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***Journal Discussion III: Violation Case towards Indonesian Migrant Domestic Workers in Hong Kong during Covid-19 Pandemic, and How the Government and Non- Government Organizations Handle It.***

**Introduction**

Hong Kong is a region with a high number of Migrant Domestic Workers population. In 2022 alone, there are 390.000 Migrant Domestic Workers in Hong Kong so far (Davidson, 2022). Based on that number, most of them are female with only 1% of them are male (Yeung, 2020). With the high number of populations, the existence of Migrant Domestic Workers in Hong Kong also makes their economy grow better. Migrant Domestic Workers in Hong Kong contributed for 10% of Hong Kong domestic Labor Force. Moreover, in 2019 Migrant Domestic Workers in Hong Kong contributed total amount of HK\$ 12,6 Billion towards Hong Kong domestic economy (Leung, 2019).

Along with their contribution towards Hong Kong as the Host Country, these Migrant Domestic Workers also have a big contribution to their Home Country, in which most of Migrant Domestic Workers in Hong Kong are coming from Indonesian and the Philippines. Referring to Hong Kong Immigration report, in 2021 there were 140.057 Indonesian and 191.783 Filipino Migrant Domestic Workers in Hong Kong (Immigration Department, 2022). These number of Migrant Domestic Workers hold a big contribution with their economic remittance towards their country of origin. According to *Enrich*, in 2018, Indonesian and Filipino Migrant Domestic Workers contributed for \$1,1 Billion amount of economic remittance towards their country of origin (Marsh, 2019). Based on this fact, we could see that Migrant Domestic Workers hold an important role both for Hong Kong as the Host Country, and the home country of the Migrant Domestic Workers, such as Indonesia and the Philippines.

One of the reasons why Hong Kong becomes a favorite destination for the Migrant Domestic Workers to work in, especially those Migrant Domestic Workers who come from Southeast Asia is the high number of economic opportunities that could be earned in Hong Kong. According to *Asia Pacific Migration Network*, one of many factors that makes Hong Kong attractive for the Migrant Domestic Workers is the existence of regulation in regards of

high number of minimal wages (ILO: AP Migration, 2012). The government of Hong Kong provides and applies such regulation for the Migrant Domestic Workers with the minimum limit wages of HK\$ 4.630 per month. This clause started effectively per 28 September 2019 (Hong Kong Labour Department, 2021). This regulation is a real form of the government of Hong Kong in regards of their commitment over the protection of the Migrant Domestic Workers in their area. As the result of drastic economic development in 1970 (Chak, 2017) there are so many native women in Hong Kong that are involving themselves in the National Labor Forces and it makes the presence of Hong Kong women for domestic roles are empty. This factor makes the government of Hong Kong are kind of encourage their citizens to hire Migrant Domestic Workers to fill the domestic roles that are empty (Hung, 2020).

The awareness of Hong Kong's government in their need of Migrant Domestic Workers makes them adequately provide and release so many regulations in regards of the protection towards the Migrant Domestic Workers in their area. In this regard, the government of Hong Kong have these regulations written in *the Labor Laws and Standard Employment Contract* which were released by the *Hong Kong Labor Department* (Hong Kong Labour Department, 2021). In the said regulations, the government of Hong Kong provide the regulations about some important aspects of the Migrant Domestic Workers workforce, such as Contract Standardizations, minimum wages, annual leave, accommodation, food, social and health insurance, work termination, maternal/paternal leave, long service payment, and also work safety (Hong Kong Labour Department, 2021).

Despite there are adequate regulations in regard of the protection to the Migrant Domestic Workers, some violation towards Migrant Domestic Workers in Hong Kong are still able to be found. According to *CNN* report, in 2019 there were 5000 Migrant Domestic Workers that were being the victims of violation, harassment, and abuse. Such cases are inadequate accommodation, ill treatment, no days off, physical violence, underpaid, rape, and any other kind of sexual harassment (Yeung, 2020). These numbers of violence towards Migrant Domestic Workers are later on keep increasing, particularly during the peak of Covid-19 pandemic in Hong Kong. According to *Asian Migrants' Coordinating Body* (AMCB) in 2020, when the government of Hong Kong applied the lockdown policy, the number of physical and sexual abuses were increasing tripled. In addition, there are 40.000 Migrant Domestic Workers that were forced to work without any days off and the other 20.000 Migrant Domestic Workers were only given 1 day off in a month (Cheng, 2021). These violations are

obviously against the existing regulations that are written in *the Labor Law and Standard Employment Contract*.

Based on the said facts above, in this Journal Discussion we would like to analyze a violation case that happened toward an Migrant Domestic Workers, particularly Indonesian Migrant Domestic Workers in Hong Kong. Moreover, we also would like to examine what the government and Non- Government Organizations in Hong Kong had done in order to handle the written case later on.

## Discussion

### **A. Indonesian Domestic Workers Background in Hong Kong**

As it has been explained in the earlier part of this paper, Indonesia is one of the most Migrant Domestic Workers sender country to Hong Kong. According to *Hong Kong Labor Department*, in 2021 there were 140.057 Indonesian Migrant Workers in Hong Kong. In regards of that high number, this is because the fact that Indonesian Government has a program in order to facilitate Domestic Workers in working abroad that has been applied for 40 years. During these 40 years of application, Indonesia has sent 7 million Domestic Workers Force abroad with Hong Kong and Malaysia as the most favored destination in the Asia-Pacific Region (Palmer, 2018). The high number of Indonesian Migrant Workers started to grow in 1970 when there was a massive flow of the Indonesian Migrant Workers Departures to Malaysia and Saudi Arabia as the destinations. Since then, Indonesian Government took an advantage out of it in regards to handle the National Workforce Problems (Tirtosudarmo & Mulyani, 2013).

In the Hong Kong region itself, the involvement of Indonesian Migrant Workers towards its demography is kind of significant. In 2017, 0,02% or 140.000 of 7 Millions Hong Kong citizen are Indonesian Migrant Workers which most of them are female (Palmer, *International Migration and Stereotype Formation: Indonesian Migrant Workers in Hong Kong*, 2020). Indonesian Migrant Workers started to join Hong Kong Labor Force in 1970 when most of Asian Countries faced an economic crise as the impact of the recession that happened in the same year. In the meantime, Hong Kong had their economy developed well and it made Hong Kong was an interesting destination for the foreigners to work in as Migrant Domestic Workers (Lai & Li, 2019). This factor than impacted Hong Kong contemporary immigration law.

Knowing the fact that they are in need of the Migrant Domestic Workers force, the Government of Hong Kong provides some adequate regulations in order to ensure the

protection to the Migrant Domestic Workers in their region, including some bilateral agreement with Indonesian Government as one of the most Domestic Workers sending country in Hong Kong. An example of such agreement is the MoU between Indonesian Government and Hong Kong government that was ratified in 2017 (Larasati, 2018). Apart from bilateral level, the government of Hong Kong also provide their soon to be Migrant Domestic Workers with domestic regulations which are written in *The Labor Law* and *Standard Employment Contract* which contain some regulations in regard of Minimum Wages, Annual Leave, Accommodation, Food, Social and Health Insurance, Work Termination, Maternal/Paternal Leave, Long Service Payment, and Work Safety (Hong Kong Labour Department, 2021). Whilst Indonesian Government has also provided their Migrant Domestic Workers force with a premier regulation in which written in Constitution No. 39 of 2004 that is later on amended to Constitution No. 18 of 2017 (Amalia, 2020).

Based on the explanation above, it could be seen that one of the reason Hong Kong becomes favorite destination for Indonesian Migrant Workers is the adequate amounts of regulations regarding their protection in Hong Kong region. Despite the existence of such regulations, some violence cases toward Indonesian Migrant Workers are still often to be found. According to *Tempo*, reports from 2021 showed that there were 29.233 Case report that was handled by Indonesian Ministry of Foreign Affairs. Most of them were unpaid salaries during Covid-19 pandemic (Sekarwati, 2022). This report is similar with the report that was released by *Asian Migrant's Coordinating Body* (AMCB) which showed that the violence cases rates are tripled during Covid-19 Pandemic (Cheng, 2021).

## **B. Violence Case Study towards Indonesian Migrant Workers in Hong Kong during Covid-19 Pandemic**

Per March 2020, World Health Organization has declared that Covid-19 spread already became a pandemic. This situation then made so many economic activities in international level affected. So many countries and regions applied lockdown regulations in order to prevent the spread of Covid-19 worsen. This lockdown made daily activities limited so it affected the economic situation as well and as the result some recession happened and makes the labor force were also affected. International Labor Organization's report in 2020 showed that 81% workforce are decreased as the effect of the pandemic, including Migrant Workers Workforce (Rahmawati & Kamilah, 2020).

During the Covid-19 Pandemic occasion, there are so many IMW decided to come home to Indonesia in the hope to lowering the negative impact that they received if they stayed abroad. However, there are also so many Indonesian Migrant Workers who stayed abroad because the application of Lockdown policy which makes their activities limited. These Indonesian Migrant Workers who stayed abroad are very vulnerable against some violence in their own working region (Rahmawati & Kamilah, 2020), including in Hong Kong. Based on a survey that has been done by Human Rights Working Group (HRWG), *Serikat Buruh Migran Indonesia* (SBMI), dan *Jaringan Buruh Migran* (JBM), in 2020, 95% of Indonesian Migrant Workers in Hong Kong and Singapore were treated horribly. Some written violations are overwork, and also no days off allowed which could affect the psychological aspect of the Indonesian Migrant Workers (Rahmawati & Kamilah, 2020). In addition, it also affected the Migrant Domestic Workers' position that more vulnerable than usual. Their position makes they are very vulnerable in any kind of harassment, either disability to get their rights, verbal abuse, or physical assault (Lui, et al., 2021). Moreover, the application of Lockdown required their employers to stay at home, which makes their workload heavier than usual (Rahmawati & Kamilah, 2020).

In this paper, I would like to examine a case study regarding this problem with a case report on behalf of Putri (Pseudonymous). In 2021, during the second wave of Covid-19 Pandemic in Hong Kong, Putri became a victim of Rape and Sexual Assault. On 29 June 2021, Hong Kong police has successfully arrested her employer with the charge of 3 sexual assaults, and 1 rape case report (AP Migration, 2021). According to South China Morning Post, Putri worked in Yuen Long region as a helper for a couple of husband and wife (AP Migration, 2021).

Based on that case, Putri's employer has violated some Hong Kong regulations which are written in the Labor Law and Standard Employment Contract. Based on the written rules within the said regulation, we could see that Putri's employer had violated some aspects in the previous said regulation. First, Putri's employer failed to give Putri the privacy and adequate accommodation. In the Employees' Compensation Ordinance (ECO) it's said that the employers need to report any kind of accidents or death at work, whilst Putri's employer raped and assaulted her instead. These occasions are horribly affected Putri's psychology. Moreover, Putri's employer also failed to give Putri a safe and healthy working environment for her during her working period in Hong Kong,

Based on the previous preview, we could see that those 3 regulations are highly violated by Putri's employer. This case obviously could become a reference for the Government of Hong Kong to make them more involved and giving more specific and comprehensive awareness towards their citizen so that the same cases would not be repeated anymore in the near future, either towards Indonesian Migrant Workers or Another Countries' Migrant Workers in Hong Kong.

### **C. The Role of Government and Non- Government Organizations towards MDW in Hong Kong in General during the Pandemic and Putri's Casework Process**

Based on Putri's Casework, we could see that the Government and Non- Government Organizations hold a crucial role in order to assure the protection of the Migrant Domestic Workers in Hong Kong. In Putri's casework we could see that the NGO held a crucial role as an activist in the legal assistance of Putri's Casework. Referring to AP Migration's report, the Asian Migrants Coordinating Body held an important role in the process of Putri's Casework, moreover the same report also said that AMCB also handling other 2 cases which were overwork, and privacy violation cases towards other Indonesian Migrant Workers. They have successfully reported the case to Hong Kong's Police so that the casework could be progressed (AP Migration, 2021). Apart from Non- Government Organizations role in the said case, the Government of Hong Kong also had a crucial role through their local police station to processing Putri's casework so that her employer (suspect) could be successfully charged with the said accusation.

During the Covid-19 Pandemic, the issue of protection on Migrant Domestic Workers in Hong Kong has indeed become a problem for their local government. Several main aspects such as inadequate boarding house for quarantine, lack of social support, lack of Personal Protective Equipment, and inadequate food accommodation still exist despite the government of Hong Kong had already give the Migrant Domestic Workers to access such aspects (Lui, et al., 2021). For the Social Support, Migrant Domestic Workers in Hong Kong are discriminated because they are not considered as permanent resident which means that they could not get the financial support which could be disbursed for the amount of HK\$ 10.000 (Lui, et al., 2021). Nonetheless, the Government of Hong Kong are still aware in this regard so that started from November last year, they provide a free access for PCR Test, and Quarantine Cluster. They also forbid the employers to terminate their Migrant Domestic Workers contract if the Migrant Domestic Workers were infected to the Covid-19 (Lui, et al., 2021). Whilst from Indonesian Government as one of Migrant Domestic Workers Sending Countries, they helped their

Migrant Domestic Workers in Hong Kong by giving them social package with the worth of US\$200 and provide them with 223.320 medical masks for Indonesian Migrant Workers in Hong Kong (Lee, 2020). In addition, Indonesian government has also released a policy to repatriate their Migrant Workers abroad, including in Hong Kong in line with health protocol towards them, such as quarantine and PCR Test (Anaf, Ibnu, Romdiati, & Noveria, 2022).

Meanwhile, in a kind of discriminative involvement of the Government of Hong Kong, some organizations and communities rose in order to help Migrant Domestic Workers during Covid-19 Pandemic. Some of them then found Non- Government Organizations in order to help Migrant Domestic Workers fellow during the pandemic in which most of the help are in financial, psychology, and information support within the Migrant Domestic Workers in Hong Kong (Lui, et al., 2021). Moreover, like it has been said previously in the discussion of Putri's Casework, we also could see that Non- Government Organizations hold a crucial role in order to assist, and advocate some cases against the Migrant Domestic Workers, including Indonesian Migrant Workers during the Pandemic. Also, the Non- Government Organizations are often giving their help by doing some social support towards the affected Migrant Domestic Workers in Hong Kong, like what Social Justice for Migrant Workers did. They held a charity in order to give financial support to some horribly affected Migrant Domestic Workers fellows in Hong Kong so that they could help such Migrant Domestic Workers trough financial aspect (Aildasani, 2022).

### **Conclusion**

The Covid-19 Pandemic really affected the cycle of world's economy, including Workforce Market in which also contain Migrant Domestic Workers Workforce. With their limited skills and also their vulnerable position, the Pandemic has made it all worse and really affect their jobs. Some threats such as, Physical Abuse, Sexual Abuse, Exploitation, and Privacy Violation make their position are further more vulnerable than usual. Based on Putri's Casework above, we could see that despite there are adequate legal framework, it doesn't mean that Indonesian Migrant Workers are completely free from such threats. Fortunately, The Government of Hong Kong are very aware of this casework so that they could process it and then they were able to charged her employers (suspect) with the said accusation. Later on, they could use the said casework as a reference to tighten their regulations and framework in ensuring the protection towards Migrant Domestic Workers -especially Indonesian Migrant Workers- so that the same case will not be found anymore in the near future. Moreover, apart from government role, the Non- Government Organizations also has an important role over the

protection of the MDW -Especially Indonesian Migrant Workers- in Hong Kong during the Pandemic. Through the both parties' synergy, Migrant Domestic Workers are able to strengthen their position against the threats that could be dangerous for their private safety and health. Nevertheless, this synergy between both parties is still need to be improved so that the protection towards Migrant Domestic Workers is more assured in the future.



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