN MY EMPLOYER'S HOUSE.

WE AGREE BECAUSE WE NEED TO
EARN MONEY. **IF WE DISAGREE,**
WE'RE SENT TO THE AGENCY
OR WE'RE SENT TO GO BACK
HOME, RIGHT? SO JUST AGREE.

MADE-DO BEDS

The physical room does not provide rest for majority of the focus group respondents, but the quality of what they sleep on is also an issue. Filipino respondents sleep on a type of bed, whether it is with a single bed, bunk bed, or shared bed with a child in a type of room. On the other hand, majority of Indonesian respondents sleep on mattresses on the floor in a public space or on a sofa in the living room. Indonesian MDWs reported that their written contracts do not reflect their current sleeping situations, especially for those who have made-do beds on the floor in the hallway, laundry room, office, or living room.

ACCEPTANCE OF SITUATION

Filipino respondents agree that as long as their employers treat them well, their living situations are okay. Their employers are generous, helping out with family problems and providing them with a job in Hong Kong. One MDW, who sleeps in a small storage room, said that since her employer treats her well, she does not find her sleeping arrangement a problem. Indonesian respondents want to change their sleeping arrangement, but they fear their employers will terminate the contract.

PRIVACY

Majority of focus group respondents do not feel they had privacy, especially for those who do not have a private room. For MDWs with their own room, employers and other family members, especially children, could enter MDWs' rooms without knocking because there are no locks. Employers also have access to MDWs' personal space, and some rummage through their belongings when the worker is out. Sleeping in the living room exposes workers to the entire household where everyone can see them. For female MDWs, this increases vulnerability to sexual harassment and abuse.

HEALTH CONCERNS

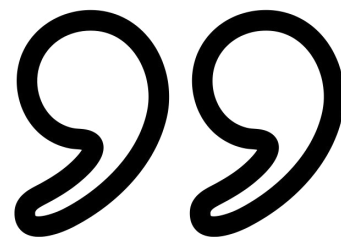
Respondents reported they had lack of ventilation where they slept. One employer supplied her with a small clip-on fan for her bed. Rooms for hanging wet clothes and laundry areas create extra moisture in the air, which creates long-term respiratory problems. Made-do beds on top of cabinets are safety concerns when they break. One MDW fell multiple times while attempting to get out of her top bunk. Constantly alert when the body is meant to be resting lowers the body's immune system, and workers are more susceptible to sickness.

WE DON'T HAVE A CHOICE.

I AM AFRAID OF THE PEOPLE WHO WORK WITH MY EMPLOYER BECAUSE SOME OF THEM ARE MEN. SO I FEEL VERY UNCOMFORTABLE AND I DO NOT SLEEP THE WHOLE NIGHT IF THEY ARE TAKING OVERTIME. I DO NOT HAVE ENOUGH SLEEP.

WE NEED REST TO RECHARGE OUR ENERGY FOR THE NEXT DAY.

THE ADJUSTMENT WAS HARD AT FIRST, SO I JUST ACCEPT IT. I ADJUST MYSELF, SO I GET USED TO IT.







ACCOMMODATION COMPARISON

INTERNATIONAL STANDARDS

The United Nations and its human rights treaties bodies have implemented various international policies pertaining to the rights of domestic workers. These conventions list working conditions, such as rest and work hours, as well as living standards, such as provision of ventilation and privacy.

Hong Kong, as a Special Administration Region under the United Kingdom then and now China, inherited the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This convention sets up minimum accommodation standards for all women without discrimination to immigration status.

While Hong Kong has not ratified the following international conventions and agreements, it is important to look at them as international standards, grounded on human rights, which any government must strive to live up to. The following are major international conventions and agreements that provide for the living condition of migrant domestic workers and their relevant provision.

Figure 15. International conventions pertaining to living conditions for MDWs.

CONVENTION	ACCOMMODATION REQUIREMENTS
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) ^{*5}	<ul style="list-style-type: none"> • Adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ⁶	<ul style="list-style-type: none"> • No arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation • Privacy • Adequate housing • Employer of migrant workers may establish housing or social or cultural facilities for them
ILO Domestic Workers Convention (C189) ⁷	<ul style="list-style-type: none"> • Decent working conditions and, if they reside in the household, decent living conditions that respect their privacy • Not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave
ILO Domestic Workers Recommendation (R201) ⁸	<ul style="list-style-type: none"> • Separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker • Access to suitable sanitary facilities, shared or private • Adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household
ILO Workers' Housing Recommendation (R115) ⁹	<ul style="list-style-type: none"> • Structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards • Minimum space per person or per family • Adequate sanitary and washing facilities, ventilation, cooking and storage facilities and natural and artificial lighting • Minimum degree of privacy

* ratified



My room is also the household storage room.



Following the results of the survey and the focus group discussions, it is evident that the living condition of MDWs in Hong Kong are not at par with the standards set by international agreements and conventions on the following concerns:

1. Choice in accommodation arrangement

With the mandatory live-in condition enforced by the Immigration Department, the freedom to choose accommodation arrangement for migrant domestic workers is already deprived by the Hong Kong government.

Article 9a of the ILO Convention 189 states that member states must take measures “to ensure that domestic workers are free to reach an agreement with their employer or potential employer on whether to reside in the household.”

It is also notable that the said condition is only enforced among MDWs and not to other workers – foreign or locals. This already constitutes multiple provisions of conventions safeguarding migrant workers, especially women migrant workers from discrimination.

For example, Article 70 of the UN Convention on the Protection of the rights of All Migrant Workers and Members of Their Families accentuates that the rights of migrant workers should not be less favorable than those applied to nationals.

Meanwhile, the Convention on the Elimination of All Forms of Discrimination against Women or CEDAW – considered as the bill of rights of women – Paragraph 26 of the General Recommendations issued by the committee tasked to monitor the Convention’s implementation suggests that discriminatory bans or restrictions on immigration should be abolished and discrimination toward women migrants should be avoided.

Furthermore, Article 53 of the General Comment No. 1 of the UN Committee on Migrant Workers states that immigration statuses of migrant domestic workers should not be conditional, as this would restrict workers’ liberty of movement (Article 39) as well as increases their vulnerability to exploitation and abuses.

2. Adequate accommodation

A number of conventions and agreements can be mentioned pertaining to adequate accommodation for migrant workers. The Standard Employment Contract requires employers in Hong Kong to provide MDWs with “suitable accommodation and with reasonable privacy” but does not go further to define what is suitable and reasonable.

The most that can be said is that in the Guidebook for Employment of Domestic Helpers from Abroad (ID969), it describes “having to sleep on made-do beds in the corridor with little privacy or sharing a



room with an adult or teenager of the opposite sex” as contravening the said contract provision. As shown in the survey and focus group discussions, a significant section of MDWs live in a condition that contract provisions do not allow.

Recommendation 201 of the ILO Convention 189 describes quite well what the accommodation of live-in workers should be. This includes:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock (key should be given to the MDW);
- (b) access to sanitary facilities; and
- (c) adequate lighting and appropriate heating and air conditioning in keeping with household conditions.

Furthermore, ILO Workers’ Housing Recommendation 1961 (No. 115) also stipulates standards on housing of workers including protection from elements, facilities for sanitation, privacy lighting and others.

3. Privacy

Lack of an own private room already sacrifices the privacy of MDWs.

While households in Hong Kong are in the medium-to small-range, the mandatory live-in employment provision forces MDWs to accept accommodation

arrangements that are grossly insufficient if not totally lacking in privacy for the MDW.

Multiple international agreements also cover provision of privacy for MDWs including Article 6 of the ILO Convention No. 189 that seeks to ensure domestic workers are treated as ordinary workers and allowed to enjoy fair terms of employment as well as decent working conditions that respect their privacy. Workers Housing Recommendations No. 115 also carries privacy as a standard for accommodation.

4. Amenities - particularly access to toilet

It should be noted that survey results pertaining to provision of amenities also point to violations even in the Standard Employment Contract that provides for access to toilet (section 3B(b)), provision of beddings (section 3B(d&e)), and provision of a closet for clothes (section 3B(f)).

Suitable accommodation as mentioned in point #2 include basic and necessary amenities that the ILO Convention No. 189 and the ILO Workers Housing Recommendations No. 115 have outlined. Survey results pointed out severe lack of amenities (with the exception of lighting) for MDWs, including limited access to toilet, which is important for health, hygiene, and sanitation.

POLICIES OF OTHER COUNTRIES

While Hong Kong believes that it has one of the best policies and statutes regarding migrant labour, a survey of policies relating particularly to accommodation reveals that many other countries are more advanced in terms of defining standards of accommodation for domestic workers, including migrant domestic workers.

In Austria, the Act Governing Domestic Help and Domestic Employees of 1962 Section 4 provides as follows:

(1) If the employee resides in the household and is assigned a separate [room] of his/her own, such room shall comply with the health, construction and fire regulations and shall be designed so as not to harm the employee's morals; it shall be possible to heat such room during the period when outdoor temperatures require heating, also to lock it from in- and outside, and it shall have the requisite fittings, including, in particular a cupboard with a lock.

Article 21 of the Household Workers Act in Bolivia states that employers are obliged to:

(b) provide those workers living in the household in which they perform services with: adequate and hygienic accommodation; access to a toilet and shower for personal hygiene; the same food as the employer.

Meanwhile in Singapore, which hosts 239,700 MDWs (as of 2016), has quite defined what suitable accommodations means.

Accommodation is required to have sufficient ventilation, away from dangerous equipment or structure that could potentially cause harm or hurt, and separate room from male adult or teenager, to name a few.

Uruguay, as one of the very first countries to ratify Convention No. 189, also makes an effort to regulate employer-provided accommodation and food with the Ministry of Labour and Social Welfare Decree of 25 June 2007, issued under Act No. 18.065. Section 11 of the decree states, "Any employer who hires staff to carry out domestic worker on a 'live-in' basis shall provide food and accommodation. [...] In accordance with the practices and customs of the household. The accommodation shall be private, furnished and hygienic."

Compared to the aforementioned countries, Hong Kong has much to do to keep its policies at par with international standards.

Hong Kong can study models in other countries in crafting policies for MDWs and how these state parties also implement such policies. The question is why Hong Kong cannot meet these standards as a major developed country. Countries from around world, including some Asian and Middle Eastern countries, have defined minimum adequate accommodation guidelines for migrant workers. As a major receiving country, Hong Kong should and can do better in their policy implementation and practices in relation to accommodations.



Figure 16. MDW accommodation requirements in other countries.

Austria¹⁰

Own room

- Must comply with the health, construction and fire regulations and shall be designed so as not to harm the employee's morals
- Provide heat during cold period
- Must lock from in- and outside
- Should have requisite fittings, including a cupboard with a lock

Bed only

- Own room provision applies to the room in which bed is placed
- Only necessary to make provision for locking room from inside

Bolivia¹¹

- Adequate and hygienic accommodation
- Access to a toilet and shower for personal hygiene
- Same food as the employer

Canada¹²

- Adequate, properly heated and ventilated room
- Door with a lock and a safety bolt from within; employee will be provided with the corresponding key

Ireland¹³

- Respect and take all steps necessary to safeguard the dignity and privacy
- Private secure room with a bed (if required to share a bedroom, must be clearly agreed in advance)

Israel¹⁴

- At least 4 square meters sleeping space per worker
- Personal cupboards and bedding
- Heating and ventilation
- Reasonable lighting and electric outlets in each room
- Hot and cold water in the bathroom
- Kitchen and showers

Jordan¹⁵

- Well-ventilated and well-lit room
- Right to privacy

Singapore¹⁶

- Adequate protection from environmental elements
- Minimally provide a mattress, pillow and blanket
- Sufficient ventilation - mechanical ventilation (e.g. electrical fan) should be provided if natural ventilation is inadequate
- Should not sleep near any dangerous equipment or structure that could potentially cause harm or hurt
- Must not sleep in the same room as a male adult or teenager
- Separate room; if not possible, ensure that accommodation has adequate space and privacy

South Africa¹⁷

- Weatherproof and in a good condition
- Has at least one window and door that can be locked
- Fitted with a toilet, a bath/shower, or has access to bathroom

Uruguay¹⁸

- Hygienic and private room/environment



CONCLUSION



From this study, it can be concluded that problems regarding accommodation arrangements among MDWs are widespread and varied. These problems are insufficiently addressed by existing standards and enforcement of standards, and are also anchored in current policy of mandatory live-in employment arrangement for MDWs. They also range from absence of a dignified sleeping arrangement to problems of availability and access of MDWs to basic amenities.

While over half of MDWs are provided with a separate room, the quality of the said space is usually compromised by making the room serve multiple purposes or limiting the access and control of the MDW to the said space.

Those without own rooms are much worse off as they have to contend with alternative arrangements that are unhealthy, inhumane and violate even the already insufficient standards set by Hong Kong in its Standard Employment Contract. This minimum standard also lack mechanisms for effective enforcement.

While Hong Kong is not signatory to international conventions and agreements, it being a part of the international community still makes it imperative to do its utmost to conform to international standards of human rights of migrants, workers and women.

As it currently stands, Hong Kong's policies are not up to par with international standards and other countries around the world. It is concerning that the special administrative region has not ratified or pushed for the ratification of ILO Domestic Workers Convention (C189) that, so far, contains some of the most advanced provisions for protection of MDWs.

It is imperative for Hong Kong government to initiate changes in policies and enforcement regarding accommodation arrangements.

To this end, the research recommends for the Hong Kong government and its relevant branches to:

(1) Define and expound “suitable accommodation” in the SEC by listing down guidelines on what are unsuitable accommodation arrangements for MDWs.

While the SEC already includes sleeping in made-do beds in cupboards and cabinets, and sleeping with adults and teenagers of the opposite sex, the list can be further expanded by consulting MDW organizations and advocates with intimate knowledge of concrete experiences of MDWs.

From the FGDs and survey results, “sleeping in the living room” becomes an obvious candidate for inclusion in the list of “unsuitable” accommodation because of its impact on the right to rest of MDWs but more so of the inherent insecurity risks and increased physical and sexual vulnerability that this arrangement creates for MDWs who are predominantly women.

Definition of “suitable accommodation” should also include elucidation on access to basic amenities and guidelines on privacy protection.

The Immigration and Labour Departments can come up with a separate list of accommodation arrangements that are “unsuitable” and violate the SEC. The list should be included in the SEC as an elaboration of the Schedule of Accommodation and Domestic Duties.

(2) Institutionalize regulatory and monitoring mechanisms wherein submitted accommodation arrangement of employers are actually realized. For example, the Thai Labour Department inspects accommodations for first-time workers or those who change employers. Employers must submit photographic proof of accommodation. Any questionable accommodation triggers an inspection of the employer’s home and an interview with the worker.

(3) Develop complaint system for migrant workers to address issues of accommodations. Call for discussions among stakeholders (migrant groups, employers, consulates) to tackle issues of accommodations and how to streamline problems that arise. Keep employers accountable when these accommodation contracts are breached.

(4) Raise awareness of employers and household members regarding unsuitable accommodation and the rights of MDWs regarding living arrangements. Undertake education and information activities pre and during employment related to this matter.

(5) Analyze and align Hong Kong policy according to international standards as well as other best practices around the world.

(6) Ratify ILO Convention No. 189 to protect domestic workers from further human rights and dignity abuses.

(7) Reconsider the live-in requirement and make live-out an option for MDWs and their employers depending on specific circumstances of the households.

- ¹ Mission for Migrant Workers (MFMW). Live-in policy increases female FDW's vulnerability to various types of abuse. April 2013. Available at: https://issuu.com/mfmw/docs/primer_live-in_english
- ² MFMW. Service Report 2016. April 2017. Available at: http://www.migrants.net/wp-content/uploads/MFMW_Casework_Report2016_FINAL.pdf
- ³ MFMW. Case Work Report 2015. 31 March 2016. Available at: <http://www.migrants.net/mfmw-case-work-report-2015/>
- ⁴ Immigration Department Hong Kong SAR. 15 September 2015. Standard employment contract and terms of employment for helpers. Available at: <http://www.immd.gov.hk/eng/forms/forms/fdhcontractterms.html>
- ⁵ UN General Assembly. Convention on the elimination of all forms of discrimination against women. 18 December 1979. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>
- ⁶ UN General Assembly. International convention on the protection of the rights of all migrant workers and members of their families. 18 December 1990. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>
- ⁷ ILO. C189 - Domestic workers convention, 2011 (No. 189). 16 Jun 2011. Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:2551460
- ⁸ ILO. R201 - Domestic Workers Recommendation, 2011 (No. 201). 16 Jun 2011. Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:R201
- ⁹ ILO. R115 - Workers' Housing Recommendation, 1961 (No. 115). 28 Jun 1961. Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R115
- ¹⁰ Austrian Legal Information System. Act governing domestic help and domestic employees. 23 July 1962. Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/42844/94745/F388785144/AUT42844.pdf>
- ¹¹ Gaceta Oficial del Estado Plurinacional de Bolivia. Ley de regulacion de trabajo asalariado de hogar. 9 April 2003. Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64101/101782/F252531080/BOL64101.pdf>
- ¹² Employment and Social Development Canada. Temporary foreign worker program: In-home caregiver employer/employee contract. 5 December 2015. Available at: [http://www.servicecanada.gc.ca/eforms/forms/esdc-emp5604\(2016-12-005\)e.pdf](http://www.servicecanada.gc.ca/eforms/forms/esdc-emp5604(2016-12-005)e.pdf)
- ¹³ Workplace Relations. Code of practice for protecting persons employed in other people's homes. Available at: https://www.workplacerelations.ie/en/Good_Workplace_Relations/codes_practice/COP10/
- ¹⁴ State of Israel Population and Immigration Authority. Foreign workers' rights handbook. 2013. Available at: <http://mfa.gov.il/MFA/ConsularServices/Documents/ForeignWorkers2013.pdf>
- ¹⁵ Official Gazette. Regulation no 90/2009 of domestic workers, cooks, gardeners and similar categories. 1 October 2009. Available at: <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/85397/95601/F1107048298/JOR85397.pdf>
- ¹⁶ Government of Singapore Ministry of Manpower. Rest days and well-being for foreign domestic worker. 28 March 2016. Available at: <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being>
- ¹⁷ Republic of South Africa Department of Labour. Basic conditions of employment act, no. 75 of 1997. 15 August 2002. Available at: <http://www.ilo.org/dyn/natlex/docs/SERIAL/74071/76138/F1095632950/ZAF-74071.pdf>
- ¹⁸ República Oriental del Uruguay. Trabajo doméstico normas para su regulación. 15 November 2006. Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/74864/77379/F470246363/URY74864.pdf>

ENDNOTES



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