



At the onset, it has already been declared as a victory by the migrant workers. It was rightly so.

After five years of relentless campaigning, the struggle against the levy has come into fruition. Though the levy has been suspended, the fact that it has been brought out for public scrutiny, the fact that the HK government was forced to have it halted, and the fact that its unjustness has been exposed already qualify this development as a success.

To go back in history, the levy for employers of foreign domestic workers was introduced in 2003 at the same time as the HK\$400 cut on the wage of FDWs. Despite the attempts of the HK government to deny the correlation of the two policies, FDW groups led by the Asian Migrants Coordinating Body (AMCB) pointed out the obvious fact that the wage cut was imposed to off-set the impacts of the levy to employers.

The double whammy of the pay slash and levy resulted to historic protest marches of FDWs. In February of that year, 12,000 FDWs trooped to the Central Government Office (CGO) to call for the abolition of the levy and to protest the wage cut.

Dialogues were also conducted with concerned government agencies and even a legal case was filed by the migrant workers. The HK government, however, remain adamant in implement the said policy.


But the migrants did not stop. The issue was brought up even outside of Hong Kong to the United Nations level in various conferences.

All these years, the foreign domestic workers in Hong Kong of various nationalities, thru the Asian Migrants' coordinating Body (AMCB) united to oppose this attack on their welfare and livelihood. Even if HK government has always claimed that the levy was not a tax on the FDH's but rather only on the employers, the fact that its imposition came after the minimum allowable wage of FDH's were reduced by HKD400 in 2003, and the same amount levied on the employers, the levy is still tax imposed to FDWs though in a circuitous route.

The courts have ruled that the government is correct. Hong Kong of course prides itself as a place where the rule of law is observed. For FDWs and advocates though, the levy remains unjust.

Even the confusion generated by the wishy-washy announcement of its suspension has jeopardized the job security – if they have any —of FDH's. Only because of the relentless campaign of FDWs and advocates did the government relent and introduced the Advanced Renewal of Contract scheme to enable the coverage of ongoing contracts to the levy suspension.

The levy experience has only shown that we must always be vigilant in defending our rights, livelihood and welfare of our children and families. We must not let up our campaign for just working conditions in Hong Kong not only for ourselves but also for other workers of Hong Kong who are also poor, deprived and oppressed.

The levy is still not yet fully abolished. Wage of FDWs remain absurdly low. The fight for the rights and wellbeing of migrants is far from over. 

Reflections on the Minimum Wage Increase for FDWs

OUR FAITH,
OUR
STRUGGLE



“Give justice to the weak..., maintain the right of the weak and the destitute.”
Ps. 82:3

Foreign domestic helpers by virtue of their status are considered “poorest of the poor”. They are one of the most vulnerable sectors of HK society. HK prides itself to be better off compared with other countries in treating its migrants. HK claims migrants have access to government agencies and instrumentalities for redress.

It has a Labour Department that on several occasions, have shown relative impartiality in deciding claims lodged by aggrieved FDH against her abusive employer. It has a public health care system that allows FDH’s to enjoy health care at par with the locals. As long as one has employers. And it has an anti-discrimination law which exempts language as a basis for discrimination. HK’ biggest claim is its adherence to the rule of law.

In 2003, HK’s economy reeled at the impact of the Asia economic crisis. Salaries of those in government and

private sectors were frozen. Wages of FDH’s were frozen for three years.

Yet in April 2003, the minimum allowable wage (MAW) was reduced by HKD400/month, from HKD3,670 to 3,270, allegedly due to the economic downturn hitting Hong Kong. The FDH’s had to [further] carry the economic burden. The poor and the vulnerable were victimized.

The government instituted a retraining program for local labour force displaced by economic downturn. The government then imposed a levy on the employers of FDH’s, announced in the same month of April 2003, to be in effect on October 2003 at exactly the same amount: HKD400/month. The money was to be used to retrain for example a sales woman to do a domestic helpers job if she chooses to work in that area.


However one looks at it, it is a tax imposed on FDH’s through their employers. A judicial review was filed but the courts, by whatever legal calisthenics, upheld the government’s claim: it is not a tax on FDH’s. It is a tax on employers.

The levy continued to be imposed and the money collected and the interest earned amounted to billions of dollars. Nobody among the locals wanted to be retrained to work as domestic helper. With the huge amount in the coffers, it [may have] contributed to HK’s inflation.

On July 16 the Chief executive announced that as part of the economic relief measures for the middle class, government is suspending the levy for two years effective September 1, 2008. The brilliant measure, triggered a “massacre”. That very week a number of foreign domestic helpers either lost their jobs, or were given notices of termination or were notified of non renewal of contracts. Their employers of course wanted to be freed from the levy. Once again the poor and the vulnerable were victimized.

In the light of the protests that greeted the suspension, the government instituted damage-control: forward the suspension to August 1, revoke the 2-week rule for those terminated but rehired by the same employer, and because the employers themselves were not happy with the suspension, they were taught by government to terminate their newly hired/rehired FDH’s before the maturity of the contract and if they so wish rehire them again in order to have a total of 47 months levy-free maids! One more time the poor and vulnerable are victimized.

We must not allow the continuing victimization of the foreign domestic helpers. We must raise our voices; let us take to the streets. To be silent is to become complicit with their victimization.

Let us heed what the Good Book says, “Give justice to the weak..., maintain the right of the weak and the destitute.” (Ps. 82:3) 





The Story of Kim

Kim, an Indian domestic worker, had worked for her employer, also an Indian citizen, since 2002.

When she left Hong Kong on 11 August 2007 for her annual leave, Kim left the majority of her belongings in her employer's house. She had with her the keys to the employer's house and a mobile phone, both of which employer had given her.

Kim returned to Hong Kong on 23 August 2007 without any problem and since there was still some time left in her month's leave, she went to stay with friends instead of returning directly to her employer's house.

On 5 September 2007, Kim and her friends had planned to spend the day shopping in Shenzhen, but when they arrived at the border, Kim was detained by Immigration. She told the Immigration officers she didn't understand why there was a problem, as she was still employed.

The officers informed her that the contract had been terminated, and she was arrested and detained for two weeks for giving false information to an Immigration officer.

Upon release, Kim contacted her employer to gather her belongings but her employer's son-in-law refused to return them until she signed a "receipt" that contained lines referring to a termination letter on 14 August and wages in lieu of notice, neither of which Kim had any knowledge of up to that point. To receive her belongings though, Kim had to sign this letter.

After signing the letter, Kim sought the Mission for Migrant Workers for help in her case. During Kim's hearing the

Magistracy listened heavily to evidence given by the her employer but not Kim's.

The employer stated that Kim was terminated on 14 August, three days after she left for her annual leave in India, and that she was informed via a courier letter sent to India. Later, the employer changed his statement and said that he sent an email to his office in India with the termination letter attached with instructions for the staff to call Kim and inform her to come pick up the letter. The employer told the court that since he terminated the contract on 14 August he deposited wages in lieu of notice into Kim's bank account. It was only deposited on 4 September.

These should not have been allowed as viable reasons for termination. According to the Employment Contract section 10, either party may terminate the contract at any time, but only with a written notice and/or payment of wages in lieu of notice. Kim did not receive any written document concerning her termination nor received any money until 4 September.

The Magistracy concluded through his own formulation of the story that Kim did not terminate the contract when she left for India, that she did not leave for her annual leave, but returned to India intending to break the contract. Despite the sketchy evidence given by the former employer, Kim was convicted guilty by the Magistracy for giving false representation to an Immigration Officer.


Within a week, Kim decided to appeal against the court's decision. With the help of the Mission and under the advisement of a migrant sympathetic lawyer, Kim was able to file an appeal against the decision, citing evidence

that she had no knowledge of the alleged termination, that all efforts by the employer to terminate her contract were done without her knowledge.

In July 2008 Kim's case was sent for review by the High Court. The judge ruled that the evidence surrounding the alleged termination were not known to Kim, and that she was honest in her statement to the Immigration Officer, thus dismissing her conviction of False Representation.

The judge from the high court recognized the inconsistencies in the employer's statements and realized that even if the employer had dismissed her when he said he sent the letters, her visa would not have been finished at the time she was crossing into Shenzhen. In the same light, in consideration of the wages in lieu of notice, this was done almost one month after the alleged notice was given and without Kim's knowledge.

The judge recognized the Magistracy's judgment on Kim as wrong. That idea had never been a part of the prosecution's defense and there was never an opportunity for the defense to address the accusation. Thankfully, the judge in the high court was able to recognize that Kim was not at fault, that she re-entered Hong Kong under the safe assumption that she was still employed, otherwise, why would she have reentered in the first place? After the original conviction was quashed, Kim's record was wiped clean.

She was able to return to India without the burden of conviction and knowing she had received full and proper justice in her case. Kim is currently waiting to process a new contract to begin working in Hong Kong again soon. 

Evening falls on Kowloon like a mood, gently at first and then with a sting that drains the day. Nathan Road swallows traffic by the mile and spits back noise and fumes as pedestrians push up against each other on the bulging sidewalk. Neon signs hang from buildings like over-ripened fruit, hawking seafood and spirits, Chinese medicine and the melancholy of girlie bars where light never dares to go.

This part of Hong Kong the British barely even owned; they just left their little marks as time moved them on. Step around the corner onto Jordan Road and the crowd drifts away. Look beyond the high-rise shadows and there - look now, or you might just miss it - is one of those reminders that past days are gone. An old house, a church, perhaps a school, the shape suggests authority once remembered. The Romans offered the miracle of concrete to the Mediterranean world; the British multiplied it rudely in the sweated tropics.

The house has a name now - Bethune - and it stands as a monument to social change in the empire's dying days, when Hong Kong's wealth, or the fear of losing it, swelled the ranks of foreign amahs as the local middle classes sent their wives to work for ten, twelve, maybe fourteen hours a day. In the intimacy of private homes commercial contracts tear and fray, and as amahs became maids and then domestic helpers - as Filipinos were joined by Indonesians and many more besides - the unreasoned contrast between employee expectations and employer arrogance spilled out onto the streets.

Bethune House is a migrant women's shelter, a refuge for domestic helpers who have been unduly dismissed by their employers. Some have been abused - physically, mentally, sexually - and others exploited, underpaid, overworked, stripped of rights. All remain in Hong Kong because they're pursuing justice through the semi-formal Labour Tribunal or the daunting courts, if their cases ever go to trial. Their employers have new maids now, new victims, but these women are forbidden to work again until they've finished with their recourse to the law. If they leave Hong Kong their chance of restitution evaporates.



The Dark Side of Migrant Labour in Hong Kong

Kowloon by Night

by Mike Poole*

Walk with me now into the building; retrace the steps I took last night with my wife, daughter and friends. Trudge up the long flight of stairs to the second floor. Pass the suitcases jammed in where handrails should be, the women standing, waiting, expectant. Impermanence leaks into everything, but one woman has been here two years now with no real end in sight. The scene is much like the overcrowded transit lounge of a rundown bus interchange, but the Greyhound might never come.

The House itself occupies only one floor of the building; its lounge and other two main rooms overflow with luggage, furniture and people. There are twenty-two bed spaces but sixty-two people live here, sleeping three or four to a bunk, on the couches and anywhere else. One woman sleeps on a timber chest, most sleep on the floor. Thank you, Hong Kong, for the

privilege.

At the back of the House the kitchen is jammed with women talking, doing, or wanting to do. But there's a problem. They ate their last rice at lunch time, and there's no money to buy any more. They're not short for a while, and they don't have any credit anywhere. The rice really has run out.

"These are rice eating people" explains Edwina Antonio, Director of the House who lives with the women. "If they don't have rice, they have nothing to eat". And what little else they have could hardly be called a meal. It could hardly be called a pittance. So we bring rice, about 70 kilos of it, and some noodles, sauce, whatever else we can buy or collect from others. For sixty two people, that won't quite last a week.

Who brings rice next week, who pays the rent? Edwina faced the Legislative Council Panel on Home Affairs a few years back, when the government was making one of its many attempts to strip Bethune House of its charitable status. One of the 'x-files' she offered back to the government was the otherworldly claim that "Asian women migrant workers are not considered poor". Perhaps not by starving families in Africa, but here? Visit the Peak, visit Jordan, then give me your answer.

Every year, every week, each decade, Edwina and other tireless people who spend every moment of their lives helping domestic helpers in Hong Kong manage to scrape together just enough to lurch from one emergency to another. In the over-crowded rooms of Bethune House, pushed up against each other day in and day out, are the real survivors of this city, because they manage to make a stand. They can't leave without justice because they can't even afford to go home. And when they return it's poverty that greets them. But don't think they have it any better here.

Bethune House is both a triumph and a tragedy. It's what happens when an underclass refuses to flinch, will not move, but it lies always in the shadows, almost out of sight. 📧

*A migrant advocate and supporter of Bethune House, Mike Poole is part of the Justice for Vicky Flores concerned group. He is also the Chief Editor of Armstrong-Hilton Ltd.

Filipino Leaders Undergo Migrant Educators Training on GFMD



Around seventy migrant workers from twenty two organizations responded to the invitation of the United Filipinos in Hong Kong's first METS (migrant educators training seminar) on August 10 at the Fanny Li Hall, St. John's Cathedral in Hong Kong in preparation for the Global Forum on Migration and Development (GFMD) that will be held in Manila on October 28-30 this year.

With the aid of a power point, UNIFIL secretary general Eman Villanueva clearly presented the migrants' analysis on the true color and objectives of the GFMD and how it impacts on the migrant workers all over the world.

Migration, according to the GFMD, is an opportunity, not a threat. Temporary labor migration can be a flexible way of meeting labor surplus and shortage across countries.

On the contrary, based on the actual experiences of OFWs, migration served as a tool for systematized collection of fees, corruption, and abuse especially by the Gloria Arroyo government through its Labor Export Policy, OWWA Omnibus Policy, POEA Guidelines, etc.

Villanueva stressed that the GFMD originated from the WTO neoliberal policies that impact on wages, job security, social services, government protection and human rights.

Now the GFMD wants to show that migration can be a tool for development. But whose development does it refer to? It is quite clear, according to Villanueva,

in the GFMD 2007 Conclusion, "...remittances cannot be appropriated by governments, but their positive impact on development can be increased through options, incentives and tools designed and implemented by governments in partnership with relevant factors."

In other words, government members of the GFMD want to ensure their control on human capital and the flow of remittances of all migrants around the globe for their super profits and payment of foreign debt while depriving the workers of their just wages and welfare benefits, Villanueva asserted. Statistics show that there are about 205 million migrants world wide, millions are undocumented workers and 20 million refugees all of whom send remittances to their families either through formal or informal means with an estimated total of US\$2.26 trillion.


Mission for Migrant Workers' Jun Tellez traced the GFMD from the neoliberal design of development featuring the three policies of privatization, deregulation, and liberalization plus tax reforms and cut in public spending which

are the main causes of the worsening poverty, unemployment and economic conditions in the country.

The designers of these policies refuse to admit that they failed; hence, they came up with the GFMD with a sugar coating of protection for migrant workers, Tellez said. Hence, migrant workers need to expose this scheme by undertaking training and education on the GFMD.

An in-depth discussion of the GFMD has been scheduled in the next Filipino Women Migrant Workers Summit to be held on August 31 this year at the Hong Kong University, according to the organizers.

These build up activities will culminate in October in Manila at the International Assembly of Migrants, Refugees (IAMR) and advocates organized by the International Alliance of Migrants (IMA), Migrante International (Philippines), Asia Pacific Mission for Migrants (APMM-HK) IBON Foundation (Philippines) and BAYAN (New Patriotic Alliance-Philippines)

Founded in Hong Kong in June this year, IMA is the first-ever global alliance of more than a hundred grassroots associations, organizations, unions, networks and alliances of migrant workers, immigrants, refugees and displaced peoples. 

IFI (HK) Fellowship celebrates IFI 106th Anniversary

Iglesia Filipina Independiente (HK) Fellowship celebrated the 106th anniversary of the IFI on August 3 in St. John's Cathedral.

There was the celebration of the Holy Eucharist with IFI HK Fellowship chaplain Fr. Dwight Q. dela Torre, as the main celebrant. The Revd Terry Revollido and Revd Susan Hewitt were his co-celebrants.

In his sermon, Fr. Revollido talked about how the IFI was founded, its involvement in the early labor movement and the challenges that it faces today.

The main event was attended by leaders and members of different organizations, IFI diocesan leaders and members and church people. IFI Council vice chairperson Evelyn Aguirre led the opening prayer followed by the welcome address of Marites Wong, the council's auditor.

Folk dances were flawlessly executed by the performers

as progressive songs were presented by the different Diocesan groups.

Fr. Terry was the guest speaker. He is the previous Dean of Aglipay Central Theological Seminary (ACTS) in Urdaneta City. He held that post for more than ten years.

Through his leadership, ACTS improved its physical plants, academic standards by making ACTS a member of the Association of Theological Schools in South East Asia (ATESEA). ATESEA

conducts regular evaluation of the total operation of a member-seminary.

The theme of the 106th anniversary was the same with the theme of the IFI General Assembly held at Cagayan de Oro City, on 7-10 May, 2008 : **Hold fast to what we have attained... (Philippians 3:16)**

Fr. Dwight gave the closing message where he thanked all who contributed to make the activity a resounding success. The affair ended with a simple dinner. 📷

ANNOUNCEMENTS

Third Filipino Women Migrant Workers

*Summit on GFMD
August 31*

Bethune House Open House

20 September 2008, 11 AM - 6 PM

Bethune House Public Subscription

September 14 & 26 , 3,5,10,17, October 24 & 31

Discovery Bay Church - Harvest Festival

5 October

Mission For Migrant Workers (MFMW)
St. John's Cathedral, 4 Garden Road,
Central, Hong Kong SAR
CHINA



MIGRANT FOCUS

Migrant Focus is a monthly publication of the Mission For Migrant Workers (MFMW Ltd.)

Editorial Team

Cynthia Ca. Abdon-Tellez,
Norman Uy Carnay, Jun Tellez, Fr. Dwight dela Torre

Contributors

Eni Lestari,
Mike Poole
Liz Hooks

Address

St. John's Cathedral,
4 Garden Road,
Central, Hong Kong SAR

Tel No. (852) 2522 8264

Fax No. (852) 2526 2894

E-mail

mission@migrants.net

Webpage

http://www.migrants.net

Articles and/or graphics in this issue may be reproduced without permission provided full credit is given to the Mission For Migrant Workers (MFMW).

Your support will be most appreciated. You can issue cheques paid or deposit to:

MFMW LTD.

A/C No: 210-116448-883
Hang Seng Bank

(Donation of HK\$100 or more is tax deductible.)

