

Advocating for Policy Improvements for Migrant Domestic Workers in Hong Kong

The domestic worker industry in Hong Kong has experienced significant growth in recent years, fueled by the increasing demand for domestic workers in a thriving global city. Factors such as the rise in dual-income families and the growing elderly population have contributed to this demand. Presently, Hong Kong is home to over 340,000 migrant domestic workers (MDWs), predominantly from Southeast and South Asian countries including the Philippines, Indonesia, Thailand, and India. These MDWs constitute approximately 10% of the local workforce (Immigration Department of HKSAR, 2008).

Hong Kong's domestic worker industry operates under two special policies, namely the "live-in policy" and the "two-week policy". The "live-in policy" mandates that MDWs must reside at their employer's residence and prohibits them from living outside or having separate accommodations. On the other hand, the "two-week policy" stipulates that if a foreign domestic worker's employment contract is terminated before its expiration, they must find a new job and apply for a new visa within two weeks, or otherwise leave Hong Kong to apply for a new work visa. These policies significantly shape the work and life aspects of MDWs in Hong Kong.

However, these policies have been widely recognized by human rights organizations as unjust and have detrimental consequences for MDWs. They hinder the ability of MDWs to challenge any injustices they face and often result in these workers settling for significantly less than their legal entitlements, with some receiving as little as 40% of their claims. Moreover, the systemic challenges posed by these policies discourage legal actions against delinquent employers. Insufficient legal protections, inadequate regulation, and weak enforcement of labor rights further contribute to the vulnerability and power imbalances faced by MDWs once they arrive in Hong Kong (Anderson, 2000).

Cultural norms that stereotype Filipinas as "taken-for-granted" caregivers exacerbate the challenges faced by MDWs and perpetuate their exploitation in domestic work (Rodriguez, 2010). Additionally, socio-economic dynamics such as high living costs, cultural expectations, and restrictions on working during legal proceedings create a severe disadvantage for MDWs, both economically and socially (Benitez, 2007). Despite these challenges, MDWs play a crucial role in supporting families, particularly those with members suffering from conditions like dementia, fostering a relationship built on trust and interdependence (Basnyat & Chang, 2017).

This report aims to advocate for the Hong Kong Government to further improve the

two policies on MDWs in Hong Kong. It will analyze the existing challenges faced by MDWs under the current policy framework and provide recommendations for policy reforms that prioritize the protection of their rights and the enhancement of their working conditions. By implementing these reforms, the Hong Kong Government can create a more equitable and supportive environment for MDWs, ensuring their well-being and contributing to a fair and inclusive society.

To enhance the working conditions and rights of MDWs in Hong Kong, the Hong Kong Government can take several measures. The following recommendations outline key areas where policy reforms can be implemented:

Reform the “Live-in” Policy:

The live-in policy, which mandates that MDWs must reside at their employer's residence, can be reformed to provide greater flexibility and autonomy for MDWs. The government should consider allowing MDWs the option to choose whether they want to live in or live out, providing them with the freedom to have their own separate accommodations if they wish to do so. This change would empower MDWs and give them the ability to create a better work-life balance.

1. **Standardize living conditions.** The Hong Kong government should set clear standards for living conditions provided to migrant domestic workers. This includes ensuring that each worker has a private room with adequate space, ventilation, and natural light. Shared rooms should be avoided as much as possible, and efforts should be made to provide suitable accommodation for all workers.
 - (1) Define minimum standards for living conditions, such as specifying the minimum square footage, natural light, ventilation, and privacy requirements for domestic workers' rooms.
 - (2) Establish guidelines that discourage shared rooms and prioritize private rooms for domestic workers.
 - (3) Conduct regular inspections to ensure compliance with the standards and take appropriate actions against employers who fail to provide suitable living conditions.

2. **Improve accommodation inspections.** Strengthen the monitoring and inspection processes to ensure that employers are providing suitable living conditions for domestic workers. Regular inspections should be conducted by relevant government agencies to identify and address cases where workers are living in inadequate or unsuitable conditions.
 - (1) Increase the frequency and rigor of inspections by relevant government agencies to identify cases of inadequate or unsuitable living conditions.
 - (2) Develop a comprehensive checklist for inspectors to assess the quality of accommodation, considering factors such as room size, ventilation, natural

light, privacy, and general cleanliness.

- (3) Implement a system of penalties or sanctions for employers who consistently fail to meet the established standards.

3. **Raise awareness and education.** Conduct awareness campaigns and provide educational materials to both employers and domestic workers about the importance of privacy and suitable living conditions. Employers should be educated on their responsibilities to provide a private and comfortable living space for domestic workers, emphasizing the value of respecting their privacy and dignity.

- (1) Create educational materials and campaigns targeting both employers and domestic workers, emphasizing the importance of privacy and suitable living conditions.
- (2) Provide guidelines to employers on creating a comfortable and private living space for domestic workers, including tips on room arrangement, personalization, and privacy measures.
- (3) Conduct workshops or training sessions for domestic workers to educate them about their rights, including the right to privacy, and provide guidance on how to address privacy-related issues effectively.

4. **Empowerment and grievance resolution mechanisms.** Establish accessible and effective channels for domestic workers to voice their concerns and lodge complaints regarding their living conditions. This could include setting up a dedicated hotline or online platform where workers can report violations and seek assistance. The government should ensure that these mechanisms are accessible, confidential, and responsive to the needs of domestic workers.

- (1) Establish a dedicated hotline or online platform where domestic workers can report privacy violations, inadequate living conditions, or other concerns related to their accommodation.
- (2) Ensure that the grievance mechanisms are accessible, confidential, and responsive, providing clear instructions on how to submit complaints and the steps involved in resolving them.
- (3) Implement a system to track and monitor the progress of complaints, ensuring timely and effective resolution.

5. **Collaborate with NGOs and advocacy groups.** Work closely with non-governmental organizations (NGOs) and advocacy groups that focus on the rights and welfare of migrant domestic workers. Collaborate on initiatives to improve living conditions, provide support services, and advocate for policy changes that prioritize the privacy and well-being of these workers.

- (1) Engage in regular dialogue and consultation with NGOs and advocacy groups specializing in migrant worker rights and welfare.

- (2) Facilitate joint initiatives with these organizations to conduct research, share best practices, and develop recommendations for improving the "Live-in Policy" and addressing privacy concerns.
 - (3) Establish partnerships to provide support services, such as legal aid, counseling, and mediation, for domestic workers facing privacy issues or inadequate living conditions.
6. **Review the "Live-in Policy".** Consider a comprehensive review of the "Live-in Policy" itself to address the inherent challenges and potential issues related to privacy and living conditions. This review should involve input from stakeholders, including domestic workers, employers, NGOs, and relevant government agencies, with the aim of identifying areas for improvement and implementing necessary changes.
- (1) Initiate a comprehensive review of the "Live-in Policy" in consultation with stakeholders, including domestic workers, employers, NGOs, and relevant government agencies.
 - (2) Evaluate the impact of the policy on the living conditions and privacy of domestic workers, identifying areas for improvement and potential policy adjustments.
 - (3) Consider alternative models, such as a "live-out" option, where domestic workers have the choice to live outside their employers' homes while maintaining suitable accommodation standards.

Reform the "Two-week" Policy:

The "two-week policy" in Hong Kong has harmed the interests of migrant domestic workers in several ways. Firstly, it limits job opportunities as workers face immense pressure to secure new employment within a short period, leading to a reduced ability to negotiate fair wages and working conditions. Secondly, the policy increases their vulnerability to abuse and exploitation, as workers may feel compelled to accept unfavorable terms out of fear of being unable to find another job within the time limit. Additionally, the limited understanding of the policy among workers exacerbates confusion and uncertainty, further hindering their ability to navigate the system and protect their rights. Overall, the policy's strict timeframe and lack of clarity have had detrimental effects on the interests and well-being of migrant domestic workers in Hong Kong. To address the issues surrounding the "two-week policy" in Hong Kong and improve the understanding and communication among migrant domestic workers, several recommendations can be implemented.

1. **Simplify and clarify the policy.** The "two-week policy" should be reviewed and simplified to make it more accessible and easily understandable for domestic workers and employers. Clear definitions of its scope, application, and exceptions should be provided, along with concrete examples and scenarios.

- (1) Review and simplify the language used in the policy to make it more accessible and easily understandable for both domestic workers and employers.
 - (2) Clearly define the scope and application of the policy, including specific circumstances under which the two-week period applies and exceptions, such as termination due to abuse or employer bankruptcy.
 - (3) Provide concrete examples and scenarios to illustrate how the policy works in practice, addressing common questions and concerns raised by domestic workers.
2. **Multilingual information dissemination.** Informational materials explaining the policy should be developed in multiple languages commonly spoken by migrant domestic workers. These materials should be widely distributed through various channels to ensure broader comprehension and accessibility.
- (1) Develop multilingual informational materials, including brochures, pamphlets, and posters, explaining the "two-week policy" in simple and concise terms.
 - (2) Translate these materials into languages commonly spoken by migrant domestic workers, such as Tagalog, Bahasa Indonesia, Thai, or Vietnamese, to ensure wider comprehension and accessibility.
 - (3) Distribute these materials through various channels, such as government offices, community centers, employment agencies, and online platforms, to reach a larger audience.
3. **Mandatory orientation programs.** Employment agencies should be required to conduct comprehensive orientation programs for domestic workers and employers, specifically addressing the "two-week policy" and its implications. These programs should cover rights, responsibilities, and obligations, including clear explanations of the policy's time limits, consequences of non-compliance, and available support mechanisms.
- (1) Make it mandatory for employment agencies to conduct comprehensive orientation programs for both domestic workers and employers, specifically addressing the "two-week policy" and its implications.
 - (2) Ensure that these orientation programs cover the rights, responsibilities, and obligations of both parties, including clear explanations of the policy's time limits, consequences of non-compliance, and available support mechanisms.
 - (3) Monitor and enforce compliance by employment agencies to ensure the effective delivery of accurate and up-to-date information.
4. **Strengthen enforcement and oversight.** Specific administrative authorities should be designated for enforcing and overseeing the policy's implementation. Enhanced coordination among relevant government departments should be established to ensure consistent enforcement and clear lines of responsibility.

- (1) Allocate specific administrative authorities responsible for enforcing and overseeing the implementation of the "two-week policy."
 - (2) Enhance coordination and collaboration among relevant government departments, such as the Immigration Department, Labor Department, and relevant law enforcement agencies, to ensure consistent enforcement and clear lines of responsibility.
 - (3) Establish reporting mechanisms for domestic workers to report cases of non-compliance or seek assistance if they face difficulties in adhering to the policy's requirements.
5. **Dedicated information hotline.** A dedicated hotline or helpline should be established for domestic workers to seek information, clarification, or guidance regarding the policy. The hotline should be staffed with multilingual operators and promoted through various channels to raise awareness and encourage its use.
- (1) Establish a dedicated hotline or helpline where domestic workers can call to seek information, clarification, or guidance regarding the "two-week policy."
 - (2) Ensure that the hotline is staffed with multilingual operators who can effectively communicate with callers in their preferred languages.
 - (3) Promote the hotline through various channels, such as posters, online platforms, and community networks, to raise awareness and encourage its use.
6. **Regular engagement and feedback mechanisms.** Regular consultations and dialogues should be conducted with domestic worker organizations, NGOs, and relevant stakeholders to gather feedback on the policy's implementation and impact. Feedback received should be used to identify areas of improvement, address concerns, and make necessary adjustments to the policy and its communication strategies.
- (1) Conduct regular consultations and dialogues with domestic worker organizations, NGOs, and relevant stakeholders to gather feedback on the implementation and impact of the "two-week policy."
 - (2) Use the feedback received to identify areas of improvement, address concerns, and make necessary adjustments to the policy and its communication strategies.
 - (3) Establish mechanisms to keep domestic workers informed about any changes or updates to the policy, ensuring they have access to the most current information.