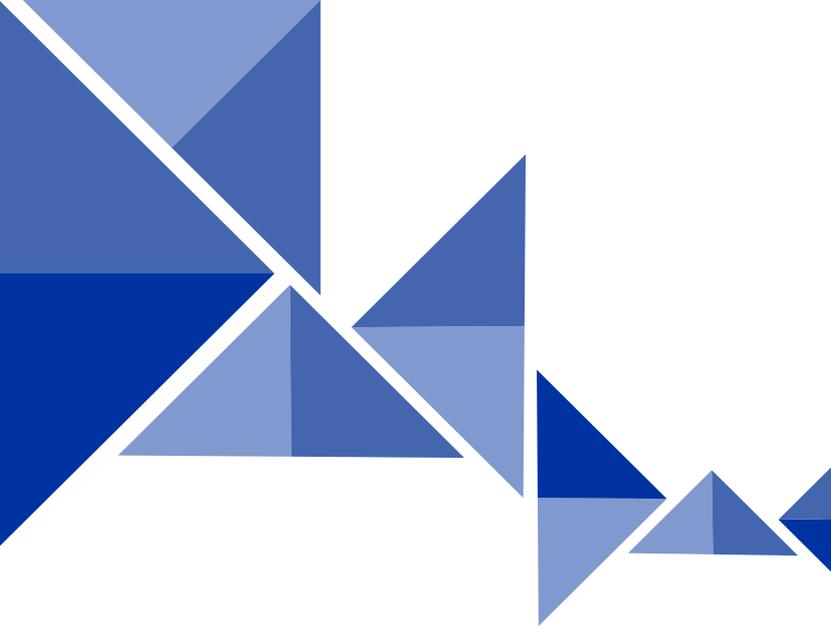




SURVEY REPORT

Understanding and Attitudes of Employers of Migrant Domestic Workers towards
Ethical Recruitment and Decent Work Principles in Hong Kong Special Administrative Region, China



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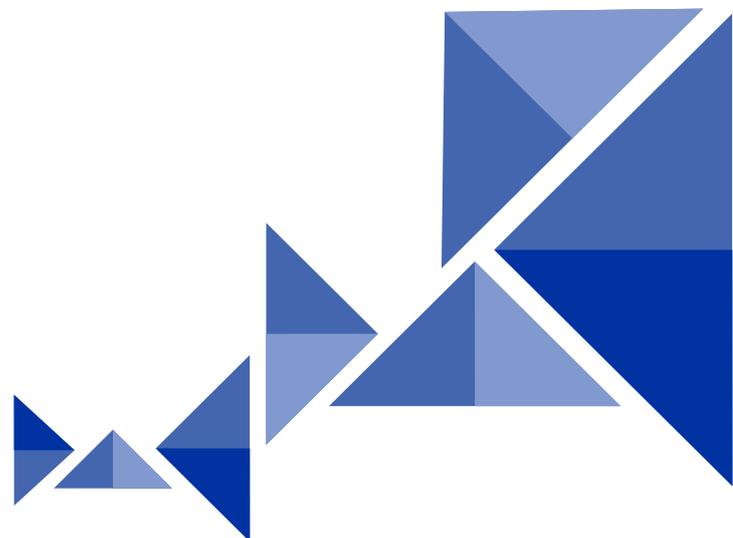
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COVID-19 CONSIDERATION

Media reports have flagged that there have been a number of negative impacts on migrant domestic workers (MDWs) in Hong Kong SAR, China as a result of COVID-19 including but not limited to: prevention from going out on their day off; excessive overtime; limited or lack of access to safety information, protective masks, hand sanitizer and hygiene products; and early termination. Furthermore, due to prevention of travel, increasing numbers of migrant domestic workers are finding themselves stranded in Hong Kong SAR, China. Due to the fact that migrant domestic workers are obliged to live-in with their employers, those that have been terminated or forced to self-quarantine away from their workplace have also lost their homes. Furthermore, the suspension of labour tribunal and other government services has meant that formerly exploited, or even trafficked migrant workers, who chose to remain in Hong Kong SAR, China to pursue civil and/ or criminal remedy are now trapped in an uncomfortable state of limbo. Individual employers and employment agencies (EAs) have a responsibility to act on these vulnerabilities and ensure that national systems and plans to address and contain COVID-19 include migrant workers and take their particular situation into account. This study, though conducted before COVID-19, is of paramount importance to raise awareness on the unique responsibility of employers to ensure fair and ethical recruitment of migrant domestic workers at the stages and in all time, even during pandemic.



EXECUTIVE SUMMARY

What is this Study About?



This study presents findings from a web-based survey conducted in Hong Kong SAR, China in November 2019. In the context of Hong Kong SAR, China, it is the first study of its kind to employ a quantitative method to assess current levels of understanding and attitudes of employers towards ethical recruitment and decent work principles, regarding the hiring of their MDWs in Hong Kong SAR, China; including insights and concrete measures that could be taken by employers and employment agencies to help to avoid even the inadvertent exploitation of MDWs. The findings of the study provide evidence of the need to further sensitize employers of MDWs to both recruitment as well as the vulnerabilities to exploitation that can arise for workers within each phase of recruitment and employment.



Why was this Study Conducted?

The objective of this study is to contribute to the existing research gap regarding understanding and attitudes of employers of MDWs and more specifically Hong Kong SAR, China-based employers of MDWs. It does this by identifying their level of understanding of and existing attitudes towards ethical recruitment and decent work principles for MDWs. This study, through providing new insights and recommendations, also aims to support the ongoing efforts by the respective authorities, consulates, civil society organizations and other stakeholders to increase employers' awareness and understanding of the protection of MDWs in every stage of their migration journey. It can, further, be used to inform broader support mechanisms such as constructive dialogue and interaction with governments (e.g. national consultation meetings and roundtable discussion with governments), consulates and employment agencies, in both Hong Kong SAR, China and countries of origin. It can offer them policy recommendations and guidance on implementation of protection measures for MDWs.

How was this Study Conducted?



In order to collect the raw data, a Hong Kong SAR, China-based research agency was hired which conducted random sampling within their existing network of panelists via email. In total, 300,000 invitations to the web-based survey were distributed, 1,075 responses were collected and even fewer - specifically 308 - were valid, as they fulfilled the initially anticipated target group criteria of being Hong Kong SAR, China residents who were currently employing a MDW.



What did this Study Find?

Among the 308 valid responses, 186 (60 per cent) were women while 122 (40 per cent) were men. With regard to their age, half of the respondents were between 26 and 40 years old. The study also reveals that the majority of the employers hired through employment agencies. Over half of the total respondents were first-time employers.

Due Diligence

The study identified an inconsistency in employers' likelihood to conduct due diligence. Forty-eight per cent of employers claim to have done due diligence when choosing an employment agency, 46 per cent did not conduct due diligence, and 6 per cent were not sure whether or not they had conducted due diligence – implying that almost half of the respondents claim to have done due diligence while the other half did not. However, from these findings, it is unclear how respondents exercised due diligence, nor what they understood due diligence to be.

Word of Mouth

Employers demonstrated a high reliance on 'word of mouth' in choosing employment agencies to work with. Eighty-one per cent of respondents chose to use the services of an agency because it was recommended by friends and/ or relatives. Of the remaining respondents, five per cent chose the agency because it was certified by the Hong Kong SAR, China authorities; four per cent chose the agency because of advertisements on social media platforms; and four per cent specified other reasons, such as recommendations from friends and colleagues, reputation, and the agency's proximity to their house (convenience).

Employment Agency Understanding of Recruitment Fees

There is uncertainty about what the recruitment fees covered that employers of MDWs and MDWs themselves paid. Results regarding respondents' knowledge about recruitment fees fluctuated. Of the surveyed employers, 41 per cent were unsure what the recruitment fees that they paid covered. The findings also show that more than half of the employers were unsure how much an EA in Hong Kong SAR, China could charge a MDW¹ in fees.

Uncertainty about Seeking Help

The majority of respondents reported not knowing where to seek help if they encountered employment-related problems with MDWs (51 per cent). A further 37 per cent of the respondents were not sure where to seek help, leaving only 12 per cent knowing where to seek help. Among this small group of employers, they would seek help from both agents and the Labour Department. Two respondents indicated that they would seek help from Facebook.

What this Study Concluded?



The survey results have helped to consolidate a better understanding of the gaps that exist in employers' understanding and attitudes towards ethical recruitment and decent work principles, and implications thereof; in view of identifying concrete measures to improve employers' role within the prevention of human trafficking and other associated forms of labour exploitation, and to better protect MDWs in Hong Kong SAR, China. It is vital that employers are informed about both the recruitment and employment phases of the labour migration cycle as they are uniquely positioned to influence the worker experience across both. Efforts to engage with employers need to promote awareness of the crucial role that employers play within the overarching recruitment phase, and regarding the protection of prospective MDWs. Their responsibility to protect MDWs does not begin upon arrival of MDWs in Hong Kong SAR, China, but prior to their departure from their country of origin.

¹ According to the Hong Kong SAR, China Labour Department's new Code of Practice (CoP), employment agencies could charge 0-10 per cent of the first month's wage received by MDWs.

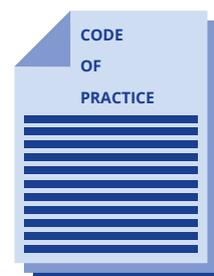


What should employers do to better protect MDWs?

1

Conduct due diligence

When choosing an Employment Agency (EA) in Hong Kong SAR, China, ensure that EAs do not overcharge workers. EAs in Hong Kong SAR, China can only charge a maximum recruitment fee of 10 per cent of workers' first month's salary. Conducting due diligence also means ensuring that EAs respect workers' freedom of movement. EAs cannot hold workers' passports and other identity documents without their informed written consent, according to the Hong Kong SAR, China Labour Department's [Code of Practice for Employment Agencies](#). By performing due diligence, employers, especially first-time employers, can significantly decrease the risk of choosing an unethical EA that conducts harmful recruitment practices, such as overcharging recruitment fees and confiscating personal documents.



2

Check relevant websites for guidance on hiring

Websites of Civil Society Organizations (CSOs), (inter-) governmental organizations, NGOs, etc. can provide information about what to consider before hiring a MDW, including recruitment- and employment-related costs, how to conduct due diligence when choosing an EA, and required documents, etc.



3

Read available resources

Resources on hiring MDWs have been developed by Civil Society Organizations (CSOs), (inter-) governmental organizations, NGOs, etc., to provide practical guidance for employers of MDWs such as: Hong Kong SAR, China Immigration Department's '[Guidebook for the Employment of Domestic Helpers from Abroad](#)'; Hong Kong SAR, China Labour Department's '[Practical Guide for Employment of Foreign Domestic Helpers – What Foreign Domestic Helpers and Their Employers Should Know](#)'; and Enrich's '[10-Tips-Leaflet to Protect Your Helper & Yourself from Potential Financial Issues](#)'.



4

Attend awareness-raising seminars

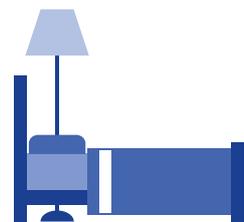
Employers should attend seminars conducted by Civil Society Organizations (CSO), (inter-) governmental organizations, NGOs, etc. to become informed about EAs' practices, such as the charging of recruitment fees. This way, employers will be able to understand their role recruitment and employment phases throughout the workers' migration cycle. They will also learn about the workers' vulnerabilities that arise within each phase. This increased awareness will ultimately enhance mutual understanding and communication, improve employer-employee relationship, decrease turnover rate of workers and increase workers' happiness and productivity.



5

Provide MDWs with suitable and furnished

The accommodation should respect their dignity and human rights. If MDWs have to share a room with a child or an elderly family member of the same sex, employers should inform them in advance. This way, MDWs can prepare themselves and will not be overwhelmed on their first day at your house. If employers communicate clearly, employment-related disputes can be avoided while establishing a harmonious relationship between MDW and employer.



6

Communicate clearly and regularly with MDWs

This will help to avoid conflicts. Set up a regular meeting once or twice per month to discuss any issues. Speak slowly and clearly if workers are not fluent in English or Chinese. Use translation app if it is needed to support the meeting. Effective communication enhances MDWs' productivity and also promotes harmonious family life.



7

Provide MDWs with sufficient rest

MDWs should receive 24 consecutive hours of rest per week, as well as statutory holidays. MDWs are entitled to one full 24-hour rest day every seven days. Once they return home after their rest day, employers cannot ask them to work. Even though they are back home, it is still their full rest day. Sufficient rest is vital to ensure MDWs' mental and physical well-being, as well as their productivity.



What should employment agencies do?



1 Increase awareness

Specify what exactly recruitment fees cover and provide a breakdown of the costs associated with recruitment.



2 Sensitize prospective employers

Employers should understand recruitment practices and, more specifically, recruitment fees – what they cover; inform them about how much agencies can legally charge a prospective MDW (10 per cent of the first month's wages received by MDWs).



3 Be transparent

Provide employers with a service agreement – detailing the appointment of services; fees payment; replacement and guarantee; conditions for replacement/ transfer; refund policy, etc.



4 Have an effective operational-level grievance mechanism

This should be available to both employers and workers to address early instances where service agreements and/ or Standard Employment Contracts (SECs) are not being upheld.



SUGGESTIONS FOR FUTURE RESEARCH

Quantitative Research

This study has shown how challenging it can be to engage with employers of MDWs as survey respondents. In total, 300,000 invitations to a web-based survey were distributed while only 308 valid responses were collected. Recognizing this low response rate, other data collection methods could be considered for future quantitative studies. Another way of potentially increasing the response rate is to motivate prospective respondents by offering financial compensation or other rewards. Alternatively, instead of surveying employers of MDWs, employment agencies could be surveyed to understand how employers interact with agencies, what type of questions they ask, what they already know or do not know about recruitment practices and what they require assistance with.

Qualitative Research

Due to the fact that this research study used a web-based survey instead of in-depth interviews, one can only make vague assumptions about employers' intentions. For instance, to understand employers' intentions for conducting due diligence, follow-up interviews may be necessary. The web-based survey explored whether or not employers conducted due diligence but did not explore the reasons for this. Also, the term 'due diligence' was not defined in the survey questionnaire. Researchers will not be able to know what activities respondents conducted in the name of 'due diligence'. Therefore, future research could focus on employers' intentions for conducting due diligence and the reasoning behind the answers they provided in the web-based survey.

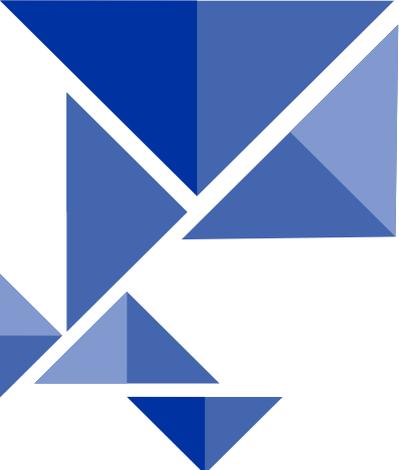


TABLE OF CONTENTS

1. Introduction	13
1.1 Background of the Study.....	14
1.2 Objective of the Study.....	17
1.3 Research Methodology.....	17
1.3.1 Survey Development and Process.....	17
1.3.2 Sample Size and Sampling Methods.....	18
1.3.3 Ethical Considerations.....	18
1.3.4 Limitations of the Study.....	18
2. Findings	19
2.1 Employer Demographics and Characteristics.....	20
2.2 Key Findings.....	22
2.2.1 Employers' Preferences for Employment Agencies.....	22
2.2.2 Employers' Attitudes Towards MDWs.....	29
2.2.3 Employers' Knowledge and Understanding of Ethical Recruitment and Decent Work Principles.....	31
3. Conclusions and Recommendations	41
3.1 Recommendations to Employers of MDWs.....	43
3.2 Recommendations to Employment Agencies.....	45
3.3 Suggestions for Future Research.....	45
3.3.1 Need for Segmentation of Employers.....	45
3.3.2 Recommendations for Future Quantitative Studies.....	46
3.3.3 Need for Qualitative Research.....	46
Annexes.....	47
Annex I: Amount of MDWs' Monthly Salary.....	47
Annex II: Glossary and Working Definitions of Terms.....	48
Decent Work Principles.....	48
Due Diligence.....	48
Ethical Recruitment.....	49
Migrant Domestic Workers (MDWs).....	49
Recruitment Fees.....	50
Standard Service Agreement.....	50
Annex III: Survey Questionnaire.....	51

LIST OF ABBREVIATIONS

EA	Employment Agency
ILO	International Labour Organization
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System
MDW(s)	Migrant Domestic Workers(s)
PRA	Private Recruitment Agency
RA	Recruitment Agency
SEC	Standard Employment Contract
TIP	Trafficking in Persons
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking

1

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

One out of every 13 female wage-earners globally is a domestic worker². There are 67 million domestic workers worldwide, of which 11 million are migrants³. Hong Kong SAR, China has one of the highest densities of MDWs in the world⁴. In 2018, there were 380,274 female MDWs in Hong Kong SAR, China; 206,281 from the Philippines, 165,620 from Indonesia, 2,357 from Thailand and 6,016 from other countries of origin⁵.

MDWs' in Hong Kong SAR, China: Countries of Origin

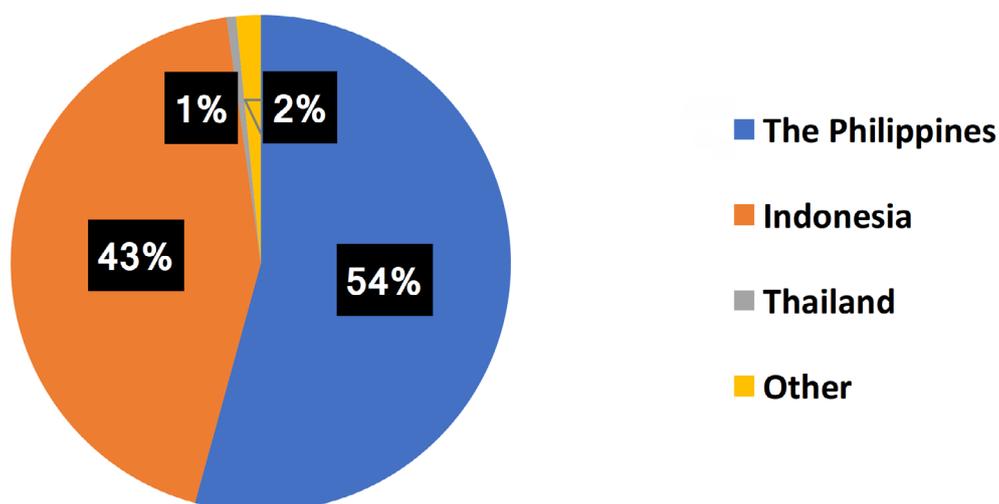


Figure 1 MDWs' in Hong Kong SAR, China: Countries of Origin

According to the Hong Kong SAR, China authorities, this number is expected to rise to 600,000 by 2047 as more families in Hong Kong SAR, China – relying on two incomes – will require assistance with child and elderly care⁶. Subsequently, MDWs constitute an integral part of Hong Kong SAR, China's labour force and contribute to the overarching functioning of the local economy as parents are enabled to participate in the labor market.

² ILO. (2013). Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection. ILO.

³ ILO. (2016). Social Protection for Domestic Workers: Key Policy Trends and Statistics. ILO.

⁴ Justice Centre Hong Kong. (2016). Coming Clean: The Prevalence of Forced Labor and Human Trafficking for the Purpose of Forced Labor Amongst Migrant Domestic Workers in Hong Kong. Justice Centre Hong Kong, 20.

⁵ Latest available data as published by Hong Kong SAR, China Census and Statistics Department, 2019.

⁶ Siu, P. (2017). Hong Kong Will Need 600,000 Domestic Helpers in Next 30 Years Amid Demand for Elderly Care, Labour Chief Says. South China Morning Post.

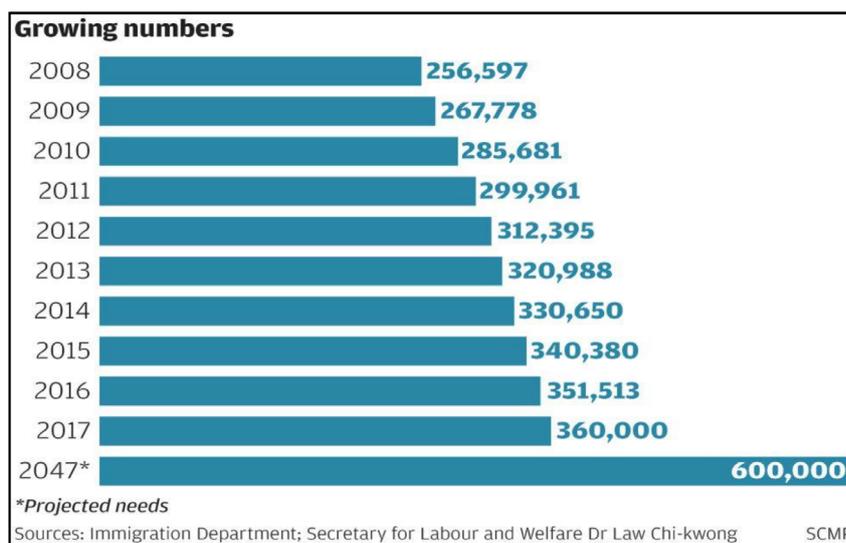


Figure 2 Growing Population of MDWs in Hong Kong SAR, China

In order to protect the employment rights and benefits of MDWs in Hong Kong SAR, China, statutory regulations are defined in the Standard Employment Contract (SEC). This contract is governed by Hong Kong SAR, China laws; in particular, the Employment Ordinance (Chapter 57) – enacted in 1968 – which is the main piece of legislation governing conditions of employment in Hong Kong SAR, China⁷. The Employment Ordinance includes a range of comprehensive employment protections and benefits for employees including: wage protection; rest days; holidays with pay; paid annual leave; sickness allowance; maternity protection; statutory paternity leave; severance payment; long service payment; employment protection; termination of employment contract; protection against anti-union discrimination⁸.

Since the aforementioned statutory regulations were enacted, additional improvements have been initiated by the Hong Kong, SAR, China authorities such as: annual review and increase in salary and food allowance; establishment of minimum wage for MDW⁹; establishment of a dedicated helpline for domestic workers; new code of employment practice; inclusion of domestic workers in labour law; ability of MDWs to switch visas or employers where there is any evidence of abuse by employment agencies and employers; as well as assistance and

⁷ Labour Department of The Government of the Hong Kong Special Administrative Region (2017). Labour Legislation: Overview of Major Labour Legislation – Employment Ordinance, Chapter 57. Labour Department of The Government of the Hong Kong Special Administrative Region.

⁸ Ibid.

⁹ The minimum wage for MDWs is regularly reviewed by the Hong Kong SAR, China Government.

protection of victims of physical and/or sexual abuse. The latest development was the release of the new '[Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong](#)' (March 2018)¹⁰, which is entirely domestic worker focused. Even though Hong Kong SAR, China has strengthened efforts to protect MDWs with a SEC as well as Minimum Wage Laws and Protection under the Employment Ordinance, MDWs still face a high risk of exploitation and, in extreme cases, forced labour. The very nature of domestic work means that workers are often physically isolated from their support networks, often working in private households without clear employment terms and conditions and full labour law protection. The informality of the domestic work sector lends itself to vulnerabilities; as non-citizens with restricted rights and benefits, MDWs are particularly vulnerable to employer intimidation, abuse, and exploitation¹¹.

Migrant domestic workers are particularly vulnerable to human trafficking and other associated forms of exploitation and frequently subjected to a range of unethical recruitment and abusive employment practices. Amongst other, these include deception by private recruitment agencies (PRAs) on the terms and conditions of the employment; excessive recruitment fees and related cost, and the signing of debt agreements resulting in salary deduction/manipulation; the practice of confiscating personal documents; restrictions on the freedom of movement during employment; and the use of threats and punishments during the recruitment process and/or employment in Hong Kong SAR, China.

Besides the statutory regulations as defined in the SEC as well as the additional provisions specified by the Hong Kong, SAR, China authorities, employers play an important role in protecting the employment rights and benefits of MDWs in Hong Kong SAR, China at all stages of migration, including the recruitment and employment phase¹². An employer's responsibility to protect MDWs begins with the recruitment of MDWs and, more specifically, with choosing an ethical EA which does not conduct harmful recruitment practices such as overcharging recruitment fees, confiscating personal documents, etc. It is therefore relevant to study how employers can begin to protect MDWs in the recruitment phase, long before they arrive in Hong Kong SAR, China.

¹⁰ The Government of the Hong Kong Special Administrative Region (2018). Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong. The Government of the Hong Kong Special Administrative Region.

¹¹ Runyan, A.S. and Peterson, V.S. (2014) Global Gender Issues in the New Millennium, Boulder: Westview Press, 209.

¹² The labour migration cycle is divided into three stages: 1) recruitment and development, 2) employment, as well as 3) return/ onward migration. During the recruitment and deployment stage, workers contact recruiters in countries of origin about potential job opportunities abroad; job interviews are conducted; employment contracts are signed; and workers travel to respective jobsites. In the employment stage, after arriving in host countries, migrant workers have to take a medical test prior to moving into their accommodation and starting work. In the return/ onward migration stage, once employment contracts are completed, recruiters organise travel arrangements for migrant workers; they either depart for new jobs or return to their countries of origin.

1.2 OBJECTIVE OF THE STUDY

Recognizing the potential for employers as key agents of positive change in ensuring the welfare of MDWs, the objective of the survey was to assess current levels of understanding and attitudes of employers towards ethical recruitment and decent work principles. The focus hereby was specifically on the hiring and employment of MDWs in Hong Kong SAR, China. The study further aimed to identify specific gaps in knowledge related to ethical recruitment of MDWs to subsequently provide recommendations to inform future employer-engagement strategies. Ultimately, these results are to be used by IOM and its partners to progress constructive dialogue with governments, consulates and employment agencies about the potential development of corresponding support mechanisms for workers and employers.

1.3 RESEARCH METHODOLOGY

For the purpose of this study, data was not solely collected from primary, but also from secondary sources. Primary sources included a quantitative survey with 308 employers of MDWs, who were Hong Kong SAR, China residents¹³ currently employing MDWs at the time of being surveyed, while secondary sources comprised literature, articles and statistical sources.

1.3.1 Survey Development and Process

IOM Hong Kong SAR, China developed a quantitative survey instrument (see Annex III: Survey Questionnaire). The survey instrument was comprised of 34 open- and closed-ended questions covering employers' demographics, their experience with and knowledge of EAs, their attitudes towards MDWs, and their overarching understanding of and attitudes towards ethical recruitment and decent work principles. Likert scale rating questions (5 point) were also used for respondents to rate their experience (very dissatisfied – very satisfied) and indicate to what extent they agreed or disagreed with statements. Prior to the distribution of the survey, IOM Hong Kong SAR, China tested the draft survey instrument by disseminating it to a small group of employers. After receiving feedback, the survey instrument was revised accordingly and sent to [Online Survey Ltd](#), a Hong Kong SAR, China-based market research agency, commissioned to collect the raw data.

¹³ Please note: Respondents were not asked about their nationalities (please see Annex III: Survey Questionnaire, for further reference).

1.3.2 Sample Size and Sampling Methods

The research agency specified that they used random sampling within their existing network of panelists via email. Initially, more than 50,000 invitations were distributed to women and men between 18-65 years old¹⁴. In addition, as the percentage of respondents employing a MDW was lower than initially anticipated, the research agency had to extend the promotion of the survey to collect results from various social media platforms. In total, after distributing additional invitations, 300,000 invitations were distributed. Between the period of 2–28 November 2019, 1,075 responses were collected. Only 308 responses were considered valid as they fulfilled the target group criteria of being current employers of MDWs.

1.3.3 Ethical Considerations

Confidentiality of respondents was strictly maintained and their participation in the research study was completely anonymous and voluntary. Web-based surveys in particular are cost-efficient, quick, and have a wide reach. The primary benefit of their use is flexibility; respondents can take the survey at their own pace and in their free time using any preferred device.

1.3.4 Limitations of the Study

In this study, certain limitations can be observed. Compared to qualitative data collection methods, quantitative data collection methods, specifically web-based surveys, do not allow for clarifying questions or interpersonal contact with respective researchers and, therefore, may cause confusion and discrepancies in the raw data set. One such example is that respondents who initially indicated that they had hired MDWs directly also filled out questions that only respondents who had hired MDWs through an agency were expected to fill out. Due to this discrepancy in the raw data set, their responses were considered invalid.

¹⁴ The survey was sent out bilingually in both Cantonese as well as English (see Annex III: Survey Questionnaire).



2

FINDINGS

2.1 EMPLOYER DEMOGRAPHICS AND CHARACTERISTICS

In total, 308 valid¹⁵ responses were collected. 186 (60 per cent¹⁶) of respondents were women while 122 (40 per cent) were men (see Figure 3 Respondents' Demographic Profile: Gender). With regard to age groups, 10 per cent of the respondents were between 18 and 25 years old, half of the respondents were between 26 and 40 years old, 27 per cent of the respondents were between 41 and 55 years old, 11 per cent were between 56 and 65 years old, and solely 2 per cent were 65 years old and older (see Figure 4 Respondents' Demographic Profile: Age). Even though the data was disaggregated by gender, no noted differences between the way that men responded to questions as compared to women has been observed. Instead, differences between age groups have been identified. The employers were not segmented by nationality, education level, income, and other household characteristics. However, the response rate disaggregated by language has shown that the majority of employers – 72 per cent – chose to take the survey in English while 28 per cent selected the Chinese language version. It is important to stress that even when employers selected the English language version, they were still able to elaborate certain responses in Chinese. This applies to answers with 'other' options. While the majority chose to complete the survey in English, one cannot assume their nationality; employers' preference in language version may be derived from their level of language proficiency. Therefore, one cannot assume that the majority of employers are expatriates; ethnically Chinese Hong Kong SAR, China residents may also choose English as their preferred language. Accordingly, the response rate disaggregated by language does not affect the analysis.

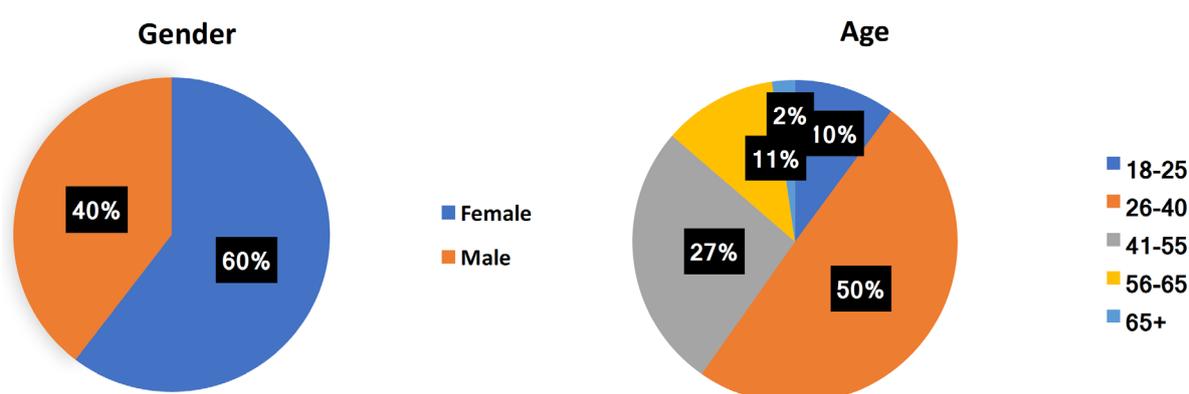


Figure 3 Respondents' Demographic Profile: Gender

Figure 4 Respondents' Demographic Profile: Age

¹⁵ Responses were only considered valid if they fulfilled the target group criteria of being current employers of MDWs, and if every single question in the survey questionnaire was completed. If certain questions were not completed, responses were not counted.

¹⁶ Please note: throughout chapter 3 Findings, all percentages have been either rounded up or down to full percentages.

The vast majority of respondents indicated that MDWs had worked for them for a period of one year, eight per cent of the respondents specified that current MDWs had worked for them for a period of 8 months while 6 per cent of the respondents had employed current MDWs for a period of 2 years, and 28 per cent had employed current MDWs for more than 2 years. On average, the 308 surveyed employers had employed current MDWs for a period of approximately 6 months. The current employment period ranged from one month to approximately 13 years. With regard to employers' overarching employment experience, 56 per cent of the respondents were first time employers while 44 per cent had employed MDWs before (see Figure 5 Employment Experience of Employers of MDWs). Of the employers who had never employed a MDW before, the vast majority were 26-40 years old, hired current MDWs through an agency, and received a service agreement – an agreement made between an employer of a MDW and an employment agency (see p. 26 for further information) – from the employment agency.

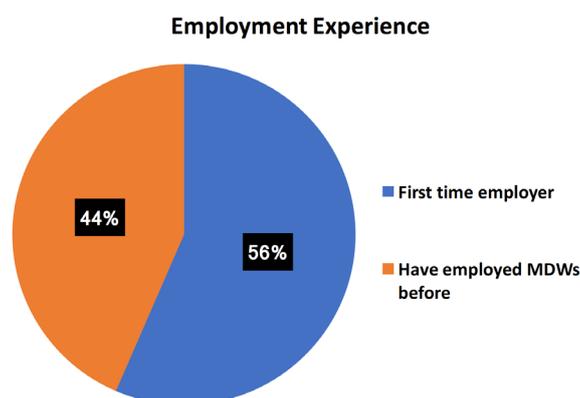


Figure 5 Employment Experience of Employers of MDWs

When asked about the primary reasons for hiring MDWs, 39 per cent of respondents replied that their primary reason for hiring MDWs was a combination of childcare and household chores; for 24 per cent of the respondents, childcare was their primary reason for hiring MDWs, 11 per cent indicated a combination of elderly care and household chores, 10 per cent indicated household chores, 8 per cent specified elderly care; and for 7 per cent it is a combination of childcare, elderly care, and household chores¹⁷ (see Figure 6 Primary Reason for Hiring MDWs). These findings show that the primary reason for hiring MDWs is often two-fold, rather than a single reason; many Hong Kong SAR, China-based employers employ MDWs for the purpose of childcare as well as household chores.

¹⁷ Please note that 1 respondent did not submit an answer to this question while no other reasons for hiring MDWs were specified.

Primary Reason for Hiring MDWs

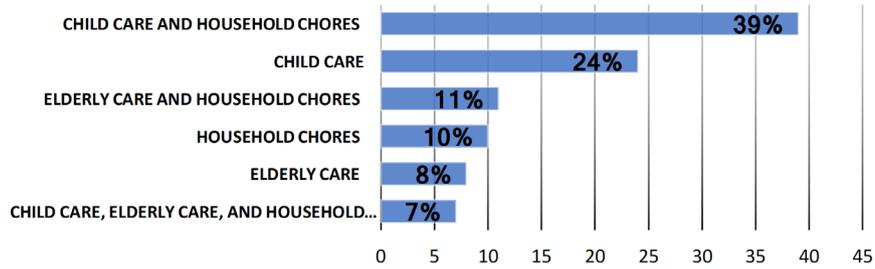


Figure 6 Primary Reason for Hiring MDWs

2.2 KEY FINDINGS

2.2.1 Employers' Preferences for Employment Agencies

Out of the 308 respondents, 271 (88 per cent) hired MDWs through an agency while only 37 (12 per cent) hired MDWs directly (see Figure 7 Type of Hiring Process of MDWs). Of the employers who hired through an agency, 94 per cent responded that the agency was registered with a license under the Employment Ordinance, while six per cent responded that they were not sure whether the agency was registered with a license under the Employment Ordinance.

Type of Hiring Process of MDWs



Figure 7 Type of Hiring Process of MDWs

High Reliance on “Word of Mouth” when Choosing an Employment Agency

Most respondents chose their respective employment agency because it was recommended by friends and/ or relatives (81 per cent). The fact that all 18-25 year olds chose their respective agency because it was recommended by friends and/ or relatives can be explained by their lack of understanding of recruitment processes, especially if they are first-time employers of MDWs. Of the remaining respondents: five per cent chose the agency because it was certified by the Government¹⁸; four per cent chose the agency because of advertisements on social media platforms; and four per cent specified other reasons such as reputation or the employment agency’s proximity to their house (convenience) (see Figure 8 Primary Reason for Choosing EAs).

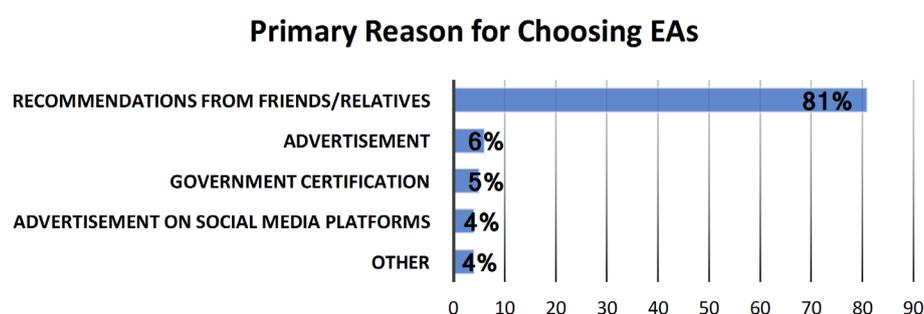


Figure 8 Primary Reason for Choosing EAs

Employers’ Low Likelihood to Conduct Due Diligence

According to the UN Guiding Principles on Business and Human Rights, due diligence refers to an individual’s ongoing process, which aims to identify, prevent, mitigate, and account for how he/ she addresses the adverse human rights impacts of his / her own activities¹⁹. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed²⁰.

The [IRIS Standard](#) – developed by IOM – is designed to serve as a practical tool and guidance for enabling labour recruiters and employers to integrate ethical recruitment principles into recruitment related management systems, procedures, codes of conduct, and social sustainability initiatives. While the IRIS Standard does not provide any guidance specific to MDW recruitment

¹⁸ Agencies register for business licenses for operation as well as accreditation from respective consulates.

¹⁹ United Nations (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. United Nations.

²⁰ Ibid.

by an individual employer, principles such as freedom of movement; transparency of terms and conditions of employment; confidentiality and data protection; and access to remedy are important to consider when conducting due diligence as an individual. Employers should ensure that prospective EAs respect these principles.

With regard to hiring MDWs, prior to choosing an EA, employers should conduct research about prospective EAs, their ratings and reputation. For instance, by checking the [Labour Department's Employment Agencies Portal](#) to see all the licensed agencies in Hong Kong as well as agencies that have been convicted. Employers should also be aware and alert of EAs' recruitment practices – such as recruitment fees and other costs for workers, terms and conditions of the employment contract and any payment receipt given to workers – and question its authenticity and professionalism if low prices, an 'exit to Macau' option²¹ or unusually fast visa processing timelines are offered. Employers should keep themselves informed about the overarching recruitment process when choosing an EA by asking for a detailed breakdown of recruitment-related costs, whether or not grievance mechanisms are in place, whether or not pre-departure trainings are facilitated in countries of origin, and whether or not EAs hold workers' passports.

Just under half (48 per cent) of employers surveyed claimed to have performed due diligence when choosing the employment agency through which to hire a MDW; 46 per cent did not perform due diligence; and 6 per cent were unsure whether or not they conducted due diligence (see Figure 9 Due Diligence Prior to Choosing EAs). The findings highlight a degree of uncertainty surrounding due diligence, with almost half of the respondents claiming to have performed due diligence and the other half claiming not to have done so. It is important to note that the survey tool did not provide a definition of due diligence so respondents answered according to their own interpretation of the term. The question then arises, why is there such inconsistency in respondents' likelihood to conduct due diligence prior to choosing an agency? One may assume that, as the majority of respondents chose an EA according to recommendations from friends and relatives, they did not see the need to conduct additional due diligence themselves. These findings suggest a strong need to educate and inform prospective employers of MDWs about the importance of performing due diligence, and about how to conduct due diligence when choosing an EA. This way, employers would also learn that they can be actively involved in both recruitment and employment process. By conducting due diligence prior to choosing an EA, employers can significantly decrease the risk of choosing an unethical EA that conducts harmful recruitment practices such as overcharging recruitment fees and confiscating personal documents.

²¹ This option exposes both MDWs and their employers to prosecution for violating immigration law. Depending on the situation MDWs are leaving, the law requires them to return to their places of origin between contracts, instead of Macau SAR, China.

Due Diligence Prior to Choosing EAs

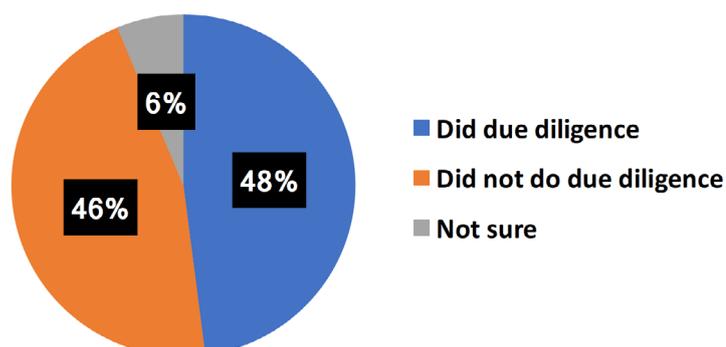


Figure 9 Due Diligence Prior to Choosing EAs

Uncertainty about Recruitment Fees Paid by Employers of Migrant Domestic Workers

Results regarding respondents' knowledge about what paid recruitment fees covered, fluctuated. Forty-one per cent of surveyed employers were unsure what the recruitment fees that they had paid covered. These employers were primarily between the ages of 26-40, had never employed MDWs before, and stated the primary reason for hiring MDWs was a combination of need for childcare and assistance with household chores. Thirty-six per cent of respondents indicated that they knew what the recruitment fees covered. Respondents who had indicated that they knew what the recruitment fees they paid covered, specified that such fees covered visa, documents (processing), pre-departure trainings for prospective MDWs in countries of origin, air tickets, medical check-ups, and agent fees. Of the respondents, 23 per cent stated that they did not know what specifically recruitment fees covered. This was especially striking as the majority of these respondents were between 41-55 years old, had never employed a MDW before, and stated their primary reason for hiring MDWs was a combination of need for childcare and assistance with household chores.

These findings indicate that the majority of employers were either unaware of and/or had never been informed by EAs of the specific breakdown of the costs associated with recruitment. This can be explained by the fact that employers often trust EAs unconditionally and do not question the amount of recruitment fees that they have to pay. EAs are perceived to be their primary source of information and, therefore, considered as reliable and trust-worthy. Another reason why employers' knowledge about recruitment fees varies lies within EAs' failure to specify what recruitment fees cover. EAs often solely quote the total amount being charged to the employer, instead of specific breakdown of costs. Employers might also not render these specifics as

important or necessary. They may simply accept paying these costs as the 'norm', which is reinforced by the fact that the vast majority of surveyed employers trust recommendations from friends and relatives so they know that their peers are doing the same. It would be beneficial for employers to gain a better understanding of what recruitment fees charged by EAs cover. This would further help to expose if and when workers are being overcharged as well as raise their awareness of potential hidden costs.

Service Agreements between an Employment Agency and an Employer are Common Practice

A [Standard Service Agreement](#) refers to the agreement made between an employer of a MDW and an employment agency. This applies to all employers regardless of their nationality. The Hong Kong SAR, China Labour Department requires all employers to enter into a service agreement with employment agencies. Parties agree to appointment of services; fee payment; replacement and guarantee; conditions for replacement/ transfer; refund policy, etc. The document states that parties to the agreement are to retain a signed copy of the agreement.

When it came to service agreements, 78 per cent of employers surveyed reported having received a service agreement from the agency, 13 per cent were not sure whether or not they had received a service agreement and nine per cent reported not having received one. The finding suggests that it is common practice for EAs to provide service agreements, which highlights a level of good practice among EAs.

However, it is important to take note of the fact that 23 employers (9 per cent) did not receive a service agreement. Of these 23 employers, 8 were women and 15 were men. All 8 women were between 26-40, while 8 men were between the ages of 26-40, and 7 were between the ages of 18-25. The fact that employers who did not receive a service agreement were in the younger age bracket suggests that older and more experienced employers are more likely to ask for a service agreement if EAs fail to provide one. Among the older and more experienced employers, the employment period of MDWs ranged from 4 to 20 months. The majority of employers had never employed MDWs before. Of the employers who had employed MDWs before, the employment period ranged from seven to 18 months.

These findings not only show that employers who did not receive a service agreement were

employers, they might have had limited exposure to EAs and, therefore, might not be well informed about recruitment practices, compared to more experienced employers who have employed MDWs for years. This inexperience may explain employers' failure to request a service agreement. Another reason may be that employers do not perceive service agreements to be necessary as they trust recommendations from friends and relatives for EAs. As a consequence, they often do not question EAs' failure to provide them with a service agreement.

'Neutral' Experiences with Employment Agencies

In order to measure employers' overall experience with EAs, five-point Likert-scale rating questions were asked. The rating options were: very dissatisfied; dissatisfied; neutral; satisfied; and very satisfied. While very dissatisfied and dissatisfied indicate negative experiences, satisfied and very satisfied indicate positive experiences. Neutral indicates that employers' experience was neither positive nor negative. The findings show that the vast majority of employers perceive their overarching experience with EAs to be either neutral or satisfied. Four per cent of employers rated their overall satisfaction level with the agency as 'very dissatisfied', three per cent as 'very satisfied', and only one per cent as 'dissatisfied' (Figure 10 Overall Experience with EAs).

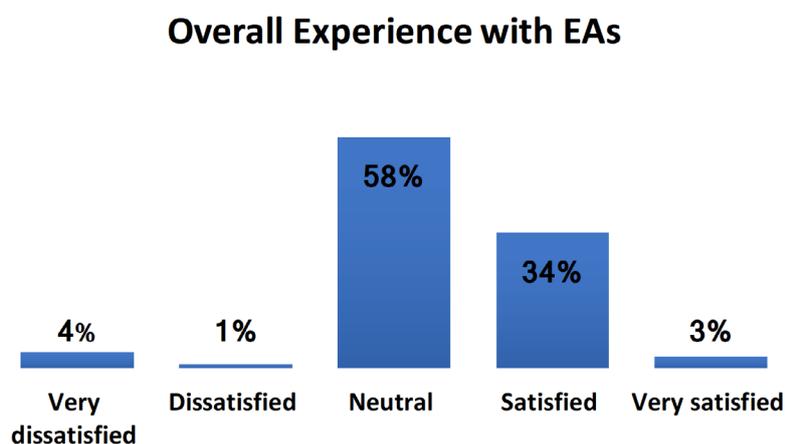


Figure 10 Overall Experience with EAs

These findings are particularly interesting when considering the potential ‘business case’ for employment agencies. Given the mostly ‘neutral’ response to their services, there is an argument to be made that if they make their customers aware of their emphasis on ethical practices, this could generate more of a ‘feel good’ or positive response to their services more broadly. A more positive rating of their services also lends itself to an increased likelihood of committed customers to rely on ‘word of mouth’.

To summarize findings associated with the employer-employment agency relationship, the majority of respondents knew whether or not the respective agency was registered with a license under the Employment Ordinance and also received a service agreement. However, with regard to recruitment fees, and more specifically what they covered, a gap in respondents’ level of knowledge was identified. Reasons may include EAs’ lack of transparency and/or employers’ failure to conduct due diligence.

As aforementioned, a standard service agreement between employers of MDWs and employment agency exists. However, the service-²² and placement fees²³ charged to employers are not regulated and can be decided on by respective agencies. This explains why fees fluctuate heavily. In the standard service agreement, a total package fee must be indicated, but not the specific breakdown of what it covers. The same applies to the placement fee. This means that even though employers may be provided with a service agreement, they still do not know what exactly recruitment fees cover, which often requires them to ask follow-up questions. If employers fail to do so, it is not surprising that knowledge about recruitment fees varies. In order to increase EA fee transparency and, further, avoid excessive recruitment fees, the standard service agreement should contain standardized fees; a maximum amount of fees payable; and a specific break-down of all costs under both service and placement fees. This should be legally binding for all EAs.

Nonetheless, this would not increase employers’ knowledge about recruitment fees. Especially when no service agreements are provided, employers need to be vigilant and conduct due diligence. Prior to entering into an agreement with EAs, employers should inform themselves about recruitment fees and what they cover. Besides recommendations from friends and relatives, it is also valuable to visit the [Labour Department’s Employment Agencies Portal](#) to check whether an EA is licensed.

²² Service fee

²³ Placement fees refer to the amount an employer has to pay to the employment agency as a compensation for successfully and legally hiring a qualified person for an overseas job.

2.2.2 Employers' Attitudes Towards Migrant Domestic Workers

The third section of the survey questionnaire focused on employers' attitudes towards MDWs. Respondents were asked to what extent Hong Kong SAR, China employers of MDWs agree or disagree with various statements (see Figure 11-14). The findings show that attitudes of Hong Kong SAR, China employers of MDWs towards ethical recruitment and decent work principles and, more specifically, MDWs are generally positive. The majority of employers agree that MDWs should be hired lawfully, in a fair and transparent manner that respects their dignity and human rights. This suggests that employers are generally supportive of ethical recruitment.

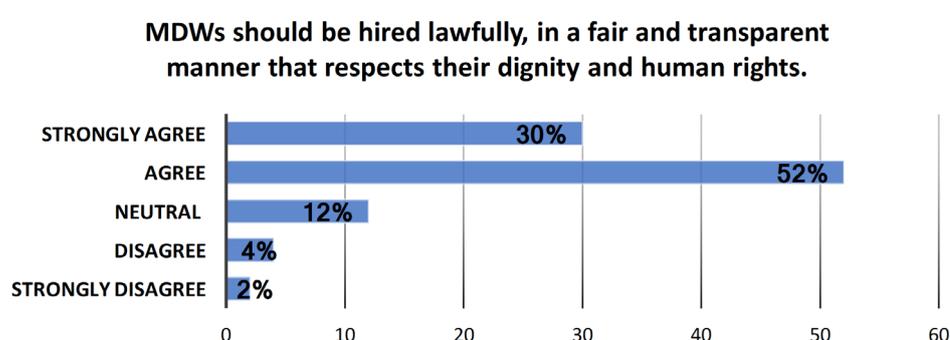


Figure 11 Statement 1

Employers' attitudes towards providing MDWs with the same labour rights as permanent residents vary heavily while no clear majority in responses can be identified. This can be explained by the fact that MDWs are perceived as temporary migrants only. Unlike other workers, MDWs are not considered as ordinary residents in Hong Kong SAR, China and, therefore, can not acquire right of abode or are entitled to retirement benefits and protection. MDWs are also not entitled to statutory minimum wage²⁴, which is much higher than the 'minimum allowable wage'²⁵ for MDWs. These restrictions prevent MDWs from enjoying the same labour rights as permanent residents. Even though MDWs are not legally considered permanent residents, employers should still protect MDWs' human and labour rights by providing a positive and safe working environment, regardless of their immigration status.

²⁴ HKD 6,300 (approx. USD 813)

²⁵ HKD 4,520 (approx. USD 583)

MDWs who have come to work in Hong Kong should be given the same labour rights as permanent residents.

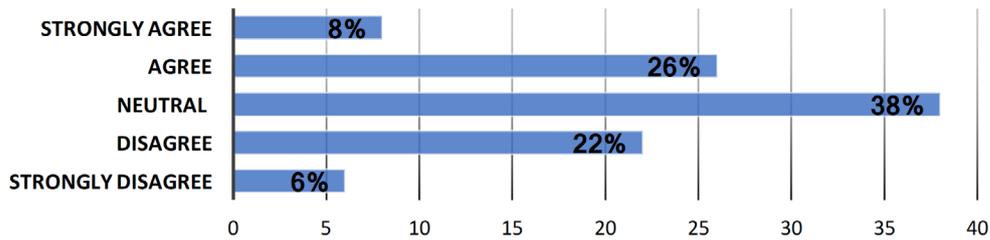


Figure 12 Statement 2

More than half of the employers surveyed agreed that MDWs should receive sufficient rest, including 24 consecutive hours of rest per in every period of seven days as well as statutory holidays. Twenty-nine per cent of employers disagreed with the rest requirement or were neutral towards it. This means that nearly one third of employers neither agreed or disagreed with the rest day requirement, echoing that many employers in Hong Kong SAR, China disregard and/ or misinterpret this provision and request MDWs to work before or once they return from their day off. According to the Employment Ordinance, “a rest day is a continuous period of not less 24 hours”. This means that a MDW should not be required to work before and/ or once s/he returns to their employer’s residence; s/he is entitled to a full consecutive 24-hour rest period. Employers should be made aware of how important full rest days are for workers’ mental and physical wellbeing. This will not only increase workers’ productivity, but also create a more harmonious and healthy working and living environment.²⁶

MDWs should receive sufficient rest, including 24 consecutive hours of rest per week and statutory holidays.

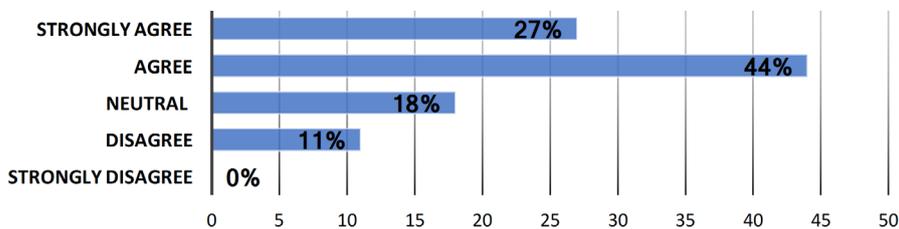


Figure 13 Statement 3

²⁶ Labour Department of The Government of the Hong Kong Special Administrative Region (2017). Labour Legislation: Overview of Major Labour Legislation – Employment Ordinance, Chapter 57. Labour Department of The Government of the Hong Kong Special Administrative Region.

Thirty-nine per cent of respondents were neutral towards the statement that “employers are not required to provide MDWs with suitable and furnished accommodation”. Accordingly, more than a third of the employers neither agreed nor disagreed with the accommodation requirements for MDWs. Employers were found to be unaware of what suitable and furnished accommodation entails and, therefore, may assume that the accommodation arrangements they provide are adequate.

This can be traced back to the provisions laid out in the SEC; section 5. (b) does not clearly define ‘suitable and furnished accommodation’ which is, therefore, open to interpretation. Many employers do not provide MDWs with adequate privacy. For instance, many MDWs have to share rooms with a child or an elderly family member, sometimes even of the opposite sex, or sleep in living rooms, corridors, kitchens, washrooms, and storage rooms on makeshift beds. The ‘live-in requirement’, which stipulates that MDWs must work and reside in the employer’s residence in Hong Kong SAR, China, further exacerbates MDWs’ bad living conditions, especially as living quarters in Hong Kong SAR, China – one of the world’s most expensive property markets – are often small.²⁷

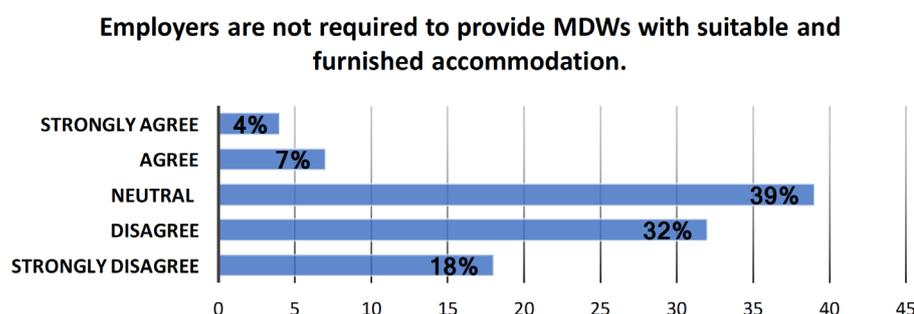


Figure 14 Statement 4

2.2.3 Employers’ Knowledge and Understanding of Ethical Recruitment and Decent Work Principles

With regard to questions about ethical recruitment and decent work principles, more than half of the employers surveyed indicated that they were not sure how much in fees an EA could charge a MDW according to existing rules and regulations for EAs in Hong Kong SAR, China. Of the employers surveyed, 23 per cent responded that EAs could not charge any commission, 22 per cent thought that EAs could charge 0-10 per cent of the first month’s wage received

²⁷ Justice Centre Hong Kong. (2016). Coming Clean: The Prevalence of Forced Labor and Human Trafficking for the Purpose of Forced Labor Amongst Migrant Domestic Workers in Hong Kong. Justice Centre Hong Kong, 23.

by MDWs, and four per cent replied that there was no limit to how much an EA could charge a MDW in fees (see Figure 15 Fees Charged by EAs).

In order to understand why more than half of the employers were unsure about the amount of recruitment fees allowed to be charged to MDWs, it may be valuable to consider the existing rules and regulations for EAs in Hong Kong SAR, China. Section 3.5.1 of the Code of Practice (CoP)²⁸ prohibits EAs in Hong Kong SAR, China from directly or indirectly receiving “reward of any kind, or any payment or advantages in respect of expenses or otherwise (e.g. photocopying fees, visa processing fees), except the prescribed commission” from MDWs²⁹. The maximum fee that agencies are permitted to charge for their services is legislated for in the Employment Agency Regulation of the Employment Ordinance and re-stated in the CoP³⁰. The fee is set at:

“an amount not exceeding a sum equal to ten per cent of the first month’s wages received by such person after he has been placed in employment by the employment agency.”³¹

Accordingly, considering the current minimum allowable wage of HKD 4,520 (approx. USD 583), the maximum chargeable agency fee is HKD 452. In the CoP, it is further specified that this fee “shall only be charged after the job-seeker has received his/her first-month’s wages” which means that MDWs cannot be charged in advance³². EAs that break the law are liable to a maximum fine of HKD 350,000 and imprisonment for three years³³. The Employment Agency Portal (EAA) – launched by the Labour Department and responsible for licensing, inspections, investigating complaints and ensuring that employment agencies comply with Hong Kong SAR, China law – has failed to effectively enforce the regulations, thereby allowing the great majority of EAs, which are operating in an illegal manner to do so with impunity³⁴. Although the Labour Department has increased annual inspections of EAs, this has not resulted in any significant improvement in the number of EAs charged or prosecuted³⁵.

²⁸ In January 2017, the Labour Department introduced the new Code of Practice (CoP). The CoP underlines the existing statutory requirements, which employment agencies in Hong Kong must comply with but it also sets out minimum standards, which employment agencies need to meet.

²⁹ Hong Kong Federation of Asian Domestic Workers Unions. (2018). *Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice*. Hong Kong Federation of Asian Domestic Workers Unions.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

Despite the CoP's clear re-statement of existing legislation on agency fees, many EAs continue to charge excessive and illegal recruitment fees. As FADWU's (2017) research has revealed 56 per cent of the study's interviewees were charged illegal fees by EAs after their arrival in Hong Kong SAR, China while 30 per cent were also charged prior to receiving their first month's salary³⁶. This raises the question why employers of MDWs are not aware of these practices? Employers might not be interested in how much in fees an EA can charge a MDW or may not have the time to inform themselves and their own recruitment fees may be of more importance to them. Employers might also not be aware that MDWs have to pay recruitment fees in the first place; they may assume that MDWs are exempt from paying fees as employers already have to pay to hire them. A simple way of finding more reliable information about the maximum chargeable agency fee is to access the Labour Department's [website](#) and, more specifically, the CoP, instead of asking EAs or MDWs.

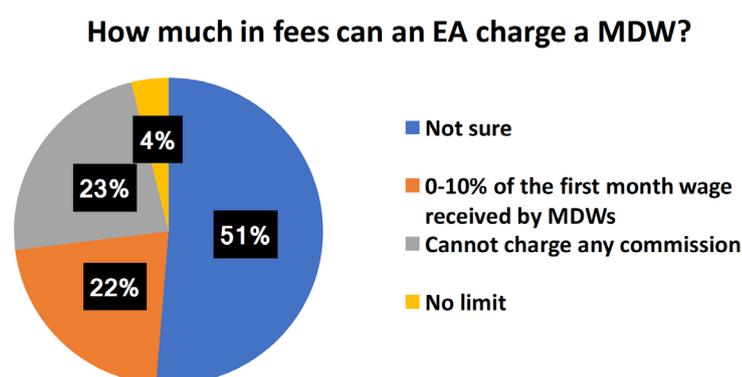


Figure 15 Fees Charged by EAs

Uncertainty about Payment of Recruitment Fees in Countries of Origin

While 72 per cent of employers indicated that they were not sure whether or not the MDW they employed paid recruitment fees in their home country before coming to Hong Kong SAR, China, 18 per cent answered yes and 10 per cent responded no (see Figure 16 Fees Charged by EAs in Countries of Origin). Of the respondents who answered yes, they either did not know how much MDWs paid in recruitment fees in their country of origin or respondents estimated recruitment fees to range between HKD 3,000 and HKD 10,000. Amongst this same group of respondents who were aware that MDW had paid fees, 90 per cent did not know to whom MDWs had paid recruitment fees. It was especially striking that all but one of the 18-25 year

³⁶ Hong Kong Federation of Asian Domestic Workers Unions. (2018). Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice. Hong Kong Federation of Asian Domestic Workers Unions.

olds did not know to whom MDWs had paid recruitment fees. The remaining 10 per cent of the respondents who knew to whom MDWs had paid recruitment fees specified that it was the recruitment agency and, more specifically agency fees and fees for medical check-ups.

The question arises as to why the majority of employers were not sure whether or not MDWs had paid recruitment fees in their home country prior to coming to Hong Kong SAR, China. Many EAs in countries of origin charge excessive and illegal recruitment fees before MDWs leave their home countries. This puts MDWs in an extremely vulnerable position as they have to take out loans in order to pay the required fees. FADWU's (2016) research shows that a significant number of Filipino MDWs pay two separate fees: the first to the RA in the Philippines and the second to the placement agency in Hong Kong SAR, China³⁷. Forty-seven per cent of the interviewees paid agency fees in both the Philippines and Hong Kong SAR, China³⁸. Despite regulations, implemented by the Philippine Overseas Employment Administration (POEA) Governing Board to improve the situation of MDWs, Filipino MDWs continue to pay illegal agency fees³⁹. These fees are normally collected in full by RAs in the Philippines, prior to departure⁴⁰. If MDWs are unable to pay the full amount, the remainder is collected via salary deductions once they commence their employment in Hong Kong SAR, China⁴¹.

This indebtedness further increases MDWs' vulnerability to abuse and exploitation by an unscrupulous employer and/or employment agency as they fear that if they challenge such exploitative practices, they will lose their jobs and will be unable to repay their debts⁴². As a result, MDWs may be afraid to talk to their employers about their financial hardships. This can explain why the majority of employers are not sure whether or not MDWs have paid recruitment fees in their home country. Even though employers are legally required to cover various costs associated with migration (e.g. agency fees, visas, administration fees, etc.), MDWs still end up covering some costs⁴³. It is, therefore, vital for employers to regularly communicate with MDWs, to find out about potential financial issues that MDWs may be experiencing. MDWs are more likely to open up if employers show interest, ask questions and offer their support. This is especially relevant as employers are often unaware of what the entire recruitment process entails – starting in countries of origin – considering practices and fees MDWs are exposed to prior to coming to Hong Kong SAR, China.

³⁷ Hong Kong Federation of Asian Domestic Workers Unions. (2016). *Between a Rock and a Hard Place: The Charging of Illegal Agency Fees to Filipino Domestic Workers in the Philippines and Hong Kong*. Hong Kong Federation of Asian Domestic Workers Unions.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Hong Kong Federation of Asian Domestic Workers Unions. (2018). *Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice*. Hong Kong Federation of Asian Domestic Workers Unions.

⁴³ Hong Kong Federation of Asian Domestic Workers Unions. (2016). *Between a Rock and a Hard Place: The Charging of Illegal Agency Fees to Filipino Domestic Workers in the Philippines and Hong Kong*. Hong Kong Federation of Asian Domestic Workers Unions.

Has your MDW paid recruitment fees in their home country before coming to Hong Kong?

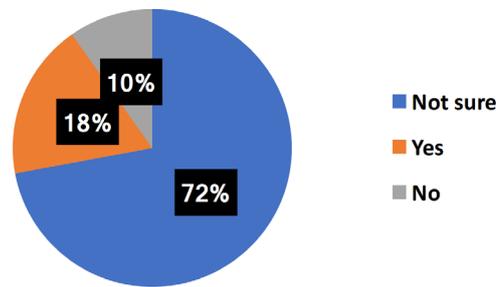


Figure 16 Fees Charged by EAs in Countries of Origin

Discrepancy in Employers' Knowledge about Personal Documents and Property

Before commencing, it is vital to point out that the following questions are testing employers' opinions or knowledge based on [guidelines](#) published by the Hong Kong SAR, China Labour Department. More than half of the respondents were certain that EAs should return personal documents and personal property to MDWs immediately or shortly after obtaining copies. Accordingly, 48 per cent of employers thought that EAs should return personal documents within 3 months, 43 per cent of employers specified immediately after obtaining copies, 21 per cent thought documents had to be returned within 1 month; 20 per cent responded that they were not sure (see Figure 17 EAs' Practice to Return Personal Documents and Property). These findings show that employers' level of knowledge about MDWs' personal documents and property varies. So, what is best practice? What is legally accepted? In order to answer these questions, it is vital to consider the consequences of EAs confiscating personal documents and property of job-seekers.

Should EAs return personal documents and personal property directly to MDWs?

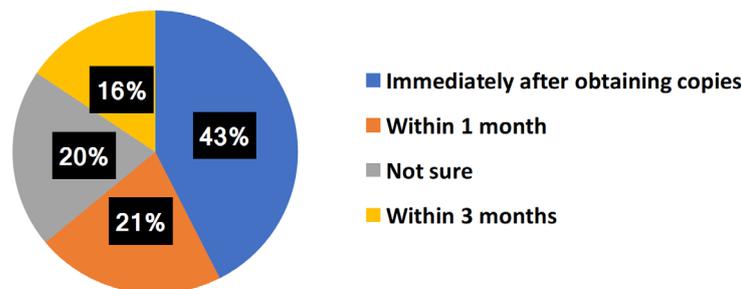


Figure 17 EAs' Practice to Return Personal Documents and Property

Confiscating a MDW's personal documents, such as a passport, employment contract or Hong Kong SAR, China ID card, is an effective mechanism for maintaining control over that person⁴⁴. Without these documents, MDWs are unable to change jobs legally and cannot prove that they have a right to live and work in Hong Kong SAR, China; it also makes it more difficult for them to seek assistance from relevant authorities. Furthermore, being without these personal documents leaves MDWs at risk of detention and deportation⁴⁵. MDWs who are not in possession of their personal documents are much less willing or able to leave their jobs or challenge exploitative practices⁴⁶.

If EAs retain MDWs' personal documents and property, they violate Hong Kong SAR, China's Theft Ordinance (Chapter 210) and are, thereby, convicted of theft and liable to a maximum sentence of imprisonment for 10 years⁴⁷. Section 3.11.1 of the CoP clearly re-states this prohibition, underlining that agencies:

“shall not retrieve or withhold any personal property, including but not limited to a job-seeker's passport, personal identification document, employment contract, bank credit or debit cards, school certificates, any other materials distributed to the job-seeker by LD (Labour Department) or any other relevant authorities (e.g. Consulates-General (CGs)) without his/her explicit consent”⁴⁸.

Section 4.13.1 of the CoP acknowledges that during the job placement, employment agencies may require MDW's identity documents, such as a passport⁴⁹. However, upon obtaining the employment or work visa, the document must be returned directly to the worker without delay. Accordingly, EAs are legally bound to return personal documents and property directly to MDWs, immediately after obtaining copies. In order to ensure that MDWs are always in possession of their original personal documents and property, employers play an important role; they can support MDWs to retrieve their personal documents and property, in case of confiscation, but also guarantee that they themselves never withhold MDWs' personal documents.

⁴⁴ Hong Kong Federation of Asian Domestic Workers Unions. (2018). Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice. Hong Kong Federation of Asian Domestic Workers Unions.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Hong Kong Federation of Asian Domestic Workers Unions. (2018). Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice. Hong Kong Federation of Asian Domestic Workers Unions.

⁴⁸ Hong Kong Federation of Asian Domestic Workers Unions. (2018). Agents of Change? Assessing Hong Kong Employment Agencies' Compliance with the Code of Practice. Hong Kong Federation of Asian Domestic Workers Unions.

⁴⁹ Ibid.

Employers show High Level of Awareness of their Contractual Obligations

Survey results also show that employers are aware of the existence of a Standard Employment Contract (SEC) for MDWs in Hong Kong SAR, China that is recognized by the authorities. They also demonstrate high awareness of their obligations under the contract, such as provision related to medical insurance and rest day(s) in every period of seven days (see Figure 18-20). The below table shows responses to questions related to contracts. Besides the provision of medical insurance and rest day(s), other provisions in the SEC include: provision of suitable and furnished accommodation; food free of charge; receipt for payment of wages and food allowance (if no food is provided); free passage from MDW's place of origin to Hong Kong SAR, China and on termination or expiry of this contract, free return passage to MDW's place of origin, etc. While respondents were not surveyed about their understanding of all provisions but rather selected provisions such as medical insurance and rest day(s) per week, their familiarity with these key provisions bodes well for a broader understanding of workers' rights during the employment phase.

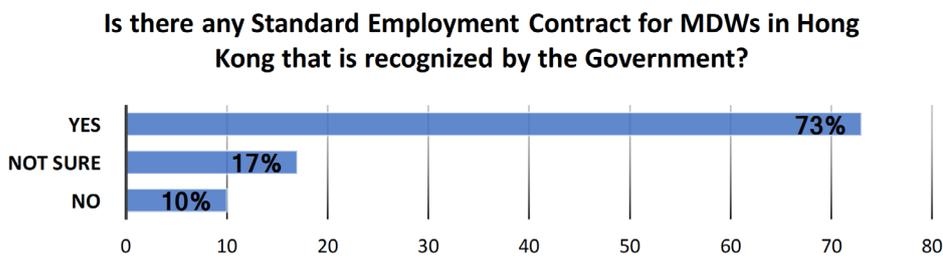


Figure 18 Awareness of Standard Employment Contract

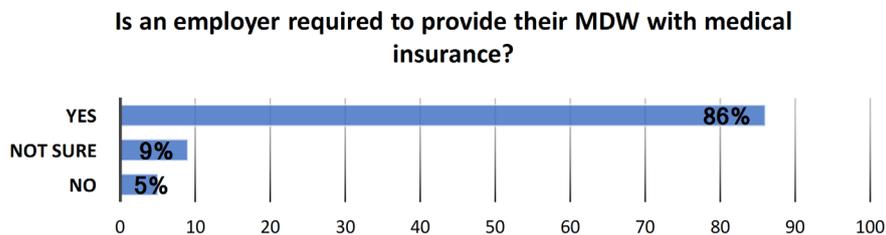


Figure 19 Awareness of Medical Insurance

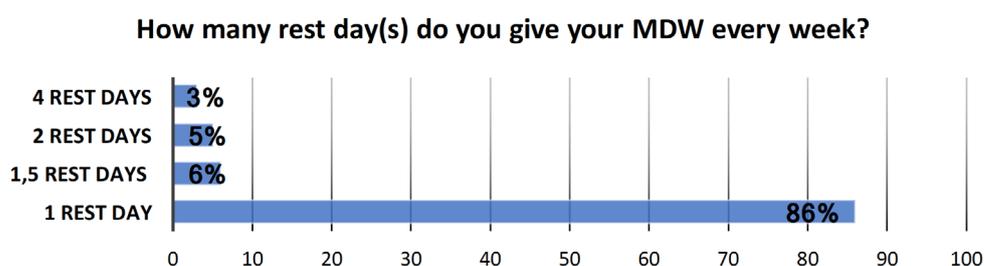


Figure 20 Awareness of Rest Day(s)

Varying Salary Payments

With regard to salary payments, the amount that employers pay MDWs every month varies heavily – ranging from as low as HKD 3,500 to as high as HKD 20,000 (see Annex I: Amount of MDWs' Monthly Salary). It was especially striking that the salary the 18-25 year olds pay MDWs every month ranges from HKD 4,320 to HKD 4,800. Accordingly, they do not pay significantly less, nor do they pay significantly more than the minimum allowable wage for MDWs in Hong Kong SAR, China. On average, participants of this web-based survey paid MDWs HKD 5,017, which is slightly higher than the current minimum wage for MDWs in Hong Kong SAR, China (HKD 4,630)⁵⁰. It is important to stress that salary payments do not include bonuses, which many employers may decide to pay workers.

At the time this survey was conducted, the minimum allowable wage for MDWs in Hong Kong SAR, China, as stipulated by the Hong Kong SAR, China Labour Department, was HKD 4,630. Employers who indicated that they paid MDWs slightly lower amounts may still have been paying them according to contracts that had been agreed upon before the current minimum wage was raised. This means that they will continue paying MDWs according to what was initially agreed upon until the end of their contracts. As SECs for MDWs run for a period of two years, it is rather difficult to match annual salary increases, whenever they are stipulated, especially as conditions under SECs cannot be altered mid-contract.

This is reinforced by Justice Centre's (2016) research which found that 71.8 per cent of respondents reported earning less than the minimum wage (HKD 4,410 at the time of the survey)⁵¹. There is no legal obligation for an employer to increase a MDW's wage mid-contract in line with the annual salary increase as initiated by the Hong Kong SAR, China Labour Department, if the

⁵⁰ Every year, the Hong Kong SAR, China Labour Department increases the minimum wage for MDWs. On September 27th, 2019, the annual increase of the minimum wage, from HKD 4,520 to HKD 4,630, was announced.

⁵¹ Justice Centre. (2016). *Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong*. Justice Centre.

if the new minimum wage was introduced after a contract had already commenced⁵². Accordingly, only 6.1 per cent of employers paid above the statutory minimum wage, demonstrating that the minimum becomes the norm⁵³.

Employer Uncertainty about Seeking Help

While results show that respondents were aware of the existence of a Standard Employment Contract for MDWs, as well as of their respective obligations under the SEC, the majority of respondents did not know where to seek help if they encountered any employment-related problems with MDWs (51 per cent). A further 37 per cent of respondents were not sure where to seek help, leaving only 12 per cent knowing where to seek help. The majority of those who claim to know where to seek help (18 respondents) specified that they would seek help from agents, followed by a small number of people (5 respondents) who would seek help from the Philippines Consulate. An even smaller number of people (4 respondents) would seek help from both agents as well as the Labour Department, or solely the Labour Department (4 respondents). While two people indicated that they would seek help from Facebook⁵⁴, only one person specified that they would solve the potential dispute by themselves, without consulting any of the aforementioned focal points.

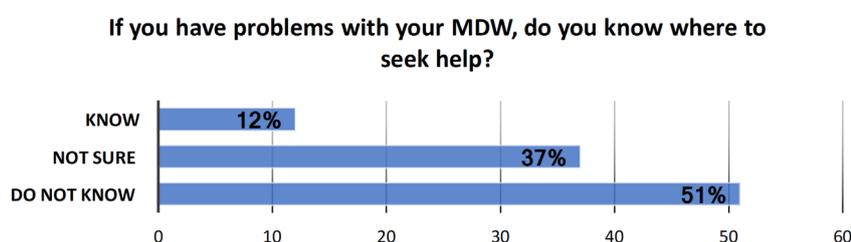


Figure 21 Awareness of Where to Seek Help

To summarize, respondents were generally informed about rules and laws surrounding the return of personal documents and personal property to MDWs, the existence of a Standard Employment Contract, and respective obligations under the contract, such as the provision of medical insurance, salary, and rest day(s). While employers possess this knowledge about the ‘employment’ phase of the labour migration cycle, they lack awareness of the overarching ‘recruitment’ phase of the labour migration cycle. Employers should be informed about both the recruitment and employment phases of the labour migration cycle because of the direct

⁵² Ibid.

⁵³ Justice Centre. (2016). *Coming Clean: The Prevalence of Forced Labour and Human Trafficking for the Purpose of Forced Labour Amongst Migrant Domestic Workers in Hong Kong*. Justice Centre.

⁵⁴ Please note that these two people did not specify whether or not they sought help from Facebook pages or peer to peer advice but simply that they sought help from Facebook.

impact that actions taken during the recruitment process can have on worker's overarching welfare. Even though many employers may believe that their responsibilities are limited to the employment phase, it is vital for them to understand the entire process – from recruitment to employment – and to understand that they are able to influence both. By simply conducting due diligence prior to choosing an EA and, thereby, informing themselves about a prospective agency and its recruitment practices, employers decrease the risk of choosing an unethical EA. This is especially important as many employers believe that if they respect workers' labour rights and do not abuse or exploit MDWs during the employment period, they will have fulfilled their responsibility in protecting vulnerable migrant workers. However, abuse and exploitation often starts in countries of origin and, often, at the hands of unethical EAs⁵⁵. By monitoring recruitment practices and fostering a better understanding of how this process impacts workers, employers may be better able to conduct due diligence and oversight of the agents they use. In turn, they may also play a role in enabling remedy for their employees with regard to recruitment-related abuses.

⁵⁵ Please see https://crest.iom.int/sites/default/files/document/crest_source_document.pdf for further information.



3

CONCLUSIONS AND RECOMMENDATIONS

To conclude, this research assessed current levels of understanding and attitudes of employers towards ethical recruitment and decent work principles regarding the hiring of MDWs in Hong Kong SAR, China. The survey results have helped to consolidate a better understanding of the gaps that exist in employers' understanding and attitudes towards ethical recruitment and decent work principles, and implications thereof; in view of identifying concrete measures to improve employers' role within the prevention of human trafficking and the exploitation and to better protect MDWs in Hong Kong SAR, China. The hope for this report is to provide some insight into how to develop concrete measures to help employers – who are contributing to the exploitation of MDWs, even if doing so unconsciously or without intent – to be more vigilant when choosing an employment agency to avoid unethical agencies taking advantage of MDWs.

As the overarching findings suggest, employers' knowledge about EAs' recruitment practices and, more specifically, recruitment fees, varies which is an important shortcoming of the study to note. More than half of survey respondents indicated that they were not sure how much fees an EA can charge a MDW in Hong Kong SAR, China – according to the Hong Kong SAR, China Labour Department's CoPs, nor were they sure whether or not MDWs had paid recruitment fees in their country of origin before coming to Hong Kong SAR, China.

Given what has been well documented about the vulnerabilities of MDWs to exploitation stemming from their recruitment process, it is vital that employers should be informed about both the recruitment and employment phases as they are uniquely positioned to influence the worker experience across both. Efforts to engage with employers need to focus on promoting the crucial role employers play within the overarching recruitment phase and protection of prospective MDWs. Their responsibility does not begin once MDWs arrive in Hong Kong SAR, China but rather prior to them leaving their countries of origin. An employer's responsibility also does not end with the payment of recruitment fees and monthly salaries; employers have an obligation to conduct due diligence and oversight of the agents they use in the recruitment process, in order to ensure that their employees' rights are protected during recruitment and employment.

3.1 RECOMMENDATIONS TO EMPLOYERS OF MDWs

While these recommendations are directly linked to the specific results of this survey conducted with Hong Kong SAR, China-based employers, given the correlation of these findings with similar studies conducted in other countries, recommendations could also be considered for employers elsewhere.

1. Conduct due diligence: When choosing an Employment Agency (EA), ensure that EAs do not overcharge workers. EAs can only charge a maximum recruitment fee of 10 per cent of workers' first month's salary. Conducting due diligence also means ensuring that EAs respect workers' freedom of movement. EAs cannot hold workers' passports and other identity documents without their informed, written consent, according to the Hong Kong SAR, China Labour Department's Code of Practice for Employment Agencies. By performing due diligence, employers, especially first-time employers, can significantly decrease the risk of choosing an unethical EA that conducts harmful recruitment practices, such as overcharging recruitment fees and confiscating personal documents.

2. Check relevant websites for guidance on hiring: Websites of Civil Society Organizations (CSOs), (inter-) governmental organizations, NGOs, etc. can provide information about what to consider before hiring a MDW, such as: recruitment- and employment-related costs, how to conduct due diligence when choosing an employment agency, and required documents, etc.

3. Read available resources: Resources have been developed by Civil Society Organizations (CSOs), (inter-) governmental organizations, NGOs, etc., to provide practical guidance for employers of MDWs such as: Hong Kong SAR, China Immigration Department's '[Guidebook for the Employment of Domestic Helpers from Abroad](#)'; Hong Kong SAR, China Labour Department's '[Practical Guide for Employment of Foreign Domestic Helpers – What Foreign Domestic Helpers and Their Employers Should Know](#)'; and Enrich's '[10-Tips-Leaflet to Protect Your Helper & Yourself from Potential Financial Issues](#)'.

4. Attend awareness-raising seminars: Attend seminars by Civil Society Organizations (CSOs), (inter-) governmental organizations, NGOs, etc. to inform about EAs' practices, such as the charging of recruitment fees. This way, employers will be able to understand the role of employers in recruitment and employment phases throughout the workers' migration cycle, and the workers' vulnerabilities that arise within each phase as well as enhance mutual understanding and communication, improve employer-employee relationship, decrease turnover rate of workers and increase workers' happiness and productivity.

5. Provide MDWs with suitable and furnished accommodation: The accommodation provided should respect their dignity and human rights. If MDWs have to share a room with a child or an elderly family member of the same sex, employers should inform them in advance. This way, MDWs can prepare themselves and will not be overwhelmed on their first day at your house. If employers communicate clearly, employment-related disputes can be avoided while establishing a harmonious relationship between MDW and employers.

6. Communicate clearly and regularly with MDWs: This will help to avoid conflicts. Set up a regular meeting once or twice per month to discuss any issues. Speak slowly and clearly if workers are not fluent in English or Chinese. Use translation app if it is needed to support the meeting. Effective communication

7. Provide MDWs with sufficient rest: MDWs should receive 24 consecutive hours of rest per week, as well as statutory holidays. MDWs are entitled to one full 24-hour rest day every seven days. Once they return home after their rest day, employers cannot ask them to work. Even though they are back home, it is still their full rest day. Sufficient rest is vital to ensure MDWs' mental and physical well-being, as well as their productivity.

3.2 RECOMMENDATIONS TO EMPLOYMENT AGENCIES

- 1. Increase awareness:** Specify what exactly recruitment fees cover and provide a breakdown of the costs associated with recruitment.
- 2. Sensitize prospective employers:** Employers should understand recruitment practices and, more specifically, recruitment fees – what they cover; inform them about how much agencies can legally charge a prospective MDW (10 per cent of the first month's wages received by MDWs).
- 3. Be transparent:** Provide employers with a service agreement – detailing the appointment of services; fees payment; replacement and guarantee; conditions for replacement/ transfer; refund policy, etc.
- 4. Have an effective operational-level grievance mechanism:** This should be available to both employers and workers to address early instances where service agreements and/ or Standard Employment Contracts (SECs) are not being upheld.

3.3 SUGGESTIONS FOR FUTURE RESEARCH

3.3.1 Need for Segmentation of Employers

While this study has not taken into consideration employers' nationality, education level, income, and other household characteristics, it has become evident that the majority of employers chose to take the survey in English instead of Chinese. Therefore, in order to understand to what extent, if any, these characteristics may have influenced employers' responses, a need for the segmentation of employers has been identified. In future research, the survey questionnaire should include a dedicated section on household characteristics. This way, researchers may be able to identify potential cultural differences and/ or influences between non-Chinese speaking and local Chinese speaking employers.

3.3.2 Recommendations for Future Quantitative Studies

This study has shown how challenging it is to engage with employers of MDWs as survey respondents. In total, 300,000 invitations to a web-based survey were distributed while only 308 valid responses were collected. Recognizing this low response rate, other data collection methods should be considered for future quantitative studies. Besides distributing a web-based survey via email and social media platforms, paper-pencil questionnaires could be sent to a large number of people. Another way of potentially increasing the response rate is to motivate prospective respondents by offering financial compensation or other rewards. Alternatively, instead of surveying employers of MDWs, employment agencies could be surveyed to understand how employers interact with agencies, what type of questions they ask, what they already know and do not know about recruitment practices and what they need help with.

3.3.3 Need for Qualitative Research

Due to the fact that this research study comprised of a web-based survey, instead of in-depth interviews, one can only make vague assumptions about employers' intentions. For instance, to understand employers' intentions of conducting due diligence, follow-up interviews may be necessary. This web-based survey explored whether or not employers conducted due diligence but not why. Also, the term due diligence was not defined in the survey questionnaire. Researchers will not be able to know what activities respondents conducted under due diligence. Therefore, future research could be focused on employers' intentions and reasoning behind the answers they provided. Another example is employers' varying levels of knowledge about recruitment fees and more specifically what these fees cover. Is it because some people are solely interested in the total amount they have to pay, instead of a specific break-down of the costs? Is it because employers trust EAs unconditionally and do not question the amount of recruitment fees that they have to pay? Or is it because EAs do not specify what exactly recruitment fees cover? In order to answer these questions, follow-up interviews are required.

ANNEX

ANNEX I: AMOUNT OF MDWs' MONTHLY SALARY

Number of Respondents	Amount of MDWs' Monthly Salary in HKD
49	4,410
45	4,520
36	5,000
22	4,500
20	4,600
17	4,800
14	4,630
14	3,500
11	4,320
10	4,530
10	4,300
9	9,000
8	4,000
7	6,000
7	4,900
7	4,510
6	4,480
3	10,000
3	5,530
3	4,350
2	20,000
1	8,000
1	7,800
1	6,800
1	5,600
1	4,430

ANNEX II: GLOSSARY AND WORKING DEFINITIONS OF TERMS

DECENT WORK PRINCIPLES

According to the ILO's Decent Work Agenda (2019), "decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men"⁵⁶.

DUE DILIGENCE

According to the United Nations (2011) Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, in order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence⁵⁷. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence: (a) should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships⁵⁸. Even though this definition focuses on companies, it is also relatable to individuals and, therefore, applicable in the context of this report.

⁵⁶ ILO. (2019). Decent Work. ILO. Retrieved 2 January 2020.

⁵⁷ United Nations (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. United Nations.

⁵⁸ Ibid.

ETHICAL RECRUITMENT

“Ethical recruitment means hiring workers lawfully, and in a fair and transparent manner that respects their dignity and human rights. The IRIS Standard explains what ethical recruitment means in practice. The IRIS Standard is used to articulate the necessary principles for ethical recruitment which are: respect for laws, fundamental principles and rights at work; respect for ethical and professional conduct; prohibition of recruitment fees to jobseekers; respect for freedom of movement; respect for transparency of terms and conditions of employment; respect for confidentiality and data protection; respect for access to remedy.”⁵⁹.

MIGRANT DOMESTIC WORKERS

MDWs are also known as foreign home care workers, foreign domestic workers, foreign domestic helpers, transnational domestic workers, foreign domestic employees, overseas domestic workers and domestic migrant workers. According to the International Organization for Migration, a migrant worker is any person “moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family”⁶⁰. The International Labour Organization Convention No. 189 defines a domestic worker as engaged in a work relationship performing “in or for a household or households”⁶¹. Domestic work itself can cover a “wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned”⁶².

⁵⁹ IOM. (2019). Factsheet 1: Overview of IRIS. IOM. Retrieved 2 January 2020.

⁶⁰ IOM (2019). Key Migration Terms: Migrant Worker. IOM. Retrieved 2 January 2020.

⁶¹ ILO (2019). What is Domestic Work? ILO. Retrieved 2 January 2020.

⁶² ILO (2019). What is Domestic Work? ILO. Retrieved 2 January 2020.

RECRUITMENT FEES

“Recruitment fees or related costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. This includes medical and insurance costs; skills and qualification tests costs; travel and lodging costs, and any administrative costs or overhead fees associated with job placement. Recruitment fees include costs that are paid in money or property, deductions from wages or benefits, kickbacks or bribes, and in-kind payments such as free labour. IRIS’s position on recruitment fees and costs is consistent with the ILO’s Definition of recruitment fees and related costs”⁶³.

STANDARD SERVICE AGREEMENT

A [Standard Service Agreement](#) refers to the agreement made between MDW employer and employment agency. The document states that parties to the agreement are to retain a signed copy of the agreement. Parties agree to appointment of services; fees payment; replacement and guarantee; conditions for replacement/ transfer; refund policy, etc. For further information, please check the Hong Kong SAR, China Labour Department [Employment Agencies Portal](#).

⁶³ IOM. (2019). Factsheet 1: Overview of IRIS. IOM. Retrieved 2 January 2020.



International Organization for Migration (IOM)
The UN Migration Agency

Understanding and Attitudes of Hong Kong Employers of Migrant Domestic Workers Towards Ethical Recruitment and Decent Work Principles 了解香港僱主對外籍家庭傭工有關具道德招聘及體面勞動的認識和態度

Thank you for participating in this survey. Your feedback is appreciated. Please answer the questions according to what you know. This survey takes no more than 10 minutes to complete.

感謝您參加本次調查。請根據您所知道的答案問題。這項調查大概需要約10分鐘完成。

Purpose of the Survey: 調查目的

The purpose of this survey is to assess current levels of understanding and attitudes of employers to ethical recruitment and decent work principles, regarding the hiring of Migrant Domestic Workers (MDWs) in Hong Kong SAR, China (from this point on referred to as Hong Kong).

While survey submissions will remain anonymous, aggregate survey responses will be used to inform the publication of a report of the findings. This report will then be used to inform broader support mechanisms such as constructive dialogue and interaction with governments, consulates and employment agencies, in both Hong Kong and worker-sending countries, about policy recommendations and implementation of protection of MDWs.

這項調查的目的是評估有關香港僱主在僱用外籍家庭傭工(外傭)時對具道德招聘和體面勞動原則的理解水平和態度。

調查提交的資料和數據將會匿名，匯總後的數據將發佈於報告內容。報告僅為相關政府部門提供政策建議和參考，從而更有效改善外傭權益，促進香港與派遣國的政府，領事館和就業機構等進行建設性對話和互動。

Confidentiality: 保密性

Confidentiality of your participation in this survey will be strictly maintained. Your participation in this research is completely voluntary.

If there is anything about the study or your participation that is unclear or that you do not understand, if you have any questions or wish to report a research-related problem, you may contact Julia Guse at jguse@iom.int.

您是次參與本調查是完成獲得嚴格保密。您參與這項研究是完全自願的。

如果對本研究或您的參與有任何尚不清楚，或者有任何疑問或希望了解報告與研究相關的問題，可以通過 jguse@iom.int 與 Julia Guse 聯絡。

A. General Questions

A. 一般問題

Please check the appropriate box or, where relevant, specify your answer.

請選擇:

1. Are you a current employer of MDWs in Hong Kong?

1. 你現在有僱用外籍家庭傭工(外傭)嗎?

Yes 有

No 沒有

2. Gender

2. 你的性別是?

Male 男

Female 女

Other 其他

3. Age

3. 你的年齡是?

18-25

26-40

41-55

56-65

65 +

4. How long has your current MDW worked for you?

4. 你現在僱用的外傭已在你家工作了多長時間?

5. Have you employed other MDWs before?

5. 你之前有沒有僱用過其他外傭?

Yes 有

No 沒有

If yes, how many?

如有, 多少個?

6. What is your primary reason for hiring MDW(s)?

6. 請問你僱用外傭的主要原因是什麼? (可多選)

Childcare 照顧小孩

Elderly care 照顧長者

Household chores 整理家居

All of the above 以上全部

Other, please specify: 其他, 請列: _____

B. Questions Regarding Employment Agencies

B. 關於僱傭服務/職業介紹所的問題

Please check the appropriate box or, where relevant, specify your answer.

請選擇:

1. Did you hire your current MDW directly or through an agency?

1. 請問你是直接招聘外傭還是透過職業介紹所(中介公司)?

- Directly 直接
- Agency 經中介公司

2. If you hired your MDW through an agency, is the agency registered with a license under the Employment Ordinance?

2. 如果你是通過中介公司招聘外傭的話,該公司是否在法例下持有有效牌照?

- Yes 有
- No 沒有
- Not sure 不清楚

3. How did you choose the agency?

3. 你是怎樣挑選中介公司的?

4. Did you do due diligence when choosing the agency?

4. 請問你在挑選中介服務時有沒有做相關的背景搜查 (due diligence)?

- Yes 有
- No 沒有
- Not sure 不清楚

5. Do you know what the recruitment fees that you paid cover?

5. 你知道你支付的中介費用具體包括了哪些項目?

- Yes 有
- No 沒有
- Not sure 不清楚

If yes, please provide examples:

如知道,請舉例?

6. Did you receive a service agreement from the agency?

6. 你跟中介公司有簽訂服務協議嗎?

- Yes 有
- No 沒有
- Not sure 不清楚

7. How would you rate your overall experiences with the agency?

7. 你會怎樣評價中介公司提供的整體服務?

Very Dissatisfied 很不滿	Dissatisfied 不滿	Neutral 正常	Satisfied 滿意	Very Satisfied 十分滿意
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C. Questions Regarding Attitudes of Hong Kong Employers of MDWs

C. 關於香港僱主對外傭的態度

In your opinion or from your experience, to what extent do Hong Kong employers of MDWs agree or disagree with the following statements?

根據你的經驗和看法，在什麼程度下香港僱主同意下列句子？

1. MDWs should be hired lawfully, in a fair and transparent manner that respects their dignity and human rights.

1. 必須以合法、公平和透明的方式招聘外傭，尊重其人權和尊嚴

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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2. MDWs who have come to work in Hong Kong should be given the same labour rights as permanent residents.

2. 外傭應該擁有和其他永久性香港居民同等的勞工權利

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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3. MDWs usually come from developing countries so even if they are exploited in Hong Kong, at least they have a much higher paid job than at home.

3. 外傭來自發展中國家，因此即使他們在香港遭到剝削，至少他們也比在家鄉能賺取更多金錢

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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4. Domestic work is low-skilled work which is not valuable.

4. 家務勞動是低技術和低價值的工作

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
----------------------------	-----------------	---------------	-------------	------------------------

5. MDWs should receive sufficient rest, including 24 consecutive hours of rest per week and statutory holidays.

5. 外傭應該享有足夠的休息，包括每週一次連續24小時的休假及12天法定假期

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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6. Employers are not required to provide MDWs with suitable and furnished accommodation.

6. 僱主不需要為外傭提供合適及有合理私隱的住宿地方

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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7. MDWs should be provided with free medical treatment during their employment.

7. 僱主須為外傭於受僱期間提供免費醫療

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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D. Questions Regarding Ethical Recruitment and Decent Work Principles

D. 關於體面勞動原則

Where relevant, you may choose more than one answer.

1. How much fees can an Employment Agency (EA) charge a MDW?

1. 中介公司可以合法收取多少的中介費用?

- No limit 沒有限制
- Cannot charge any commission 不能收取任何費用
- 0-10% of the first month wage received by MDWs 外傭0-10%的首月工資
- 10-15% of the first month wage received by MDWs 外傭10-15%的首月工資
- Not sure 不清楚

2. Has your MDW paid recruitment fees in her home country before coming to Hong Kong?

2. 請問你知道你的外傭在來港前有沒有支付任何中介費用?

- Yes 有
- No 沒有
- Not sure 不清楚

If yes, please provide an amount:

如有, 你知道金額是多少嗎?

3. If your MDW has paid recruitment fees, do you know to whom?

3. 如外傭有支付了中介費用, 你知道他們支付給誰?

- Yes 有
- No 沒有

If yes, please provide more information:

如知道, 可否提供更多資料?

4. When should EAs return personal documents and personal property (e.g. passport, bank credit or debit cards etc.) directly to MDWs?

4. 中介公司應該於什麼時候發還外傭的個人證件?

- Within 1 month 一個月內
- Within 3 months 三個月內
- Immediately after obtaining copies 用後須馬上歸還
- Not sure 不清楚

5. Is there any Standard Employment Contract for MDWs in Hong Kong that is recognized by the Government?

5. 請問香港現時有沒有特區政府標準僱傭合約?

- Yes 有
- No 沒有
- Not sure 不清楚

6. Is an employer required to provide a MDW with medical insurance?

6. 僱主是否需要為外傭提供醫療保險?

- Yes 有
- No 沒有
- Not sure 不清楚

7. How much salary do you pay your MDW every month?

7. 你每月發放外傭多少工資?

8. How many rest day(s) do you give your MDW every week?

8. 你每週容許外傭休假多少天?

9. If you have problems with your MDW, do you know where to seek help?

9. 如果你跟你的外傭發生了問題，你知道可以從哪裡找到協助?

Yes 有

No 沒有

Not sure 不清楚

If yes, please provide examples:

如知道，請舉例

E. Concluding Questions

E. 總結問題

In your opinion or from your experience, to what extent do Hong Kong employers of MDWs agree or disagree with the following statements?

根據你的經驗和看法，在什麼程度下香港僱主同意或不同意下列句子？

1. MDWs contribute to the local economy and stability.

1. 外傭為香港作出了經濟貢獻和維持社會穩定

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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2. It is not important to use official channels (e.g. Employment Agencies) to hire MDWs

2. 透過官方渠道招聘外傭並不重要

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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3. The Hong Kong Government provides adequate protection for MDWs.

3. 香港政府為外傭提供了足夠的權益保障

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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4. Hong Kong law against discrimination of race, sex, disability and family status in the workplace is good.

4. 香港有關職場的反歧視條例(包括 種族、性別、殘疾、家庭崗位)有效

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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5. An EA should be responsible to protect MDWs from exploitation in workplace.

5. 中介公司有保障外傭防止遭受剝削的責任

Strongly Disagree 十分不同意	Disagree 不同意	Neutral 一般	Agree 同意	Strongly Agree 十分同意
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