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Spotlight interview with Elizabeth Tang (HKCTU-Hong Kong)

"Society's attitude to domestic workers is starting to improve"

Brussels, 14 September 2010 (ITUC OnLine): The Hong Kong Confederation of Trade Unions (HKCTU) (1) is among the organisations most experienced in the defence of domestic workers in Asia. Its chief executive, Elizabeth Tang, looks back on the difficulties encountered in this struggle and the gains secured for both migrant and national domestic workers in Hong Kong.

How did the HKCTU first get involved in defending domestic workers?

The first domestic workers' union in Hong Kong, the Asian Domestic Workers Union, was set up one year prior to the founding, in 1990, of the HKCTU. The HKCTU offered strong support to this union from the very beginning, providing the union's leaders with training, for example. At the same time, we wanted to encourage links between the migrant workers and our Hong Kong members, so we organised forums on the plight of migrant domestic workers to make Hong Kongers understand the importance of working with them, supporting their cause and allocating resources to help them build their organisation.

Was it hard to convince your members of the need to defend the interests of migrant domestic workers?

Not in principle: those who join unions support the principle of solidarity between workers. They understand that we should give migrants more help, given that they face more problems and are more vulnerable to exploitation as they live far from home. The difficulties arise when we try to support domestic workers' demands. In the years following the founding of the HKCTU, a conservative party called for a differentiation between the legal protection offered to migrant and local workers, and many people supported this stance. The party was demanding, for example, that the government deny migrant domestic workers the right to maternity leave, so as not to affect the employer's family life. We had to explain to our members that if we really wanted solidarity, we could not support this position. There was also a lot of debate about the issue of raising domestic workers' wages, but here again we managed to rally widespread support for it among our members.

In 1995-96, the HKCTU was seen as an organisation that defended the interests of foreign workers rather than the people of Hong Kong. We were heavily criticised and received many angry phone calls from people asking us why we dedicated our resources to helping foreigners. Graffiti was written on our building and, in an extreme case, paper fireballs were thrown into our office.

Was it more difficult to convince your members of the need to support migrant domestic workers because they themselves employ them?

Yes, that's right; those that are relatively well paid at least. When there is talk of a wage increase, they automatically think of their wallets and oppose it. We explained to them that, as a union, we had to support these demands, if not, how could we defend the local workers' demands for pay rises? There was a lot of internal debate during those years, but it was a very important debate to have at the time: because we established good principles and well-founded traditions from the very beginning, we have very little difficulty pursuing this line today.

How did you make contact with domestic workers who, by the nature of their employment, work inside private households?

Most of them have a day off on Sundays and they meet in different places where we are able to talk to them. We have also worked a lot in cooperation with NGOs assisting migrants, with a view to unionising them. It was these NGOs that started to offer services to migrants in the eighties. So the unions did not act in isolation.

How many domestic workers are there in Hong Kong?

There are approximately 130,000 Indonesians and as many from the Philippines, fewer Thais, Indians and Nepalis, etc., and about 20,000 Hong Kong domestic workers. It is a phenomenon that dates back to the end of the 90s, during the Asian financial crisis. Many people lost their jobs, including many women who did not have much of an education. One of the government strategies to create employment was to promote domestic work among the local workforce. As a result, more and more Hong Kong nationals went into this type of domestic work, although the majority do it part time.

What kind of problems do the local domestic workers encounter?

In Hong Kong, you have to do at least 18 hours a week for an employer to be covered by the labour legislation. Consequently, many local domestic workers are not covered, as they do four hours cleaning for one person, for example, six hours for another, etc. It is paradoxical that most local domestic workers are excluded from the labour legislation despite working such long days, sometimes in four different households. They join a union to demand minimum protection as part-time workers. We are pressing the government to take measures in this direction; to no avail thus far.

Moreover, because they are part-time workers, while they may find a job easily they can lose it just as easily. They tell us they can be fired for not doing a good enough job... but also for doing too good a job, because if they give the house a really good clean the employer sometimes decides there is no need for them to come back. There is a lot of job insecurity.

What action can the HKCTU take in this respect?

We have set up a job creation programme for our members. We have drawn up written contracts, with pay regulations, and are offering the services of full-time domestic workers within the local community. If someone wants to hire a full-time domestic worker, they can call us and we can offer one of our members, but the employer has to respect our standard contract, which guarantees a good wage and decent working conditions.

What is the advantage, for a Hong Kong employer, of coming to you?

If they go to a private agency, they may, of course, pay a lower wage, but we offer quality services, because we train our members. When we find a new person who has never done this type of work before, we arrange for an experienced worker to go to the employer's house with her and they work together for a while. This system not only ensures a good quality service but it is also very positive for the new employee: new domestic workers are generally very nervous when they find themselves alone in a private house for the first time, but being accompanied by an experienced person helps them to get used to it.

Have you secured any other gains for domestic workers?

Yes, on the issue of insurance for example. Employers are obliged to pay for health and

accident insurance if you are a full-time worker. Those employing part-time workers do not usually do this. We provide for this insurance in our standard contracts, and this acts as a major incentive for domestic workers to join our union. We organised demonstrations against employers who refused to take out such policies and spoke about it to the government for many years, then finally, in 2006, it took this issue on board and waged a massive media campaign to encourage employers to pay for this insurance.

Have you secured any gains for migrant domestic workers?

In 2004, the Indonesian Migrant Workers Union (2) affiliated to the HKCTU and that same year, during our annual meeting with the Labour Ministry, the issue of migrant workers was included on the agenda for the first time. The government was quick to identify this new development within the HKCTU. The main problem at the time was under payment, as although the wage may be established in the contract, many employers do not necessarily respect it. The situation has improved a great deal since then. According to a study carried out in the early 2000s, between 50 and 60% of Indonesian workers were underpaid relative to the contract signed in Hong Kong. In a study carried out in 2009, this rate had fallen to around 20%. It is thanks to many campaigns, actions, lobbying, etc. We have held awareness-raising campaigns exposing domestic workers' plight to society. It's useful, because many ordinary people are opposed to such violations, so publishing the findings of this type of research has an impact.

Are abusive employers denounced by holding demonstrations in front of their homes?

Yes, but we have to find really "good" cases that attract a lot of media attention. It is a very effective way of raising public consciousness about the problems we are highlighting, but we really have to use cases where the employer has clearly violated the law, situations that can be easily explained to the public at large. It has positive results, as people start to realise that they cannot treat their domestic workers too badly, otherwise it will be made public.

Can a migrant domestic worker who is exploited by her employer take legal action without the risk of losing her residence permit?

Yes, migrant domestic workers have access to the legal system. If they lose their job as a result of a breach of their employment contract, they can complain to the Labour Ministry, initiate proceedings against their employer and these proceedings allow them to extend the length of their stay. The problem is that the legal proceedings usually take two to three months. It is difficult for them to remain in Hong Kong without an income, unless they receive outside help.

Moreover, when a two-year contract expires and the employer does not renew it, the migrant worker has to find a new employer within two weeks, otherwise she has to return to her country and go back through an agency again to find work.

Is the HKCTU able to help migrant workers during the legal proceedings?

We do not have the resources to provide them with shelter, food, etc., but we put them in touch with NGOs that offer this kind of help. What we are able to do is provide legal assistance. We also give training to migrant workers' unions so that they can offer their members legal aid.

How many of your members are domestic workers?

Around 2,500, including the Hong Kong nationals. It isn't easy to recruit them because NGOs provide migrant domestic workers with a free service, so they have to understand the reasons for joining a union... and paying dues. The obvious reason for asking them to

join us is that we fight for the respect of migrant workers' rights and offer a number of specific services, but still, it's not easy. We do not poach them from the NGOs – they can, of course, benefit from their services at the same time as joining a union; there is no conflict between the two.

How might an ILO Convention help you improve the lot of domestic workers in Hong Kong?

Securing a convention that actually stipulates that domestic workers must be treated in the same way as all other workers would constitute a very important message. As some work part time and others are migrants, as they do a job that does not have an obvious economic value for everyone, there has always been many demands aimed at suppressing their rights, with concrete results. For example, when Hong Kong adopted a new law on provident funds (concerning pensions) in 2000, domestic workers were excluded from it. In the past, domestic workers were covered by the same legislation as other workers but, in recent years, when the government puts forward new legislation or policies, they exclude domestic workers. If an ILO Convention were to provide for equality of treatment and respect for the same standards for all workers, it would help us in our fight for equal rights for all.

Interview by Samuel Grumiau

- (1) Hong Kong Confederation of Trade Unions, <http://www.hkctu.org.hk>
- (2) See <http://www.ituc-csi.org/spotlight-on-sartiwen-binti.html?lang=en>

Also see the Union View on the trade union campaign for an ILO Convention to defend domestic workers' rights: <http://www.ituc-csi.org/domestic-work-mobilising-for-an.html?lang=en>

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