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Spotlight interview with Sartiwen Binti Sanbardi, president of the Hong Kong based Indonesian Migrant Workers' Union

"Migrant domestic workers are exploited because they don't know the law"

Brussels, 13 December 2006 (ITUC OnLine): Sartiwen Binti Sanbardi, aged 33, is the president of the Hong Kong based Indonesian Migrant Workers' Union (1), affiliated to the HKCTU (2), an ITUC affiliate. A domestic worker herself, she is fighting to improve the living and working conditions of migrant domestic workers in Hong Kong.

How did the Indonesian Migrant Workers' Union come into being in Hong Kong?

Its origins date back to 1993, when five Indonesian women, migrant workers in Hong Kong, initiated court proceedings following several cases of non-payment of wages, physical or sexual abuse at the hands of employers. In 1995, they formed the Indonesian Group of Hong Kong. The situation for the Indonesian community in Hong Kong was particularly difficult at the time. There was no support from the Indonesian consulate in case of exploitation and, even worse, if more than five Indonesian migrants gathered, the Indonesian consulate would try to arrest them and send them back to Indonesia. The consulate was closer to the recruitment agencies than the workers. Most Indonesian migrants never lodged complaints because they didn't know where to go when they had a problem. The Indonesian Group of Hong Kong was not strong enough so, in 1998, it was converted into a trade union and became the Indonesian Migrant Workers' Union. Since then, we have been very actively involved in public information campaigns and the defence of migrant workers.

How many members does the IMWU have?

Around 2500 women aged between 18 and 36, of which 200 are really active. According to the research we carried in 2003, 67% of the Indonesian women working in Hong Kong do not receive their statutory days leave, which makes it very difficult for them to join a union. We are not able to make contact with all of them and some return home without letting us know.

What are the main problems facing Indonesian domestic workers in Hong Kong?

The main problem is wage-related. During the first seven months of their contract, the domestics have to pay 3000 Hong Kong dollars (348 euros) a month to their employment agency, out of a salary of only 3400 HK dollars! So they work for seven months with virtually no personal income. Many of them are dismissed after this seven month period and if they're not able to find another employer fast, they are sent back to their country of origin. If they then want to come back to Hong Kong, they have to start paying the same deductions again for the first seven months. The HK\$ 21,000 (2034 euros) paid out in total are shared between the recruitment agency in Indonesia and the employment agency in Hong Kong.

This practice is, in fact, illegal: the Hong Kong government establishes a maximum deduction of 10% of the first salary, that is, HK\$340 (33 euros). The law also states that the employer must pay the domestic worker's airfare, but because of the competition between agencies, the employer actually pays next to nothing and it is the agent who provides the migrants with the plane ticket.

On May Day of every year we organise a mass demonstration to demand a rise in the minimum wage and better protection for migrant workers, etc. The last increase in the minimum wage for domestic workers dates back to 1998, when it was raised to HK\$ 3860. At the moment it is only 3400, because the Hong Kong government cut our pay during the crisis and,

although the economy has recovered now, the wages have still not been restored to their previous level.

What other problems are there?

Extremely long working hours and non-respect for statutory days leave. Some employers only allow their domestics to sleep for three hours a night. In many cases the employer or the employment agency keeps the women's identity documents, placing them in a very vulnerable position. The Indonesian domestics who come legally to Hong Kong only have the right to stay for two weeks after the end of their contract with an employer, after which they have to return home. As a result, many end up staying illegally and run the risk of not being granted a visa in the future.

Where do the domestics sleep?

Until two years ago, domestic workers were still allowed to sleep outside of their employer's home, on his approval. That has changed now. The law of Hong Kong now stipulates that domestic workers cannot sleep outside of their employer's home. The same law does not oblige the employer to provide the domestic worker with her own room, but to inform the immigration service whether or not this is the case. The authorities make it difficult to employ a domestic if the apartment is very small and the domestic doesn't have a bedroom of her own. Having said that, many migrant domestic workers are not decently lodged and have to sleep on balconies or armchairs in the living room... We are currently supporting the complaint of an Indonesian domestic worker who has to sleep on a floor mat with thirty dogs. Not having one's own room also increases the risk of sexual abuse.

What services does the IMWU offer its members?

Mainly advice, training and awareness raising campaigns. The training is essentially centred on the law and the rights of migrant workers, given that the majority of Indonesian domestics are exploited because they don't know anything about the laws of Hong Kong. This training sometimes takes the form of public information campaigns (in parks, etc.) or seminars. Our office is very small so we occasionally hold these seminars in the premises of the HKCTU or an NGO, the Asian Migrant Centre, which has supported us from the very outset. Thanks to our affiliation with the HKCTU, we are able to organise joint actions with the Hong Kong Domestic Workers' General Union or the Filipino Domestic Helpers' General Union, which are also members of the HKCTU.

In cases where Indonesian domestic workers suffer grave exploitation and are willing to file a complaint, we ask for advice from the HKCTU or other Indonesian migrant organisations that can provide us with a lawyer, for example.

There is a network of migrant organisations in Indonesia, including former migrant workers, for example, who have returned to the country for good. Some of the members are also affiliated to our union. The network provides training for migration candidates and the families of migrant workers (on how to set up a small business, etc.), as well as lobbying the authorities. In 2003, we succeeded in having a law passed by the Indonesian government on the protection of Indonesian migrant workers abroad. The law is not yet entirely to our satisfaction, but it's a start.

In November you took part in an international conference on the possibility of adopting a new ILO Convention dedicated specifically to domestic workers (3). What do you think of this initiative?

An ILO Convention of this kind could prove useful, as domestic workers are often not recognised as workers. They are recognised as such in Hong Kong, but this is not the case in many other countries where foreign domestic workers are widely employed, such as Singapore, Malaysia or even Saudi Arabia. I hope the initiative will lead to the drawing up of an ILO Convention that will be ratified by all.

Why did you get involved in this union?

I started to work as a domestic in 1992 in Singapore, and stayed there for six years. I came to Hong Kong in 1998, but was dismissed by my employer, who was experiencing some financial difficulties. He gave me no compensation. I was very worried: if I didn't find another employer I would have to go back home within two weeks according to the law, but I didn't have the money to pay for the trip. I saw some union activists in a park. I asked them for assistance and they supported me, helping me to win the case against my former employer (who had to pay my last month's salary and cover the cost of my plane ticket). I managed to find another employer and then I became a member of the IMWU. I hadn't yet joined when the new employer contracted me. It would perhaps have frightened him off because, according to the labour laws in Hong Kong, domestic workers have a right to unionise and if they are sacked on these grounds the employer is liable to pay a fine of HK\$ 100,000 (9700 euros).

Since I'm a full time domestic worker, I use my days off to work for the union organisation. I have a good employer, but many other migrants don't have the same luck. That's why I work for the organisation rather than taking rest when I have time off. It gives me a great deal of satisfaction.

Interview by Samuel Grumiau

(1) Indonesian Migrant Workers Union
(2) Hong Kong Confederation of Trade Unions, <http://www.hkctu.org.hk/>
(3) This conference was held from 8 to 10 November 2006 in Amsterdam and was attended by around 60 representatives of domestic workers' unions and associations from around the world, national and international unions (including the ITUC) and various NGOs. It was organised by IRENE (International Restructuring Education Network Europe), FNV Mondiaal (Netherlands), the Committee for Asian Women, the Asian Domestic Workers' Network and WIEGO (Women in the Informal Economy: Globalizing and Organising).

Founded on November 1 2006, the ITUC represents 168 million workers in 153 countries and territories and has 304 national affiliates.
<http://www.ituc-csi.org>

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