

**Baseline Research on
Racial and Gender Discrimination
Towards Filipino, Indonesian and Thai
Domestic Helpers in Hong Kong**

Jointly undertaken by the

**Asian Migrant Centre
Asian Domestic Workers Union
Forum of Filipino Reintegration and Savings Groups
Indonesian Migrant Workers Union
Thai Women Association**

**February 2001
Hong Kong**

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Executive Summary

The specific objective of this research is to answer the following key questions: Is there racial and gender discrimination towards foreign domestic helpers (FDH) in Hong Kong? How significant is this, and what are the indicators and patterns of such discrimination?

The more strategic goal is to establish a scientific and authoritative baseline reference on this issue, so that the results and recommendations may be used by the Hong Kong government, the respective consulates, and policy-makers in general, in informing their decisions and coming up with ways to address the problem. The research also aims to help educate the Hong Kong public about this issue by propagating the results through the mass media.

The approach used was participatory action research (PAR) – i.e. the FDH themselves were involved from the conceptualisation, implementation, up to processing and analysis of the results. The results are intended to be used by the migrants and their advocates to deepen their understanding of the problems of discrimination, and to support their organising, training/education, and lobbying work against racism and discrimination. The report will also be submitted to relevant government offices, consulates and policy-makers.

Racial/gender discrimination towards FDH has many aspects. This research focused only on primary data gathering to generate baseline information about the FDHs' own experiences and perceptions on discrimination. The research covered the top three nationalities of FDH in Hong Kong (Filipinos, Indonesians and Thais) whose combined number constitute over 98% of the total FDH population in HK. Scientific random sampling was used to interview the 2,500 respondents. Statistical analysis, including tests of significance, was used to analyse the relationships between the FDH gender/nationality, and the abuses/discrimination experienced by the FDH.

Following are the key findings of the study:

- Violations of the FDH contract (wage, rest days, statutory holidays) are prevalent, affecting at least a quarter of all FDH in Hong Kong.
- Verbal/physical abuses are prevalent, also affecting more than a quarter; there is a significant incidence of sexual abuses towards FDH.
- Discrimination in daily life experienced by FDH, while not as prevalent, are significant especially in certain areas (e.g. markets, shops, public transportation);
- Statistical tests of association and significance establish that the unequal treatment of FDH is significantly related (95% or 99% confidence level) to the race and gender of the FDH.

The analysis showed that the cases covered by the study are not rare or isolated, but affected a significant portion of the FDH population. The violations and abuses are specifically rampant or severe on certain nationalities, and women in particular. They are therefore manifestations of the unequal treatment of FDH because they are foreigners, women, and domestic helpers.

Although not the focus of this study, it also emerged that class discrimination (low regard for domestic helpers) may in fact be the most significant form of discrimination against the FDH.

The report gave 10 recommendations in addressing the problems.

Asian Migrant Centre
February 2001

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*To the migrants, women, workers and advocates
in Hong Kong and elsewhere,
who struggle and refuse to resign
to discrimination and oppression.*

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This research was done through the partnership and collaboration of AMC and several grassroots migrant organisations:

- Asian Domestic Workers Union (ADWU);
- Forum of Filipino Reintegration and Savings Groups (FFRSG) – particularly the following member organisations: DAMA Savings Association Hong Kong, Filipino Association for Mutual Development (FAMDEV), and United Group for Mutual Advancement and Development (UGMAD);
- Indonesian Migrant Workers Union (IMWU);
- Thai Women Association (TWA).

Although the research was a new experience to them, they proved equal to the task. Together, we conceptualised, implemented, processed, analysed and reported the results of the research – a very successful participatory action research (PAR) process that AMC hopes was not only educational for all who were involved, but may again be done in the future.

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Asian Migrant Centre
Hong Kong, February 2001

CHAPTER I
INTRODUCTION
Background, Design and Methodology of the Research

The specific objective of this research is to answer the following key questions:

- Is there racial and gender discrimination towards foreign domestic helpers (FDH) in Hong Kong?
- How significant is this?
- What are the indicators and patterns of such discrimination?

The more strategic goal is to establish a scientific and authoritative baseline reference on this issue, so that the results and recommendations may be used by the Hong Kong government, the respective consulates, and policy-makers in general, in informing their decisions and coming up with ways to address the problem. The research also aims to help educate the Hong Kong public about this issue by propagating the results through the mass media.

This is an action research because it also aims to help migrants and their advocates deepen their understanding of the realities/patterns underlying discrimination, and provide well-researched information that they can use for organising, training/education, and lobbying to combat discrimination towards migrants in Hong Kong. More significantly, this is a participatory research because it was conceptualised, implemented, analysed and reported with the direct involvement of the FDH themselves.

Considering the comprehensive nature of racial/gender discrimination towards FDH, this research focused on primary data gathering to generate baseline information about the FDHs' own experiences and perceptions on discrimination. Thus, descriptive social research was employed (i.e. will only try to describe the actual situation but not establish causal relations).

For purposes of this research, the top three nationalities of FDH in Hong Kong – Filipinos, Indonesians and Thais – were surveyed. Together, they constitute 199,400 out of the total 202,900 FDH in the territory (i.e. over 98%) as of May 2000. Thus, even if the title specifies only the 3 FDH nationalities, the results can be applied to the whole FDH population in Hong Kong.

A. Need/Importance of the Study

Aside from the total number (including nationality breakdowns) of the FDH population in Hong Kong, there is no reliable baseline information available to the public and policy makers about their demographic profile (e.g. age, gender, education, length of stay in Hong Kong, marital status, etc.), working conditions (wages, rest days, working hours, etc.) – much less the abuses, violations, and discrimination that they experience. Most of the information available are anecdotal, based on individual cases reported in the media as well as “guesstimates” made by migrant/advocacy groups.

Prior to this, the most recent baseline study about FDH in Hong Kong was done by the Indian Domestic Workers Association (IDWA), through the research support of AMC and funding assistance by HAB. The research focused on the working conditions of Indian FDH in the territory.

Therefore, this is a much-needed study in order to provide comprehensive and scientific baseline reference on the situation of the whole FDH population in Hong Kong and their experiences about discrimination. This is the only research done on this topic in the past 10 years at least.

As previously mentioned, this research is important to help educate the Hong Kong public about the realities of discrimination and the working conditions of FDH in the SAR. FDH

have been called the semi-invisible community here, since the public usually gets only stereotypical images in the TV or newspaper, but nothing more. It is also important to help the Hong Kong government, consulates and policy makers formulate appropriate actions to combat discrimination; to help migrants/advocates deepen their understanding of the problem; and help provide useful information for their education/training, organising and advocacy work.

Although the research focuses on discrimination issues, it covers and analyses a lot of baseline information about the FDHs' working conditions and abuses/violations that they experience in Hong Kong. The findings about working conditions, abuses and violations are significant by themselves; corresponding actions need to be made by migrants, advocates, Hong Kong government and the respective consulates. The research reveals the extent and patterns of the violations/abuses experienced by the FDH population as a whole, and by nationality and gender.

The focus on the issue of discrimination is pioneering because this is the first baseline research that tries to analyse and test the association between the actual condition of the FDH and the broader issue of discrimination. This is also a very timely research since it comes at the heels of the forthcoming "World Conference Against Racism, Discrimination, Xenophobia and All Forms of Intolerance" to be organised by the United Nations – the first world summit of the millennium – in September 2001 in Durban, South Africa.

B. Objectives

1. Gather baseline information on the nature and types of racial/gender discrimination towards Filipino, Indonesian and Thai domestic helpers in Hong Kong.
2. Publish a report on racial/gender discrimination on FDH, including recommendations for action.
3. Submit this report to appropriate government agencies (Hong Kong and relevant consulates) as a reference for their future decisions and policies.
4. Train migrant workers/domestic helpers to help conduct the research.
5. Use the results to help educate, raise awareness about human rights violations and racial/gender discrimination.

C. Definition of terms

The following operational definitions were used for purposes of this study:

1. Racial discrimination – "Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." (Art. 1, Para. 1 of the International Convention on the Elimination of All Forms of Racial Discrimination)
2. Discrimination against women – "Any distinction, exclusion, restriction or preference made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (Part 1, Art. 1 of the Convention on the Elimination of All Forms of Discrimination Against Women)
3. Gender discrimination – discrimination as defined in #2, but targeting women, men or people of different sexual orientations.
4. Foreign domestic helper (FDH) – also foreign domestic worker (FDW); a migrant/foreign worker hired to do paid domestic help services in Hong Kong. FDH in Hong Kong are covered by a uniform, standard employment contract (same for all migrant nationalities and genders). The HK government formally uses the term "FDH"; social action groups

prefer “FDW”. For convenience and to avoid confusion (especially when submitted to Hong Kong policy-makers), this research will use the government terminology (FDH).

D. Nature and methodology of the research

This is a social research which employed scientific random sampling. The process used the participatory action research (PAR) approach, which means that migrant workers themselves were involved at the key stages of the process, especially conceptualisation, implementation, analysis, and dissemination/use of the results. The outcome of the research will be used by the migrant groups and advocates for their education, organising and advocacy work. Policy recommendations will be formulated and submitted to relevant authorities (HK government and respective consulates) to help inform/guide policy-making on FDH. The results will also be announced publicly (mass media) to help educate the public about racial/gender discrimination towards FDH in HK.

AMC implemented and supervised the whole project, insuring the reliability and integrity of the process and the results. Prof. Stephen Chiu (Chinese University of Hong Kong) acted as adviser of the research.

Information sources used by the research included both primary and secondary information. Primary data used are the results of the survey, previous researches done by AMC (e.g. 1991 study on situation of Indonesian FDH, 1999 survey of situation of Indian FDH), and various AMC publications (including the Asian Migrant Yearbook 1998, 1999, 2000). Secondary information included documents from the United Nations, materials from recent conferences on racism/discrimination, newspaper articles, and books/reports published by other groups.

To start the process, AMC identified four grassroots FDH organisations which agreed to become partners in the research:

1. Asian Domestic Workers Union (ADWU);
2. Forum of Filipino Reintegration and Savings Groups (FFRSG);
3. Indonesian Migrant Workers Union (IMWU); and
4. Thai Women Association.

AMC discussed the research concept, design and timetable with these groups. Eight (8) field survey teams (FRTs) were organised, composed of members of the partner FDH organisations (three Filipino FRTs, two Indonesian, and one Thai). AMC held several training seminars for the FRTs about the research design, concept of social research, PAR, scientific random sampling and administration of the survey questionnaires.

A draft questionnaire was formulated in consultation with the partner organisations. This was then pre-tested, refined, and translated into Indonesian and Thai.

FDH Population in Hong Kong

According to the Hong Kong Immigration Department, there were about 202,900 FDH as of May 2000:

FDH Nationality	Number	% of Total
Filipino	147,400	72.65%
Indonesian	46,000	22.67%
Thai	6,000	2.96%
Others (Sri Lankan, Indian, Nepalese, etc.)	3,500	1.72%
TOTAL	202,900	100.00%

Therefore, even if the research focused only on the top three FDH nationalities, they constitute more than 98% of the total FDH population.

Sampling Plan

A uniform sample size of 3% of the total Filipino, Indonesian and Thai FDH population was originally targeted. This meant a combined sample size of 5,982 for the three nationalities. Upon consultation with the research adviser, this was determined to be an unrealistically large sample considering the extremely short time for field surveys (only about 12 Sundays/holidays altogether) and the limited budget. This was also not necessary, since the reliability of the results will not be essentially affected even with a much smaller sample for as long as the survey adheres to a scientific random sampling plan. De Vaus (1986) indicates that a sample size of 2,500 is enough for a 95% confidence level; this translates to a sampling error of 2.0%. Going higher than this does not necessarily reduce the sampling error; in fact, we need to quadruple the sample size to halve the sampling error (in our case, we would need to get a sample of 10,000 in order to achieve a 1.0% sampling error)¹. Therefore, we decided to set the sample size at 2,500 (1.2% of the FDH population).

Considering the widely disproportionate distribution of the three FDH populations (the Filipino-Indonesian-Thai ratio is 24:8:1) – it was decided to set the sample at 1% of the population, but allow for over-sampling of Indonesians and Thais. The over-sampling of the Thai and Indonesian populations was necessary in order to generate an adequate number of respondents in relation to the Filipino sample. If necessary, this over-sampling can later be compensated (e.g. by assigning weights) during statistical analysis.

Following is the final sampling plan, and the actual number of valid respondents finally gathered:

FDH Nationality	Population	Sampling Plan		Actual Sample Gathered
		% of FDH popn.	Target size	
Filipino	147,400	1.0%	1,474	1,580
Indonesian	46,000	1.5%	690	770
Thai	6,000	2.0%	120	150
TOTAL	199,400		2,284	2,500

The survey methodology was systematic cluster quasi-random sampling. All clusters (locations) in Hong Kong where the three FDH nationalities converged on Sundays and holidays were identified, mapped out, and their sizes were estimated. The target sample sizes were then determined based on the above proportions (see table above).

The regular interval (i.e. every k^{th} FDH) to be interviewed was determined by:
 $k = \text{FDH population} / \text{sample size}$. Therefore, for Filipinos, $k = 147,400/1,474 = 100$;
 for Indonesians: $k = 46,000/690 = 67$; and for Thais: $k = 6,000/120 = 50$.

Systematic sampling was done by sending field interviewers to each of the clusters. The interviewer selected the initial respondent, and then proceeded to interview every k^{th} person thereafter.

The following clusters (locations) were surveyed:

1. Filipino FDH:
 - a) Hong Kong Island – Central district (including St. Joseph/St. John’s cathedral, Hongkong Bank, Statue Square, Chater Garden/Road, Central Post Office, Worldwide Centre and premises, overpasses in these areas, City Hall and premises, Alexandra House, Star Ferry-HK side); North Point; Mid-levels; Wan Chai; Kennedy Town (Bayanihan Centre); The Peak; Admiralty.
 - b) Kowloon - Including Star Ferry (Tsim Sha Tsui side), Kowloon Park, Mongkok (ISS Centre), Whampoa Garden, Festival Walk, Kwun Tong;

¹ D. A. de Vaus, p. 63

- c) New Territories - Including Lok Fu, Tuen Mun, Ma On Shan, Sheung Shui, Yuen Long, Tai Wai, Shatin, Mei Foo;
 - d) Outlying Islands and public beaches - Including Discovery Bay, Lan Tau, Tsing Yi; various public beaches.
2. Indonesian FDH – Star Ferry (Tsim Sha Tsui); Victoria Park; North Point; Tuen Mun; Tsuen Wan; Kowloon Park.
 3. Thai FDH – Kowloon City; Central District; Tsim Sha Tsui; Wan Chai; Tai Koo; Yuen Long.

The field surveys were conducted every Sunday and holiday covering the period from September to December 2000. As shown in the table above, the final number of valid samples taken is 2,500.

Coding, encoding and processing of results – Based on the questionnaire, AMC made a coding guide and coding sheets for all FRTs. The FRTs then coded and encoded (computer) the completed questionnaires. The AMC staff supervised the coding/encoding process and ensured the reliability and accuracy of the encoded data.

Analysis of results – AMC did the statistical processing and summation of the results, especially generation of frequency tables, cross tabulations, and tests of significance. MS Excel and SPSS were used for the statistical data processing. A workshop was held with the FRTs to jointly analyse the summary information. Preliminary observations and conclusions were drawn.

Drafting of report – AMC drafted the research report incorporating the inputs from the FRTs. The preliminary report was released and presented to the media. The final report was submitted to the FDH organisations, migrant support groups, the HK government (EOC, HAB), consulates and other relevant groups.

A brief/synthesized version will be published by AMC for circulation to the media and the general public (especially FDH). This will also be posted at the AMC website (<http://www.asian-migrants.org>).

E. Scope and Limitations

1. This research focused on the three FDH nationalities mentioned, whose combined total constitutes over 98% of the total FDH population in Hong Kong.
2. It did not cover other FDH nationalities (Sri Lankans, Indians, Nepalese, etc.).
3. The survey covered only the documented (legal) Filipino, Indonesian and Thai FDH in Hong Kong.
4. The research does not analyse the overall discrimination phenomenon in Hong Kong. It focuses only on the experiences and views of the FDH as revealed in the survey. It does not examine racism/discrimination in regard to the policies or practices of the Hong Kong government or its agencies. It does not also analyse racist and discriminatory behaviour as such of the various sections of Hong Kong society. Rather, it describes and analyses racial/gender discrimination from the FDH's point of view. Deeper analysis and verification of these experiences and views can be the subject of a further research.
5. The research primarily used survey questionnaires to gather information; this was administered through face-to-face interviews.
6. The research had a major time limitation. FDH are free only on Sundays/holidays. The period of the field survey was originally planned for six months, but the funding sponsor required the timetable to be compressed to a three-month field survey.
7. The research originally intended to cover 3% of the FDH population (including FDH taking days off at other days of the week). But based on practical and statistical considerations, this was reduced to a minimum of 1%.
8. FDH who did not go out on Sundays/holidays, or who did not go to the clusters (locations) identified by the survey, were not covered by this research. No phone interviews were made because FDH are generally not accessible by phone (some employers terminate the FDH if caught using the phone.)

9. No interviews were made with government offices/groups that the migrants claimed discriminated against them. The migrants' claim of discrimination/abuse were recorded as claimed.
10. The concept of racial/gender discrimination used by this research are based on the United Nations definitions.
11. This is a descriptive (not explanatory) social research. Therefore, it does not explain cause-and-effect relationships. The research only went as far as establishing the association/relationship between discrimination and the situation/experiences of the FDH surveyed.
12. Such relationships were tested using standard statistical methods, including descriptive and inferential statistics, univariate and bivariate analysis, parametric and non-parametric tests. The analysis included examination of existence/significance, sometimes strength and direction of relationship; did not proceed to analyse nature of relationship nor to establish causality between variables. No multi-variate analysis was employed. (See below for details.)

F. Statistical Analysis

1. Descriptive statistics (univariate and bivariate analysis) – the data from the sample will be summarised into frequency tables, cross-tabulations, graphs (histograms, scatterplots, bar charts, etc) and descriptive statistics (e.g. measures of centralisation, dispersion, deviation, distribution of the data). The statistics will then be analysed to describe the characteristics of the sample.
2. Inferential statistics (univariate and bivariate analysis):
 - a) The summary tables, graphs and descriptive statistics derived above will be further used to make generalisations about the *FDH population* as a whole (i.e. not only describe the *survey sample*). Standard inferential statistical methods will be used in doing this.
 - b) Measures of association between the race/gender of the FDH (on one hand), and the violations, abuses, unequal treatment they experience (on the other), will be generated. Where appropriate, correlation coefficients and post-hoc tests will be made to show the strength, direction and if possible nature of the relationship.
 - c) If a relationship is established, tests of significance (e.g. Chi-square, ANOVA) will be made to see if the correlation found in the sample can also be applied to the FDH population (i.e. they are not only due to sampling error).
 - d) Without doing further statistical testing, the summary information, descriptive statistics and graphs will also be used to tentatively identify other outstanding factors (e.g. age, educational level, etc.) that might have an influence on the abuses/discriminatory practices experienced by the FDH.

G. Conceptual and Analytical Framework

Discrimination is a complex issue with various aspects, dimensions and manifestations. Racial and gender discrimination, although more focused (based on definitions stated above), are also multi-dimensional and hard to quantify/qualify, much less test. A full study of the patterns and extent of racial/gender discrimination – for example, even if more focused on FDH in Hong Kong – will require studies covering the actual experiences/views of the victims of discrimination, the attitudes and practices of society and all groups surrounding the discriminated, the policies of the government that create conditions of discrimination, content analysis of media/government/school materials that reflect outright or more subtle forms of discrimination, etc.

This research will focus only on the first aspect mentioned above: the experiences and views of the FDH in Hong Kong as regards violations of their rights and abuses against them – and examine if these are related to or manifestations of discrimination. It will also analyse the actual discriminatory treatment experienced by the FDH, who they feel discriminate against them and why.

Discrimination – as an action (conscious or otherwise) of exclusion, marginalisation and unequal treatment of a minority – is necessarily in reference to a broader standard/s (e.g. universal human rights standards) or groups of people (e.g. the majority). Therefore, an analysis of racial/gender discrimination towards FDH (based on baseline information about their situation) will be more meaningful if there are similar baseline references on the bigger population (i.e. Hong Kong people, workers, women, domestic helpers, other foreign workers in Hong Kong) with which we can compare and judge whether indeed, the FDH have been unequally treated. Unfortunately, we are not aware if such baseline references are currently available.

Therefore, to examine discrimination towards FDH, this research will use the universal human rights standards and pertinent laws/policies in Hong Kong – e.g. the UN definition of racial discrimination and discrimination against women, standard employment contract for FDH in Hong Kong – as the conceptual references defining the equal/fair claim of FDH to certain benefits/rights in Hong Kong. Based on these:

- a) All FDH nationalities and genders should enjoy equal benefits/conditions – *in relation to each other* – since they are all covered by only one standard employment contract;
- b) The FDH, *like all other people in Hong Kong*, enjoy basic human rights and should therefore not be subjected to physical or sexual abuses;
- c) The FDH, as a community, should enjoy equal treatment – *in relation to the Hong Kong population in general* – in regard to the use/access of services/facilities, exercise of labour rights, and fair/equal treatment in their public/daily life.

The research will therefore examine the prevalence and patterns of violations on certain rights/benefits of the FDH that are supposed to be enjoyed equally with other FDH or the people of Hong Kong in general. Abuses will also be studied, as well as explicit manifestations of discriminatory behaviour shown by Hong Kong society to the FDH. The following will be specifically studied:

- a. Contract violations experienced by the FDH (wage, days off, annual holidays) – since the standard contract provides for equal conditions for all FDH regardless of nationality and gender, the study will examine the extent of the problem and test if there are statistically significant differences among the violations experienced by the FDH, based on race and/or gender.
- b. Physical and sexual abuses suffered by the FDH – examine the extent of these problems and test if they are significantly related with the FDHs' nationality or gender;
- c. Unfair/discriminatory treatment claimed to have been experienced by the FDH in daily life – as measured by discriminatory experiences of FDH in various government offices and daily interactions – e.g. HK Immigration, Labour Department, police, shops, markets/groceries, banks, churches, parks, beaches, public transportation, etc. We will analyse the extent of these experiences and study if they are significantly related to the FDHs' nationality or gender;
- d. Views of the FDH about equal/fair access to facilities, joining groups, or conducting their activities in Hong Kong; which sections of society discriminate against them and to what extent; and why they are being discriminated against. Describe the representative opinion of the FDH community about these issues.

The analysis first assumes that there is no racial or gender discrimination towards FDH in HK (i.e. null hypothesis, or **H₀**, in statistical testing). Using statistical tests, we will examine if we have to reject this null hypothesis **H₀**, and assume an alternative hypothesis **H₁** (i.e. that discrimination exists). If the data allows, we can further examine the correlation (strength, direction) of the association between the FDH gender/nationality and the various factors we have identified above.

- Significant relationship between contract violations and the race/gender of the FDH will be considered by this research as constituting racial/gender discrimination because the violations effectively deny, exclude, restrict, nullify or impair the equal enjoyment or exercise of the FDH (because they are foreigners, women, domestic helpers) of their guaranteed rights/benefits.

- Significant differences in treatment/application of contract provisions *among* the FDH nationalities/genders will likewise be considered by this study as indicators of racial/gender preference (to the disadvantage of other FDH) – thus discrimination.
- Significant racial/gender patterns behind sexual or physical abuses will be considered by this research as constituting discrimination.
- Of course, outright discriminatory actions by various sections of Hong Kong society (based on the point of view of and impact on the FDH) will be taken as such (discrimination against the FDH).

Future baseline social researches similar to this one – but taking the HK public (e.g. employers, HK people, sections of the society) as respondents – is actually important to establish broader baseline references (on the Hong Kong population in general or sections thereof). This will put the baseline data on the FDH in a more accurate and meaningful context.

CHAPTER II: OVERVIEW

FDH² Situation and Discrimination in Hong Kong

A. Labour Migration and Hong Kong

There are today an estimated 15 million Asian migrants worldwide; 10 million of these are working in various countries in Asia (especially Middle East, Japan, Korea, Taiwan, Hong Kong, Malaysia, Singapore), Australia, New Zealand and countries in the Pacific³. This is twice the population of Hong Kong. Asian labour migration therefore has become one of the major phenomena of the current globalising world.

Hong Kong, one of the most progressive, cosmopolitan, intensely competitive cities in Asia and the world, is also one of the top migrant-importing countries in Asia. In proportion to its population, Hong Kong has a sizeable foreign population. Its over 495,200 foreign population⁴ constitutes at least 7.1% of the total population; of this, 202,900 (41.0% of foreign population) are FDH coming mostly from the Philippines, Indonesia and Thailand.

This situation is a result, on one hand, of Hong Kong's high demand for cheaper overseas labour especially in the domestic helper, construction and services sectors. On the other hand, the SAR's demand for foreign labour is more than matched by the massive supply of migrants from the Philippines, Indonesia and other migrant-exporting countries in Asia (this does not count the over 300 million 'floating population' of southern China).

Hong Kong is an attractive destination for migrants because of its comparatively higher wages for migrants, more protective migrant labour policies than most migrant-receiving countries, more liberal social and political environment, and a high number of migrant-support groups.

However, due to its small land area and burgeoning population (estimated at 7.11 million⁵ in 2000, making it among the most densely populated cities in the world), the Hong Kong government is very particular about its population, workforce, and its ability sustain its high standard of living and competitive edge in the region. Therefore, it strictly regulates the importation of migrant labourers, especially from the mainland. Only a selected number of industries can in fact import labour, and under strict quotas. While importation of FDH is more open (i.e. there is no ceiling/quota), HK imposes stringent requirements and 'conditions of stay' for the FDH. Local labour groups officially oppose the importation of foreign workers.

The government's well-oiled machinery (including Immigration Department, Labour Department, police, etc.) is able to effectively monitor the migrant (especially FDH) population; therefore, there is a very small percentage of undocumented migrants in Hong Kong.

B. Brief History of FDH Migration into Hong Kong

Migration is central to the history of Hong Kong. Hong Kong's major source of labour has been from the constant influx of mainland Chinese. However, since the 1970s, the population of non-Chinese migrant workers has steadily grown. Today, foreign domestic helpers – the vast majority of migrant workers in the territory – play a crucial role in the daily life of Hong Kong. There are also smaller numbers of migrants who work in the construction, entertainment, service and manufacturing industries. Labour migration has played an important role in making Hong Kong the thriving city and trade centre it is today.

² This is the official reference used by the Hong Kong government, which we shall adopt for purposes of this study. Migrant groups and advocates use "foreign domestic worker" (FDW).

³ AMY 1999.

⁴ HK Immigration Department, December 1999.

⁵ AMY 2000.

FDH began entering Hong Kong in limited numbers during the early-1970s, a time when the territory was emerging as one of the newly-industrialising economies (NIEs) in Asia. Initially, 2,000 Filipino domestic workers were allowed to work for wealthy Chinese and expatriates.

Hong Kong attained its status as an international trade entrepôt and one of the world's financial hubs in just over 30 years. The territory steadily industrialised by focusing on light industries. After China adopted its open-door policy in the late 1970s, Hong Kong's economy expanded rapidly by becoming the major investor in China. Labour-intensive industries in Hong Kong began relocating to coastal China, while high-profit industries such as designing, marketing, financing and other service industries increased dramatically in Hong Kong.⁶

As the Hong Kong economy boomed in the mid-1970s, excess demand for labour resulted in the higher employment even of more senior workers and women. By the late-1980s, the labor cost in the manufacturing sector (metal processing, electronics, construction) and the service sector (restaurants, hotels) escalated. Hong Kong achieved near full employment (i.e. 2% or lower unemployment rate) which was described by the business sector as a "serious labour shortage." In response, the government exerted efforts to fully mobilise the local female labour force. Because of inflation and prohibitive cost of living, local women entered the labour market to increase household income.⁷

The government liberalised the importation of FDH in the early 1980s. Consequently, the hiring of FDH became popular. By 1982, there were at least 20,959 FDH legally registered in the territory, 96% of whom were Filipinos.

Meanwhile, more migrants from the Philippines, Thailand, Indonesia, south Asia, etc. looked for employment abroad, including Hong Kong. For women, this meant mostly jobs in the domestic help, manufacturing, entertainment or plantation sectors. In Hong Kong, the population of FDH steadily increased each year. By 1990, there were at least 70,335 FDH (90% Filipinos, 6% Thais, 4% all others). In 1994, the Indonesians overtook the Thais as the second biggest FDH group; the total number of FDH had also climbed up to 141,368 (86% Filipinos, 8% Indonesian, 5% Thai, 1% all others). As of May 2000, the population of FDH in Hong Kong reached 202,900 (73% Filipinos, 23% Indonesian, 3% Thai, 1% all others).⁸

C. Situation of FDH in Hong Kong: Focus on Discrimination

Wages of migrants (including FDH) in Hong Kong are comparable to, or better than, other Asian countries' (e.g. Singapore, Malaysia). The territory strictly requires, and is able to reasonably enforce, standard employment contracts for migrant workers. Therefore, FDH and migrants enjoy relative security/certainty about their working conditions in Hong Kong.

All legal FDH in Hong Kong are protected by a standard employment contract that is the same for all *foreign* domestic helpers, regardless of nationality or gender (this contract does not apply to local domestic helpers). The contract spells out the minimum working conditions and employers' responsibilities. The FDH also have a legal minimum wage set by the government, which is unique in the territory. This is a form of protection in recognition of the specific vulnerability of foreign domestic helpers.

FDH in Hong Kong are covered by the Employment Ordinance, and thus enjoy the same legal rights as local workers, including to unionise, organise, demonstrate, undertake religious/cultural activities, etc. Hong Kong's more institutionalised and developed legal system, service mechanisms and effective bureaucracy provide well-defined channels for redress of FDH grievances. There are also many NGOs/migrant-support groups who provide services and assist the FDH.

⁶ Asian Migrant Yearbook 1998, p. 60.

⁷ Ibid.

⁸ Hong Kong Immigration Department, May 2000; AMY 1998

The Employment Ordinance defines not only the benefits/entitlements of workers (both local and FDH); it likewise provides maternity and trade union protection for workers/FDH. It is illegal for employers to terminate employees (including FDH) due to pregnancy, or to dismiss them due to involvement to union activities. These offenses carry a HK\$100,000 penalty.

Therefore, FDH in Hong Kong are well organised compared to most receiving countries in Asia. The first FDH trade union in Hong Kong, the Asian Domestic Workers Union (ADWU), was established in 1989. Filipino and Indonesian FDH now have their respective trade unions, in addition to several other grassroots societies/associations.

But despite these, the reality is a different story as many FDH experience contract violations and abuses – as reported by migrants, advocates, and the media. Prior to this research, there are no reliable baseline statistics as to the level of these violations/abuses. AMC estimates that the more than 20 migrant counseling centres in HK handle at least 1,500 cases a year. The Labour Relations Division of the Labour Department handled 1,447 claims from FDH in the first eight months of 2000.⁹

Aside from contract violations, the media also reports, each year, several cases of termination/dismissals, problems of underpayment, inhuman treatment, exorbitant agency fees; some also report cases of physical and sexual abuse, including rape. One of the basic objectives of this research is to establish baseline reference data on the prevalence of these problems/abuses.

On a broader context, FDH and migrants have claimed that, over the years, they have been the usual victims of discrimination in Hong Kong. Aside from the abuses/contract violations and discrimination by the public, the FDH groups say that the employers as well as the government have been taking actions specifically targeting, and hence discriminating, against them.

One of the long-standing criticisms by FDH/advocates of unfair/discriminatory treatment towards them is the “New Conditions of Stay” (NCS) policy, adopted by the government in 1987. The NCS imposes particular restrictions on the “conditions of stay” of FDH in Hong Kong, including restrictions for FDH to shift to other employers without approval of the Immigration Department, and an outright prohibition for FDH to shift to other (non-DH) job categories. It also disqualifies FDHs from gaining right of residency even if they have continuously worked in Hong Kong for over 7 years. Another aspect of NCS is the “2-week rule”, which stipulates that a FDH who is terminated has only 2 weeks, or until the expiration of her visa (whichever is earlier), to legally stay in Hong Kong.

Migrant groups/advocates contend that this policy discriminates against FDH since similar restrictions are not imposed on expatriates or foreigners in the professional fields. For years, migrants and advocates have campaigned and lobbied for the scrapping of the NCS¹⁰. The employers’ association has advocated for stronger restrictions and a tougher NCS. The HK government has continuously affirmed that the policy is necessary and appropriate given Hong Kong’s circumstances.¹¹

In addition to the NCS, migrants and advocates also cite certain moves/proposals by employers and/or the government directed towards reducing the entitlements of FDH – e.g. freezing of FDH wages since 1996, wage reduction in 1999, and continued wage freezes since then¹²; the proposal in 2000 to “relax” maternity protection for domestic helpers; and another proposal that year to impose a “service tax” for use by FDH of public facilities.¹³

⁹ Press Release, Information Services Department, October 2000.

¹⁰ See for example, AMF, etc.

¹¹ See AMY 2000.

¹² The government announced in January 2001 that it will continue to freeze FDH minimum wage in 2001.

¹³ Interview with Coalition for Migrants’ Rights, January 2001.

Mass demonstrations by FDH in 1998-2000 helped reduce the proposed wage cut from 35% to only 5%, and resulted in the shelving of the proposals to effectively remove maternity protection and impose a service tax on them.¹⁴ The Nepalese and Indian communities, majority of whom are HK residents (but which also include FDH), have also complained about the discrimination they experience in terms of lack of access to education for their children, housing and other social services. The Nepalese have criticised Immigration officials in 1998 for singling them out at airport immigration controls for urine and body strip-searches, suspecting them of trafficking drugs.¹⁵

In recent years, some law-makers have tabled anti-racism proposals at the Legislative Council (LegCo). In 1996, legislator Elizabeth Wong introduced a bill outlawing racial discrimination. This was followed by another attempt by another legislator, Christine Loh, to adopt an anti-racial discrimination law. Both attempts were defeated at the LegCo. Many of the legislators, echoing the government position, believed that such proposals were not necessary, because it is better to confront racism through education than through legislation.¹⁶

The last Hong Kong government report to the UN about fulfillment of its commitments to combat racial discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination has argued in detail the government's efforts in addressing racial discrimination in Hong Kong. Among other moves, the government has set up a funding scheme aimed at supporting efforts by groups in the SAR to combat racial/gender discrimination in HK. It has also launched publicity campaigns (e.g. through posters all over Hong Kong) highlighting equality, equal opportunities and non-discrimination especially towards people of other races/color.

And so, is the government doing enough to address racial/gender discrimination in Hong Kong? Are people in Hong Kong becoming more aware of the problem, and actively working towards the elimination of discrimination?

Some relevant government agencies have made recent pronouncements that "racial discrimination is not a big problem in Hong Kong" and that "Hong Kong, one of the world's most compact communities, is a tolerant and cosmopolitan society where persons of every race live together in a remarkable degree of harmony."¹⁷

It is not the purpose of this research to analyse the broader and policy-level aspects of racial/gender discrimination in Hong Kong. Let us therefore take the above statement as a given and the starting point of our examination of the issue of racial/gender discrimination towards FDH in Hong Kong.

The FDH community, comprising 2.85% of the Hong Kong population, is perhaps among the most significant minority communities in Hong Kong. It is also an excellent test group to more deeply examine the reality of racial/gender discrimination in Hong Kong. Their racial, gender and class composition put them at the lower levels of minority groups in Hong Kong. Therefore, their situation – especially the extent and patterns of discrimination against them – is a very good indicator of the degree and patterns of the worst forms of discrimination that exist in Hong Kong. How well Hong Kong promotes, or refuses/neglects to promote, equal opportunities, harmonious existence and non-discrimination towards the FDH will, at the end of the day, determine whether it has really done enough to combat racial/gender discrimination.

This research will examine the baseline information about the extent of abuses and discrimination that FDH experience in HK – from the FDHs' point of view. It will try to

⁴ AMC, *Asian Migrant Yearbook*, 1999.

¹⁵ FEONA statement, 1998.

¹⁶ Vines, Stephen, "Hong Kong's Big Dirty Little Secret", *Blind Eye*, South China Morning Post.

¹⁷ *ibid.*

statistically analyse if there are significant associations, even correlations, to abuses and discrimination towards FDH and their gender or race.

Such knowledge would be essential in helping all the concerned parties – FDH themselves, the HK government, sending-countries, social advocates – to first, recognise/confront the problem, and formulate appropriate responses/strategies to combat them.

This study is by no means comprehensive and complete. It is just one of the basic steps towards addressing the issue of discrimination in Hong Kong. It is hoped that the results of this study will help motivate further studies and lead to policy reforms and effective strategies in eliminating discrimination, especially towards FDH in Hong Kong.

CHAPTER III
ANALYSIS OF RESULTS
(Profile of FDH and Employers)

This research analyzed discrimination by examining selected manifestations of inequality, exclusion, marginalisation and abuse of FDH in Hong Kong. It examined how prevalent these problems are, and where appropriate, tested whether there is significant association between the incidence of the problems and the nationality and gender of the FDH (see “Methodology” and “Conceptual/Analytical Framework” for details).

Before we discuss the extent or patterns of discrimination, let us first present the profile of the FDH and employer populations.

A. General Profile of FDH in Hong Kong

The following frequency tables and statistics describe the overall characteristics of this FDH sample. Using inferential statistics, these sample statistics can be used to make generalisations about the FDH population as a whole (95% confidence level).

1. Nationality of FDH

Nationality	N	%	Cumulative %
Filipino	1,580	63.2	63.2
Indonesian	770	30.8	94.0
Thai	150	6.0	100.0
TOTAL	2,500	100.0	
No answer	0		

The actual Filipino-Indonesian-Thai ratio in the FDH population (based on HK ID data, May 2000) is 24:8:1. Our sample has a ratio of 10:5:1. The Indonesian and Thai FDH were purposely over-sampled for purposes of this research (see methodology).

2. Age of FDH

Age	N	%	Cumulative %
20 and below	84	3.4	3.4
Above 20 – 25	543	22.3	25.7
Above 25 – 30	658	27.0	52.7
Above 30 – 35	516	21.2	73.9
Above 35 – 40	338	13.9	87.8
Above 40 – 45	167	6.9	94.7
Above 45 – 50	91	3.7	98.4
Above 50 – 55	28	1.1	99.5
Above 55	11	0.5	100.0
TOTAL	2,436	100.0	
No answer	64		

Mean (average) age : 31.3 years old
Standard deviation : 7.70 (i.e. standard error = $7.70/50 = 0.154$)¹⁸
Modal (most common) age : 30.0 years old (6% of all FDH)

We are 95% sure that the average age of FDH in Hong Kong is between 31.0 and 31.6 years old (± 2 standard error of the sample mean). The most number of FDH are 30 years old. This is a relatively young population, with more than half of the population below 30 years old (see cumulative %).

¹⁸ Standard error = standard deviation of the sample / square root of the sample size; used to make inference about the population based on sample statistics.

3. Gender of FDH

Gender	N	%	Cumulative %
Male	25	1.0	1.0
Female	2,446	98.6	99.6
Others	9	0.4	100.0
TOTAL	2,480	100.0	
No answer	20		

As expected, the overwhelming majority of FDH are women (more than 98% in our sample). Women are most probably over-represented in the sample since, based on past observations, FDH men do not seem to stay in a specific spot/location in a given day off, or every day-off. Given their small number, and the systematic sampling process (interviewing every kth person), it is highly likely that there were fewer men FDH to be sampled during the field survey. Still, overall, the ration is assumed to be quite representative of the overall population. It is also noteworthy that several respondents claimed other gender orientations.

4. Highest Education of FDH

Highest Education	N	%	Cumulative %
Primary	277	11.3	11.3
Secondary	1,091	44.4	55.7
University undergraduate	442	18.0	73.7
University degree	515	21.0	94.7
Post-graduate	18	0.7	95.4
Vocational/Technical	108	4.4	99.8
Others	4	0.2	100.0
TOTAL	2,455	100.0	
No Answer	45		

Median (50th percentile) educational level : Secondary education

Modal (most common) educational level : Secondary education (44% of all FDH)

The majority (56%) of FDH in Hong Kong have reached secondary education. It is noteworthy that the next highest number (22%) have university degrees or reached post-graduate level. The number of FDH who have had at least university education is almost 40% of the total population. This supports conventional assumption that the FDH community in Hong Kong is a relatively educated group.

5. Civil Status of FDH

Civil Status	N	%	Cumulative %
Single (never married)	1,265	50.9	50.9
Married	992	39.9	90.8
Separated/Divorced	111	4.5	95.3
Widowed	107	4.3	99.6
Others	10	0.4	100.0
TOTAL	2,485	100.0	
No Answer	15		

Most of the FDH are single/never married (51%). If all those who have had at least married (i.e. currently married, divorced, separated, widowed) are combined, it is almost a 50-50 split with the single FDH.

Most FDH assert that they work overseas in order to help their families. Since half of all FDH are actually not married, then conventional assumption is correct that many women FDH in fact have taken on the responsibility of supporting dependents back in their home countries – not necessarily their own children, but actually their parents, relatives, siblings. Traditionally, families in poorer countries ‘invested’ on male children by sending them to school at the expense of girls, to later work and provide for the family. The high percentage of young (below 30s), single, female FDH in Hong Kong seem to indicate that families in poorer countries could now be investing on their young daughters to provide for their needs. At a broader context however, this might also indicate a reinforcement of traditional gender role expectations where women, in the end, are expected to sacrifice themselves to support their families (parents, siblings, relatives).

This findings also reveal that for 50% of all FDH (i.e. those who have at least married), they have become the main breadwinners in their families. This has deep implications on the possible/potential changes in the gender/family roles that FDH may be playing in their families back home.

6. Years in Hong Kong

Years in HK	N	%	Cumulative %
2 years or less	953	38.5	38.5
More than 2 – 4 years	691	27.9	66.4
More than 4 – 6	331	13.4	79.8
More than 6 – 8	229	9.2	89.0
More than 8 – 10	116	4.7	93.7
More than 10 – 12	69	2.8	96.5
More than 12	86	3.5	100.0
TOTAL	2,475	100.0	
No answer	25		

Mean (average) length of stay in Hong Kong : 4.1 years

Standard deviation : 3.6 (standard error = $3.6/50 = 0.072$)

Median (50th percentile) stay in Hong Kong : 3 years

Modal (most common) length of stay in HK : 2 years

Most of the FDH (mode) have worked for 2 years in Hong Kong. The big majority (see cumulative %) have stayed for at least 4 years. We are also 95% sure that the average length of stay of the FDH in Hong Kong is 4.0 to 4.2 years. It is significant to note that at least 15% of the total FDH population (i.e. more than 30,435) have worked for 7 or more years in Hong Kong (see cumulative %). This could have entitled them for residency, if they were non-FDH migrants in the territory.

Noting that as many as 98% of these migrants are women – mothers, daughters, sisters – this means that those who have families/children back home have been separated from their families for an average of 4 years. This could be one of the reasons why in the Philippines, as high as 40% of families of overseas workers suffer from family problems (infidelity/separation of parents, juvenile delinquency, unwanted pregnancies of children, dropping out of school, drugs, etc.)¹⁹. This is a serious consequence of overseas work which makes the FDH’s stay in Hong Kong painful for mothers. It is usual for these mothers to share that the most difficult work for them in their employers’ homes is the care of the children, since they wonder who take care of their own for all the years they are in Hong Kong. The NCS prohibits FDH from gaining residency in Hong Kong, and thus the ability to request their families to join them in Hong Kong as dependents.

For single/never married FDH, the length of their stay in Hong Kong can mean their failure to marry. A further analysis of the data indicates that the average (mean) age of

¹⁹ 1996 study of Philippine’s Department of Social Welfare.

single/married FDH is 28 years old, and that they have stayed in Hong Kong for 3.7 years. This means that they first came when they were 24 years old.

7. Years with current employer

Years with employer	N	%	Cumulative %
2 years or less	1,467	60.8	60.8
More than 2 – 4 years	569	23.6	84.4
More than 4 – 6	209	8.7	93.1
More than 6 – 8	85	3.5	96.6
More than 8 – 10	50	2.1	98.7
More than 10 – 12	12	0.5	99.2
More than 12	20	0.8	100.0
TOTAL	2,412	100.0	
No answer	88		

Mean (average) years with current employer : 2.6 years
 Standard deviation : 2.4 (standard error = 0.048)
 Median (50% of all FDH) years with employer : 2 years
 Modal (most common) years with employer : 2 years

An FDH contract is for a 2-year period. Although the FDH have stayed, on average, for 4 years in Hong Kong, they have been with their current employer for only 2.6 years. This means that they have changed employers at least once. The median and modal data (2 years) indicate that most FDH remain with an employer for only one contract period, and then seek other employers. Indeed, the big majority (61%) have stayed only 2 years or less.

This can be the subject of further study, but on the surface, this fast turnover seems to indicate that there is a low level of satisfaction with the employer (and so the FDH only waits to complete the 2-year contract before finding another employer). Wage could not be the issue here, since it will be the same, or even lower, if the FDH moves to a new employer. The FDH would also have to pay the agency fee anew, or risk being sent back home if she fails to find a new employer. Why the FDH would risk this and find a new employer after the first contract means that something needs to be done about FDH-employer relations at the first contract period. From a human rights and administrative point of view, it will be to the advantage of the FDH, employer and HK government if the FDH stays longer with the employer.

8. FDH Profile by Nationality

Following are the summary comparative statistics for the three FDH nationalities:

	Statistic	Filipino	Indonesian	Thai	All FDH
FDH Age	Mean	33 years old	27 years old	34 years old	31 years old
	Standard error ²⁰	0.145	0.114	0.145	0.154
	Median	32 years old	26 years old	34 years old	30 years old
	Mode	30 years old (7%)	21 years old (10%)	27 years old (7%)	30 years old
FDH Gender	Mode	Female (98.0%)	Female (99.6%)	Female (100%)	Female (98% of total)
FDH Highest Education	Mode	University degree (33%)	Secondary (74%)	Primary (52%)	Secondary (44% of total)
Civil Status	Mode	Single (50%)	Single (52%)	Single (51%)	Single (51%)
Years in HK	Mean	4.9 years	2.2 years	4.2 years	4.1 years

²⁰ Standard error = standard deviation / 50 (where 50 is square root of the 2,500 sample size); we are 95% sure that the population mean will be ± 2 standard errors of the sample mean.

	Statistic	Filipino	Indonesian	Thai	All FDH
	Standard error	0.078	0.030	0.064	0.072
	Median	4 years	2 years	4 years	3 years
	Mode	3 years (10%)	2 years (16%)	4 years (10%)	2 years (10%)
Years with Current Employer	Mean	3.1 years	1.5 years	2.3 years	2.6 years
	Standard error	0.054	0.022	0.044	0.048
	Median	2.0 years	1.3 years	1.4 years	2 years
	Mode	2 years (16%)	2 years (17%)	1 & 5 years (9%)	2 years (15%)

a) Filipino FDH

- The “average Filipino FDH” in Hong Kong is a woman, 33 years old²¹, single (never married) and with a university graduate. She has worked for almost 5 years as FDH in Hong Kong, and has been working with her current employer for 3 years.
- General profile of the Filipino FDH population – The overwhelming majority of Filipino FDH are women. Most of them are 30 years old, although the average age of the whole group is 33. Half of the group is single. It is a well-educated group, on average having a university degree. The big majority (62%) have at least a university education (undergraduate, degree-holder or post-graduate level). Most of them have worked for 3 years in Hong Kong, although the average stay for the group as a whole is almost 5 years.

Compared to the overall FDH population, the Filipino FDH are, on average, a bit older (33 years old vs. 31 overall); have stayed longer (5 years vs. 4 years overall); and have reached higher formal education (university degree vs. secondary level overall).

b) Indonesian FDH

- The “average Indonesian FDH” in Hong Kong is a woman, 27 years old²², single, and has reached high school (secondary) education. She has worked for a little over 2 years in Hong Kong, and has been with her employer for 1 ½ years.
- General profile of the Indonesian FDH population – Indonesian FDH are the youngest of the 3 groups, with an average age much younger than the overall average (27 years old vs. 31 overall); most are 21 years old. Most are single, and have reached secondary education – which is the same level as the overall FDH population. On average, they have worked for 2.2 years in HK, which is way below the overall FDH average of 4.1 years. On average, they have worked with their current employer for 1 ½ years, which is way below the overall FDH average of 2.6 years. This means that Indonesians have the shortest stay (compared to Filipinos and Thais) in HK, as well as with their current employers. The combined factors of lower educational level (compared to Filipinos), younger age, shorter stay in Hong Kong might all be factors related to the prevalence of abuses against the Indonesian FDH (this will be analysed in detail in succeeding sections).

²¹ Strictly speaking, the average age of the Filipino FDH *population* is 33 ± 0.29 years old (95% confidence). Similar adjustments (to account for the standard error) are supposed to be made for the sample means of the Indonesians and Thais (or for all other sample means, if we are making generalisations about the *population* based on the *sample* statistics). For simplicity however, this report only uses the sample statistics; the reader is advised to make the necessary adjustments.

²² Same reminder as above.

c) Thai FDH

- The “average Thai FDH” in Hong Kong is a woman, 34 years old²³, single, and has reached primary education. She has worked for over 4 years in Hong Kong, and has been with her current employer for 2.3 years.
- General profile of the Thai FDH population – Thai FDH, on average, are the oldest of the 3 groups; its average age of 34 years old is higher than the overall FDH average of 31. On average, they also reached the lowest formal education (primary) level, which is lower than the overall average (secondary). They have stayed longer in Hong Kong (more than 4 years), which is almost as long as Filipinos and higher than the overall average stay. They have also worked longer with their current employers (over 2 years), although not as long as Filipinos.

B. Profile of Employers

1. Nationality of Employer

Nationality	N	%	Cumulative %
HK Chinese	2,061	85.0	85.0
British	169	7.0	92.0
Other European	52	2.1	94.1
Other Asian	69	2.8	96.9
Canadian/American	41	1.7	98.6
Australian	34	1.4	100.0
TOTAL	2,426	100.0	
No answer	74		

Modal (most common) nationality: HK Chinese (85% of all employers)

The vast majority of employers are HK Chinese (85%; which includes HK Chinese employers married to foreigners; excludes Taiwanese or Chinese from other countries). Among the rest of the other employers, the British, Canadians and Australians are the significant ones. There are then a sprinkling of many other employers both Asian (e.g. Japanese, Malaysians, Indonesians, Indians, etc.) and European (e.g. Spanish, French, Portuguese, etc.)

A cross-tabulation of the data reveals that the majority (59%) of the HK Chinese employers employ Filipinos, then Indonesians (34%), and the rest Thai (7%). Most (94%) of the British employers hire Filipinos, then Indonesians (5%), and the rest Thai (0.6%). Almost all (98%) of the other European employers hire Filipinos and Thais (2%). Most (68%) of the other Asian employers, meanwhile, hire Filipinos, then Indonesians (29%), and the rest Thai (3%).

2. Sex of Employer

Sex	N	%	Cumulative %
Male	594	37.8	37.8
Female	976	62.2	100.0
TOTAL	1,570	100.0	
No answer	930		

The big majority (62%) of employers are women. It should be noted though that a big number of respondents (930) did not answer this question. Still, AMC believes that women employers do constitute the majority of employers.

In reality, we must also note that the FDH serves the entire family of the employer (including children). Therefore, who finally abuses, mistreats or discriminates against them in the household might not necessarily be the employer stated in the contract.

²³ Same reminder as in previous footnote.

3. Age of Employer

Age	N	%	Cumulative %
25 and below	7	0.5	0.5
Above 25 – 35	364	26.0	26.5
Above 35 – 45	679	48.5	75.0
Above 45 – 55	225	16.1	91.1
Above 55 – 65	61	4.3	95.4
Above 65 – 75	40	2.9	98.3
Above 75	24	1.7	100.0
TOTAL	1,400	100.0	
No answer	1,100		

Mean (average) age of employer : 42.0 years old
 Standard deviation : 10.49 (standard error = 0.210)
 Median (50th percentile) age : 40 years old
 Modal (most common) age : 40 years old

The average age of FDH employers is 42 years old. Most of them are 40 years old.

4. Overall Profile of FDH Employers

From the above, we can say that the “average employer” is a woman, 42 years old, and a HK Chinese.

By nationality, following are the comparative statistics about the employers:

	Statistic	Filipino	Indonesian	Thai	All FDH
Nationality of employer	Mode	HK Chinese (77%)	HK Chinese (91%)	HK Chinese (94%)	HK Chinese (82% of total)
Age of employer	Mean	41 years old	41 years old	48	42 years old
	Standard error	0.180	0.236	0.284	0.210
Gender of employer	Mode	Female (61%)	Female (70%)	Male (52%)	Female (39% of total)

Most of the employers of Filipino FDH are HK Chinese, 41 years old on average, and female.

Indonesians are mostly employed by HK Chinese employers, 41 years old and female.

Thais have mostly HK Chinese employers, too. They are however much older than employers of Filipinos or Indonesians, and they are mostly male.

**CHAPTER IV
ANALYSIS OF RESULTS
(Violations of FDH Contract: Prevalence and Discriminatory Patterns)**

We began the examination of racial/gender discrimination towards the FDH by analysing certain violations of the FDH contract. We wanted to answer these questions: What is the extent of contract violations experienced by the FDH? Are racial and gender discrimination significant factors behind these violations?

Three items of the FDH contract were included in the examination: monthly wage, regular days off, and annual holidays. These are the more readily quantifiable, standard and clearly defined provisions of the contract. Therefore, discrimination patterns revealed by these can already give a strong indication of the violations and discrimination of other provisions of the contract, which are less specific/definite.

Frequency tables, cross-tabulations and descriptive statistics were used to answer these questions. Tests/Measures of relationship were conducted to see if there were statistically significant relationships between the violations and the race/gender of the FDH. If so, tests of significance were conducted to establish if the relationship seen in the sample will hold for the whole FDH population. The statistical analysis used the following general pattern of assumptions:

H₀ (Null hypothesis) : There is no racial/gender discrimination towards the FDH.
H₁ (Alternative hypothesis) : There is discrimination.

Following are the summary results.

A. Monthly Wage (HK\$)

1. Frequency table: FDH wages

Wage	N	%	Cumulative %
Less than \$1,670	5	0.2	0.2
\$1,670-less than \$2,670	291	11.9	12.1
\$2,670-less than \$3,670	75	3.1	15.2
\$3,670-less than \$4,670	2,016	82.3	97.5
\$4,670-less than \$5,670	42	1.7	99.2
\$5,670-less than \$6,670	9	0.4	99.6
\$6,670 and above	10	0.4	100.0
Total	2,448	100.0	
No answer	52		

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

The current legal minimum wage is HK\$3,670 per month. A big majority (85%) of FDH receive at least the minimum wage. But this also means that a significant 15% are underpaid – an outright violation of Hong Kong law affecting 1 in every 7 FDH. Projecting on the overall FDH population, more than 30,000 FDH might possibly be suffering from this problem.

2. Cross-tabulation and descriptive statistics: wage vs. FDH nationality

Wage	Filipino		Indonesian		Thai	
	N	%	N	%	N	%
Less than \$1,670	1	0.06	4	0.53	0	0.00
\$1,670-less than \$2,670	1	0.06	289	38.33	1	0.67
\$2,670-less than \$3,670	5	0.32	66	8.75	4	2.68
\$3,670-less than \$4,670	1,485	96.12	395	52.39	136	91.28
\$4,670-less than \$5,670	35	2.27	0	0.00	7	4.70
\$5,670-less than \$6,670	8	0.52	0	0.00	1	0.67
\$6,670 and above	10	0.65	0	0.00	0	0.00
Total	1,545	100.00	754	100.00	149	
No answer	35		16		1	

*Shaded rows are cases below the legal requirement.

*Total % may not equal 100 due to round-off error.

Summary descriptive statistics:

Statistic	Filipino	Indonesian	Thai	All FDH
Mean (average) ²⁴	\$3,847	\$3,073	\$3,903	\$3,578
Standard deviation	490.0	825.1	432.5	718.0
Median (50 th percentile)	\$3,670	\$3,670	\$3,800	\$3,670
Mode (most common)	\$3,670	\$3,670	\$3,670	\$3,670
10 th percentile	\$3,670	\$1,800	\$3,670	\$2,200
75 th percentile	\$3,860	\$3,670	\$4,000	\$3,860

The cross-tabulation reveals that the Indonesian FDH are the worst-affected by wage violations: almost 48% of them are underpaid. This problem is low among Thais (less than 4%), and almost unnoticeable among Filipinos (less than 1%).

On average, the FDH in Hong Kong is underpaid – receiving an average of HK\$3,578 per month. This is largely due to widespread underpayment of Indonesian FDH, who get only an average of HK\$3,073 per month (only 84% of the mandated amount). Thais and Filipinos, on average, receive more than the minimum wage, with Thais slightly better paid than Filipinos.

The better treatment of Thais is reflected by the fact that at the median (half-way mark of the Thai FDH population), the FDH already receives \$3,800 (the best among the 3 nationalities). The upper 25% of the Thai FDH receive at least \$4,000.

In contrast, the abusive treatment of Indonesians is striking, with the bottom 10% of them receiving only \$1,800 (only about half of the mandated amount). The bottom 10% of the 2 other nationalities already receive the minimum wage.

These findings seem to show a racial pattern in the wage violations. But how significant is this correlation? We will later conduct tests of significance to examine the relationship between FDH nationality (race) and minimum wage violations.

²⁴ Please note that in order to make generalisations about the FDH *population* based on the above *sample* statistics, the sample mean needs to be adjusted by the value of the standard error, where $\text{std. error} = \text{std. deviation} / 50$ (50 is square root of the 2,500 sample size). The population mean is ± 2 standard errors of the sample mean (95% confidence level).

3. Cross-tabulation and descriptive statistics: wage vs. FDH gender

Let us examine the gender aspect of the wage violations.

Wage	Male		Female		Others	
	N	%	N	%	N	%
Less than \$1,670	0	0.00	5	0.21	0	0.00
\$1,670-less than \$2,670	2	8.33	286	11.93	0	0.00
\$2,670-less than \$3,670	0	0.00	75	3.13	0	0.00
\$3,670-less than \$4,670	17	70.83	1,977	82.48	6	75.00
\$4,670-less than \$5,670	0	0.00	40	1.67	2	25.00
\$5,670-less than \$6,670	1	4.17	8	0.33	0	0.00
\$6,670 and above	4	16.67	6	0.25	0	0.00
Total	24	100.00	2,397	100.00	8	100.00
No answer	1		49		1	

*Shaded rows are cases below the legal requirement.

*Total % may not equal 100 due to round-off error.

Summary descriptive statistics:

Statistic	Male	Female	Others	All FDH
Mean (average)	\$4,758	\$3,619	\$4,091	\$3,578
Standard deviation	2,086.0	654.6	573.1	718.0
Median (50 th percentile)	\$3,860	\$3,670	\$3,860	\$3,670
Mode (most common)	\$3,670	\$3,670	\$3,670	\$3,670
10 th percentile	\$3,670	\$2,780	\$3,670	\$2,200
75 th percentile	\$4,625	\$3,860	\$4,750	\$3,860

The cross-tabulation reveals that at least 15% of women FDH are underpaid, compared to 8% for men. FDH of other gender orientations seem in a better situation with none of them being underpaid.

The summary statistics reveal that there is a marked difference between the wages of women and men FDH. Women FDH, on average, are lower paid (\$3,619; below minimum) as compared to men (\$4,758) and other genders (\$4,091). The spread in the average wage between men and women FDH is more than \$1,100.

Again, it is quite obvious that there is gender-based difference in the amount of wages paid to FDH. How statistically significant and what are the strength and direction of these relationships? We will later conduct tests of significance to examine the relationship between gender and minimum wage violations.

B. Regular Days Off

1. Frequency table: regular days off

Days off per month	N	%	Cumulative %
0 (none at all, or less than 1 day per month)	52	2.2	2.2
1 day off per month	152	6.3	8.5
2 days	311	13.0	21.5
3 days	14	0.6	22.1
4 days	1,842	76.8	98.9
5 days	25	1.0	99.9
6 days	1	0.0	99.9
More than 6 days per month	3	0.1	100.0
TOTAL	2,400	100.0	
No answer			

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

The legally-mandated day off (rest day) is 1 day for every 7-day period. “One day” is defined by law as a continuous period of 24 hours. While data was gathered about the actual length (hours) of the rest day of the FDH, we will confine our analysis here to the number of rest days that the FDH gets per month.

The table above shows that at least 22% of all FDH do not get 1 rest day per week – again a widespread violation of the HK law (affecting almost 1 in every 4 FDH). This is more widespread than the underpayment problem. More alarmingly, the data shows that 8.5% – i.e. possibly more than 17,000 of all FDH in Hong Kong – get either no (includes very infrequent days off e.g. once every 4 or 6 months) or only 1 day off each month. This is a situation of virtual slavery/bondage happening in Hong Kong.

2. Cross-tabulation and descriptive statistics: regular days off vs. FDH nationality

Days off per month	Filipino		Indonesian		Thai	
	N	%	N	%	N	%
0 (none at all, or less than 1 day per month)	5	0.33	47	6.42	0	0.00
1 day off per month	47	3.09	104	14.21	1	0.68
2 days	18	1.18	288	39.34	5	3.42
3 days	3	0.20	10	1.37	1	0.68
4 days	1,421	93.36	282	38.52	139	95.21
5 days	24	1.58	1	0.14	0	0.00
6 days	1	0.07	0	0.00	0	0.00
More than 6 days per month	3	0.20	0	0.00	0	0.00
TOTAL	1,522	100.00	732	100.00	146	100.00
No answer						

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

Summary descriptive statistics:

Statistic	Filipino	Indonesian	Thai	All FDH
Mean (average)	3.90 days	2.57 days	3.89 days	3.48 days
Standard deviation	0.62	1.32	0.47	1.10
Median (50 th percentile)	4 days	2 days	4 days	4 days
Mode (most common)	4 days	2 days	4 days	4 days
10 th percentile	4 days	1 day	4 days	2 days
75 th percentile	4 days	4 days	4 days	4 days

Further analysis using the cross-tabulation reveals that again, it’s the Indonesian FDH who are severely affected by this problem: a significant majority (more than 61%) do not get the mandated rest days – as compared to less than 5% each for Thais and Filipinos. Of this, 21% get 0-1 days off per month (i.e. possibly more than 9,000 of the total Indonesian FDH population). It is significant to note that more than 3% of Filipino FDH suffer from the same virtual slavery (0-1 days off per month) – possibly more than 5,000 of the total Filipino FDH population. In contrast, less than 1% of Thais are affected by this problem.

Overall, the summary statistics reveal that the average rest days per month is only about 3.5 days – i.e. below the legal minimum. This below-par adherence to the law is true for all the 3 nationalities, but worse for Indonesians. In fact, the bottom 10% of Indonesian FDH only have 1 day off per month, and 50% of all Indonesian FDH are given only half (2 days) of the mandated rest days.

Since the difference among the 3 nationalities is noticeable, we will later conduct a test of significance to examine the relationship between FDH nationality (race) and violations of mandated rest days.

3. Cross-tabulation and descriptive statistics: regular days off vs. FDH gender

Days off per month	Male		Female		Others	
	N	%	N	%	N	%
0 (none at all, or less than 1 day per month)	0	0.00	52	2.21	0	0.00
1 day off per month	1	4.17	148	6.30	0	0.00
2 days	1	4.17	307	13.07	1	11.11
3 days	0	0.00	14	0.60	0	0.00
4 days	22	91.67	1,799	76.59	8	88.89
5 days	0	0.00	25	1.06	0	0.00
6 days	0	0.00	1	0.04	0	0.00
More than 6 days per month	0	0.00	3	0.13	0	0.00
TOTAL	24	100.00	2,349	100.00	9	100.00
No answer						

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

Summary descriptive statistics:

Statistic	Male	Female	Others	All FDH
Mean (average)	3.91 days	3.53 days	3.75 days	3.48 days
Standard deviation	0.43	1.06	0.71	1.10
Median (50 th percentile)	4 days	4 days	4 days	4 days
Mode (most common)	4 days	4 days	4 days	4 days
10 th percentile	4 days	2 days	2 days	2 days
75 th percentile	4 days	4 days	4 days	4 days

The gender connection of the rest days violation again seem obvious from the above table: less than 9% of male FDH are affected, as compared to more than 22% of the women (i.e. about 2.5 times higher for women). The near-bondage situation (0-1 day off per month) is prevalent among women (8.5%), although it is interesting to note that men FDH registered a 4% occurrence rate.

The average days off enjoyed by women is nearer the overall average of 3.5 days per month; the men get almost the required 4 days off each month. The bottom 10% of the women (and also the other genders) suffer the most since they only have 2 days off each month.

Since the difference among genders is noticeable, we will later conduct tests of significance to examine the relationship between gender and violations of mandated rest days.

C. Statutory Holidays Per Year

1. Frequency table: Statutory holidays per year

Holidays per year	Total	%	Cumulative %
0-1 day (none at all, less than 1 day, up to 1 day per year)	390	18.4	18.4
2-3 days	26	1.2	19.6
4-5 days	23	1.1	20.7
6-7 days	12	0.6	21.3
8-9 days	18	0.8	22.1

10-11 days	83	3.9	26.0
12-13 days	1,542	72.8	98.8
14-15 days	21	1.0	99.8
16 days or more	4	0.2	100.0
TOTAL	2,119	100.0	
No answer			

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

Respondents were asked how many statutory holidays they got in 1999. There are typically 12 statutory holidays per year, which was the case in 1999.

It can be readily seen that 26% of all FDH are not given the 12 statutory holidays per year. This violation is more rampant than both the minimum wage and monthly rest days violations. Possibly, more than 52,000 FDH are not given the statutory holidays they are entitled to each year. It is important to note that the next highest percentage in the distribution (18.4%) is for the group receiving 0-1 holidays per year. This is a blatant and rampant violation of the employment contract, and may be affecting more than 37,000 FDH in Hong Kong.

2. Cross-tabulation and descriptive statistics: statutory holidays vs. FDH nationality

Holidays per year	Filipino		Indonesian		Thai	
	N	%	N	%	N	%
0-1 day (i.e. none at all, less than 1 day, up to 1 day per year)	43	3.04	338	57.48	9	7.83
2-3 days	8	0.56	18	3.06	0	0.00
4-5 days	9	0.64	13	2.21	1	0.87
6-7 days	7	0.49	0	0.00	5	4.35
8-9 days	15	1.06	1	0.17	2	1.74
10-11 days	75	5.30	4	0.68	4	3.48
12-13 days	1,243	87.78	211	35.88	88	76.52
14-15 days	15	1.06	3	0.51	3	2.61
16 days or more	1	0.07	0	0.00	3	2.61
TOTAL	1,416	100.00	588	100.00	115	100.00
No answer						

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

Summary descriptive statistics:

Statistic	Filipino	Indonesian	Thai	All FDH
Mean (average)	11.43 days	4.65 days	10.99 days	9.53 days
Standard deviation	2.38	5.72	4.05	4.78
Median (50 th percentile)	12 days	0 days	12 days	12 days
Mode (most common)	12 days	0 days	12 days	12 days
10 th percentile	11 days	0 days	6 days	0 days
75 th percentile	12 days	12 days	12 days	12 days

The table reveals that a big majority (64%) of Indonesians are not given the 12 statutory holidays per year – 57% in fact have 0 or only 1 holiday in a year. This is a widespread and blatant violation. It is also significant for other nationalities, with 18% of the Thais and 11% of Filipinos denied their statutory holidays. Among the Thais, 8% also have only 0-1 holiday per year; this problem is less common among Filipinos (3%).

On average, all FDH get only 9.5 statutory holidays per year, significantly lower than the mandated 12 holidays. Indonesians, as before, are worst affected with an average of less than 5 statutory holidays per year. Thais get an average of 11 days, and Filipinos almost all

the 12 days. The statistics reveal that half of all Indonesian FDH are actually blatantly cheated with employers not giving them any statutory holiday at all (the 50th percentile still have 0 holidays per year). The bottom 10% of all nationalities are denied the full number of statutory holidays. This is true, as mentioned above, for Indonesians (0 holidays), and also for Thais (6 holidays per year); Filipinos get most of the holidays (11 days per year).

Since the difference among the FDH nationalities is noticeable, we will later conduct tests of significance to examine the relationship between race and violations of the mandated annual holidays.

3. Cross-tabulation and descriptive statistics: annual holidays vs. FDH gender

Holidays per year	Male		Female		Others	
	N	%	N	%	N	%
0-1 day (i.e. none at all, less than 1, up to 1 day per year)	2	8.33	385	18.60	0	0.00
2-3 days	0	0.00	26	1.26	0	0.00
4-5 days	0	0.00	22	1.06	1	11.11
6-7 days	0	0.00	12	0.58	0	0.00
8-9 days	0	0.00	18	0.87	0	0.00
10-11 days	0	0.00	82	3.96	1	11.11
12-13 days	22	91.67	1,500	72.46	7	77.78
14-15 days	0	0.00	21	1.01	0	0.00
16 days or more	0	0.00	4	0.19	0	0.00
TOTAL	24	100.00	2,070	100.00	9	100.00
No answer						

**Shaded rows are cases below the legal requirement.*

**Total % may not equal 100 due to round-off error.*

Summary descriptive statistics:

Statistic	Male	Female	Others	All FDH
Mean (average)	11.45 days	9.48 days	10.75 days	9.53 days
Standard deviation	2.56	4.82	2.82	4.78
Median (50 th percentile)	12 days	12 days	12 days	12 days
Mode (most common)	12 days	12 days	12 days	12 days
10 th percentile	12 days	0 days	4 days	0 days
75 th percentile	12 days	12 days	12 days	12 days

More than a quarter (26%) of the women FDH don't receive the full statutory holidays; this is almost as serious as for other genders (22%). Male FDH are much less, although still significantly affected (8%). Those who only have 0-1 holiday per year is highest among women (almost 19%), smaller but significant among men (8%).

Overall, women FDH enjoy an average of less than 10 holidays in a year, other genders get 11 in a year, and men get almost all of the 12 holidays.

The bottom 10% are worst for women and other genders who, respectively, have no holiday at all or only 4 days in a year. The bottom 10% of men already get the full 12 statutory holidays in a year.

Since the difference among genders is noticeable, we will later conduct tests of significance to examine the relationship between gender and violations of mandated annual leaves.

D. Tests/Measures of Association and Tests of Significance

Test/Measures of Association tests the relationship between contract violations (wage, rest days, statutory holidays) and the nationality/gender of the FDH. A "One-Way Analysis of

Variance (ANOVA) was used to test the relationship. The “eta” value (correlation ratio for nominal-interval type data) was used as indicator of the strength of the relationship.²⁵

Then a test for significance was done to find out if the relationship found in the sample is true for the larger FDH population, or only due to sampling error.

1. Measures of association (contract violations vs. FDH nationality, gender)

	Dependent variable	Eta
Wage vs. FDH nationality	Wage	0.546
	FDH nationality	0.434
Wage vs. FDH gender	Wage	0.148
	FDH gender	0.356
Rest days vs. FDH nationality	Rest days	0.579
	FDH nationality	0.407
Rest days vs. FDH gender	Rest days	0.034
	FDH gender	0.024
Statutory holidays vs. FDH nationality	Statutory holiday	0.634
	FDH nationality	0.468
Statutory holidays vs. FDH gender	Statutory holiday	0.038
	FDH gender	0.072

**Eta is a directional measure*

The eta values reveal the following:

- There is strong relationship between wage violations and FDH nationality;
- There is strong relationship between wage violations and FDH gender;
- There is strong relationship between rest days violations and FDH nationality;
- There is weak relationship between rest days violations and FDH gender;
- There is strong relationship between statutory holiday violations and FDH nationality;
- There is weak relationship between statutory holiday violations and FDH gender.

2. Test of relationship (One-way ANOVA): contract violations vs. FDH nationality

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Wage	Between Groups	375565595	2	187782797	518.254	0.000
	Within Groups (residual)	885915168	2,445	362337.492		
	Total	1.261E+09	2,447			
Rest days	Between Groups	965.104	2	482.552	603.254	0.000
	Within Groups (residual)	1917.396	2,397	0.800		
	Total	2882.500	2,399			
Statutory holidays	Between Groups	19453.261	2	9726.630	709.889	0.000
	Within Groups (residual)	28992.646	2,116	13.702		
	Total	48445.907	2,118			

Null hypothesis (**H₀**): All the means (e.g. wage) are the same for all the FDH nationalities

Alternative hypothesis (**H₁**): The means are not all the same.

From the ANOVA table, the important statistic for us is the “F” value, which is based on the F-distribution. The above (derived) F-values will be compared with the critical F-values from standard statistical tables.²⁶ If the F-values we have on the above table are greater than the

²⁵ De Vaus and other books on social statistics used as reference in this research explain why these are the appropriate tests/measures.

²⁶ See G.M. Clarke & D. Cooke, pp. 657-658 for the F-tables.

F-values from the statistical tables, then we shall reject **H₀** and conclude that the means are not the same for all the FDH nationalities – and therefore there is nationality -based discrimination.

From the statistical tables, we get:

$$F(v_1, v_2) = F(2, 2445) = F(2, 2397) = F(2, 2116) = F(2, \infty) = 4.61 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = F(2, 2445) = F(2, 2397) = F(2, 2116) = F(2, \infty) = 3.00 \text{ at } \alpha = 0.05$$

Results:

- a) Wage – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 518.254 > 4.61$); therefore, we reject **H₀** and conclude that wage violations and nationality are significantly related.
- b) Rest days – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 603.254 > 4.61$); therefore, we reject **H₀** and conclude that rest day violations and nationality are significantly related.
- c) Statutory holidays – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 709.889 > 4.61$); therefore, we reject **H₀** and conclude that statutory holiday violations and nationality are significantly related.

3. Test of relationship (One-way ANOVA): contract violations vs. FDH gender

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Wage	Between Groups	7498411.17	1	7498411.17	13.986	0.000
	Within Groups (residual)	828858761	1,546	536131.152		
	Total	836357172	1,547			
Rest days	Between Groups	4.765	1	4.765	3.874	0.049
	Within Groups (residual)	1865.851	1,517	1.230		
	Total	1870.616	1,518			
Statutory holidays	Between Groups	233.431	1	233.431	9.807	0.002
	Within Groups (residual)	32562.969	1,368	23.803		
	Total	32796.401	1,369			

From the statistical tables, we get:

$$F(v_1, v_2) = (1, 1546) = F(1, 1517) = F(1, 1368) = F(1, \infty) = 6.63 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = (1, 1546) = F(1, 1517) = F(1, 1368) = F(1, \infty) = 3.84 \text{ at } \alpha = 0.05$$

Results:

- a) Wage – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 13.896 > 6.63$); therefore, we reject **H₀** and conclude that wage violations and gender are significantly related.
- b) Rest days – The one-way ANOVA test indicates statistical significance at the 95% confidence level (since $F = 3.874 > 3.84$); therefore, we reject **H₀** and conclude that rest day violations and gender are significantly related. Note however that the confidence level is lower, and the F-values are very close.
- c) Statutory holidays – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 9.807 > 6.63$); therefore, we reject **H₀** and conclude that statutory holiday violations and gender are significantly related.

CHAPTER V
ANALYSIS OF RESULTS
(Physical and Sexual Abuses: Prevalence and Discriminatory Patterns)

For purposes of this research, we put under the general heading of “physical abuses” various forms of psycho-physical abuses. But since psychological violence, emotional abuse, mental anguish, etc. are hard to categorise/quantify in a baseline survey, we only identified the more obvious categories of psycho-physical abuses. We also separated the whole set of sexual abuses because of our particular interest in generating specific baseline information on this, since no such information is currently available.

The categories of abuses (physical, sexual) were partly derived from the results of the pre-test.

A. Physical Abuses Suffered by FDH

1. Cross-tabulation: physical abuses vs. FDH nationality

Physical Abuse	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
1. Verbal abuse e.g. shouting, abusive language, pointing finger	311	19.7	242	31.4	35	23.3	588	23.5
2. Slapping on face, hand or any part of the body	45	2.8	61	7.9	4	2.7	110	4.4
3. Spitting	22	1.4	19	2.5	3	2.0	44	1.8
4. Kicking	36	2.3	29	3.8	0	0.0	65	2.6
5. FDH hit with objects; objects thrown at FDH	45	2.8	35	4.5	7	4.7	87	3.5
6. Beating	23	1.4	30	3.9	2	1.3	55	2.2
7. Other physical abuses	15	0.9	20	2.6	2	1.3	37	1.5
Total Respondents	1,580		770		150		2,500	

**Above percentages are the no. of cases divided by total no. of respondents per nationality.*

The most common form of psycho-physical abuse is verbal, affecting almost a quarter (23.5%) of all FDH. “Shouting” here is not simply the raising of the volume of the voice, but pertains more to the use of abusive/offensive language against the FDH (e.g. stupid, idiot, lazy and a host of more obscene Chinese and English terms; see Chapter VI-E for details).

Slapping the FDH (on the face, hand or other parts of the body) is the second most common form of abuse. This can translate to about 9,000 FDH suffering from this abuse. Nearly as prevalent is hitting the FDH with objects (including burning with flatiron or hot objects): 3.5% or possibly more than 7,000 FDH are abused in this way. Beating and kicking are also significant, affecting 1.5% and 2.6% of the FDH respectively.

To get a rough estimate of the overall volume/magnitude of the physical abuses, including instances of multiple abuses, the data was further analysed by summing up the instances of abuse. The following table emerged:

Number of Physical Abuses Cited	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
None (0)	1,233	78.0	512	66.5	111	74.0	1,856	74.2
1 abuse	271	17.2	178	23.1	28	18.7	477	19.1
2 abuses	38	2.4	38	4.9	8	5.3	84	3.4
3 abuses	18	1.1	14	1.8	3	2.0	35	1.4
4 abuses	10	0.6	13	1.7	0	0.0	23	0.9
5 or more abuses	10	0.7	15	1.9	0	0.0	25	1.0
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

Therefore, we can say that roughly 26% of all the FDH (those who cited at least 1 physical abuse) are physically abused. Almost 7% suffer from multiple physical abuses (2 or more abuses cited).

By nationality, the Indonesians remain the most physically abused of the three nationalities. In fact, the rate of abuse for Indonesians is higher than the overall rate; a look at the sum of abuses reveal that one-third of all Indonesian FDH (33.5%) have suffered at least one form of physical abuse. The overall volume is also high for Filipinos (22%) and Thais (26%), although not as serious compared to the Indonesians'.

More than 10% of Indonesian FDH suffer from multiple physical abuses, as compared to less than 5% for Filipinos and 7% for Thais.

Verbal abuse is rampant among Indonesians: at more than 31%, this means 1 in very 3 Indonesians. Next to verbal abuses, slapping is most common (7.9%) – almost 3 times the rate among Filipinos and Thais. Being hit with objects is third highest (4.5%), although this is not as high as the rate for Thais. Beating (3.9%) and kicking (3.8%) are common and are higher compared to the other nationalities.

The Thais are not as rampantly abused, although they fare worse than Filipinos. Next to verbal abuse, being hit with objects is the second most prevalent form of abuse for Thais (4.7%). This is the highest among the three nationalities; this is also a pattern quite distinct for the Thais, since for Filipinos and Indonesians, slapping is more common than being hit with objects.

2. Cross-tabulation: physical abuses vs. FDH gender

Physical Abuse	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
1. Verbal abuse e.g. shouting, abusive language, pointing finger	3	12.0	581	23.8	1	11.1	585	23.6
2. Slapping on face, hand or any part of the body	1	4.0	106	4.3	1	11.1	108	4.3
3. Spitting	1	4.0	43	1.8	0	0.0	44	1.8
4. Kicking	1	4.0	63	2.6	1	11.1	65	2.6
5. FDH hit with objects; objects thrown at FDH	0	0.0	86	3.5	1	11.1	87	3.5
6. Beating	2	8.0	52	2.1	1	11.1	55	2.2
7. Other physical abuses	1	4.0	36	1.5	0	0.0	37	1.5
Total Respondents	25		2,446		9		2,480	

**Percentages above are the number of cases divided by the total respondents for each category; not additive.*

As before, verbal abuses are the most prevalent for all genders. It is more prevalent for women – almost a quarter (24%) are abused this way; the rate for men is only half.

The next most common abuses for women are slapping (4.3%) and being hit with objects (3.5%). While slapping is also quite common among men, being hit with objects is rarely done on them (0% in this sample). In contrast, beating is the second most prevalent abuse done to men (8.0%); this is almost 4 times the rate among women. Spitting, while among the least commonly done to women (1.8%), is quite common among men (4%).

The following further analysis of the data reveals that roughly 26% of all women FDH suffer at least one form of physical abuse; this is higher than the rate for men (20%) or other genders (22%). Other genders suffer more from multiple physical abuses (22%); this is almost 3 times the rate for women (7%) and men (8%).

Number of Physical Abuses Cited	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
None (0)	20	80.0	1,813	74.1	7	77.8	1,840	74.2
1 abuse	3	12.0	471	19.3	0	0.0	474	19.1
2 abuses	1	4.0	81	3.3	1	11.1	83	3.3
3 abuses	0	0.0	34	1.4	1	11.1	35	1.4
4 abuses	1	4.0	22	0.9	0	0.0	23	0.9
5 or more abuses	0	0.0	25	1.0	0	0.0	25	1.0
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

Since there are differences based on FDH nationality and gender, we will later conduct tests of the relationship and significance.

B. Sexual Abuses suffered by FDH

1. Cross-tabulation: sexual abuses vs. FDH nationality

Sexual Abuse	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
1. Employer talks in sexually offensive language or shows pornographic materials to FDH.	18	1.1	21	2.7	2	1.3	41	1.6
2. Employer watches FDH in malicious manner; peeps at FDH.	15	0.9	11	1.4	4	2.7	30	1.2
3. Employer shows naked body or asks FDH to touch him/her; displays around the house naked/in underwear.	19	1.2	14	1.8	1	0.7	34	1.4
4. Employer kisses, touches, makes sexual advances to FDH.	21	1.3	13	1.7	1	0.7	35	1.4
5. Employer asks FDH to do sexy acts e.g. wear sexy clothes, do sexy dance, erotic massage.	6	0.4	8	1.0	2	1.3	16	0.6
6. Employer asks FDH to have sex with him/her (not consummated).	3	0.2	7	0.9	1	1.3	11	0.4
7. Actual sex with FDH; rape	2	0.1	2	0.2	1	1.3	5	0.2
8. Other sexual abuses	6	0.4	3	0.4	0	0.0	9	0.4
Total Respondents	1,580		770		150		2,500	

*Percentages above are the number of cases divided by the total respondents for each category; not additive.

Number of Sexual Abuses Cited	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
None (0)	1,521	96.3	726	94.3	141	94.0	2,388	95.5
1 abuse	46	2.9	27	3.5	7	4.7	80	3.2
2 abuses	5	0.3	7	0.9	1	0.7	13	0.5
3 abuses	4	0.3	5	0.6	1	0.7	10	0.4
4 abuses	0	0.0	2	0.3	0	0.0	2	0.1

	Filipino		Indonesian		Thai		All FDH	
5 or more abuses	4	0.3	3	0.4	0	0.0	7	0.2
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

The lower table reveals that roughly 4.5% of all FDH (i.e. those who cited at least 1 form of sexual abuse) suffer from various forms of sexual abuses, ranging from verbal harassment (obscene language, pornographic material) up to rape. This translates to more than 9,000 of all FDH in Hong Kong having been victimised sexually. While the figure is much lower compared to physical abuses, both are intolerable in whatever form or magnitude in modern civilised society. And the figures here are most probably very conservative, since FDH don't casually reveal these kinds of information for fear of termination of personal shame.

Sexual and physical abuses towards FDH are particularly alarming because unlike similar abuses in the office/factory workplace, there are usually no independent witnesses (if at all) or effective/sympathetic channels for the victim to complain/open-up. Therefore, many of these abuses go unreported or suppressed, unless they really become unbearable to the FDH who would then run away/report the case at the expense of being arbitrarily terminated. Worse, years of experience has shown that these cases progress slowly or are sometimes dismissed because there are not witnesses nor material proof that the FDH can offer.

The upper table reveals interesting and distinctive patterns of sexual abuse for each of the nationalities:

- For Filipinos, kissing, touching and sexual advances (1.3%) is the most common form; this is closely followed by the employer displaying naked or asking the FDH to touch him/her (1.2%)
- The use of obscene language/materials is the most common for Indonesians (2.7%); this is the highest among the 3 nationalities. Then, like the Filipinos, the next most common sexual abuses are both the naked display (1.8%) and touching/kissing/sexual advance by the employer (1.7%). These are also highest among the 3 nationalities.
- For Thais, the most common abuse is being maliciously watched or peeped at by the employer (2.7%); this is the highest among the 3 nationalities. This, together with the use of obscene language/materials (done to Indonesians), are the most prevalent of all the sexual abuses. The next most common abuses for Thais are the use of obscene language/materials (1.3%) and being asked by the employer to do sexy acts e.g. sexy dance, sensual massage (1.3%). The latter is the highest among the 3 nationalities. Being asked for sex, or actually having sex (including rape) are also higher for Thais than for Indonesians and Filipinos.
- It significant to note that some respondents did reveal such abuses as being asked for sex, having been pressured to have sex, or raped by their employer. That these happen at all should be cause for serious concern. The actual prevalence would likely be much higher. As it stands, this can mean more than 400 FDH having been raped or forced into sex by their employers. Ways to protect FDH from this and sexual/physical abuses in general need to be speedily considered.

2. Cross-tabulation: sexual abuses vs. FDH gender

Sexual Abuse	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
1. Employer talks in sexually offensive language or shows pornographic materials to FDH.	0	0.0	40	1.6	1	11.1	41	1.6
2. Employer watches FDH in malicious manner; peeps at FDH.	0	0.0	29	1.2	1	11.1	30	1.2

	Male		Female		Others		All FDH	
3. Employer shows naked body or asks FDH to touch him/her; displays around the house naked/in underwear.	0	0.0	32	1.3	1	11.1	33	1.3
4. Employer kisses, touches, makes sexual advances to FDH.	0	0.0	35	1.4	0	0.0	35	1.4
5. Employer asks FDH to do sexy acts e.g. wear sexy clothes, do sexy dance, erotic massage.	0	0.0	15	0.6	0	0.0	15	0.6
6. Employer asks FDH to have sex with him/her (not consummated).	0	0.0	10	0.4	0	0.0	10	0.4
7. Actual sex with FDH; rape	0	0.0	5	0.2	0	0.0	5	0.2
8. Other sexual abuses	0	0.0	9	0.4	0	0.0	9	0.4
Total Respondents	25		2,446		9		2,480	

**Percentages above are the number of cases divided by the total respondents for each category; not additive.*

Number of Sexual Abuses Cited	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
None (0)	25	100.0	2,336	95.5	8	88.9	2,369	95.5
1 abuse	0	0.0	80	3.3	0	0.0	80	3.2
2 abuses	0	0.0	13	0.5	0	0.0	13	0.5
3 abuses	0	0.0	8	0.3	1	11.1	9	0.4
4 abuses	0	0.0	2	0.1	0	0.0	2	0.1
5 or more abuses	0	0.0	7	0.2	0	0.0	7	0.2
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

The gender patterns of sexual abuses are also striking. The lower table reveals that of the 4.5% overall proportion of FDH victimised sexually, all or the overwhelming majority of these are women.

The men in this sample did not report any case of being sexually abused. Abuse of other genders involved the multiple use of obscene language/materials, naked display by the employer and being watched maliciously by the employer. All the other abuses discussed previously, including actual sex/rape, were done to the women FDH.

C. Tests/Measures of Association and Tests of Significance

1. Measures of association (physical, sexual abuses vs. FDH nationality, gender)

Cross-tabulations	Dependent variable	Eta value
Sum of physical abuses vs. FDH nationality	Sum of physical abuses	0.130
	FDH nationality	0.105
Sum of physical abuses vs. FDH gender	Sum of physical abuses	0.012
	FDH gender	0.048
Sum of sexual abuses vs. FDH nationality	Sum of sexual abuses	0.050
	FDH nationality	0.059
Sum of sexual abuses vs. FDH gender	Sum of sexual abuses	0.042
	FDH gender	0.062

**Eta is directional measure*

The eta values indicate that:

- There is moderate relationship between the number/prevalence of physical abuses and nationality of the FDH;
- There is weak relationship between the number/prevalence of physical abuses and gender of the FDH;
- There is weak relationship between the number/prevalence of sexual abuses and nationality of the FDH;
- There is weak relationship between the number/prevalence of sexual abuses and gender of the FDH.

2. Test of relationship (One-way ANOVA): Sum of physical, sexual abuses vs. FDH nationality

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Sum of physical abuses	Between Groups	33.061	2	16.530	21.498	0.000
	Within Groups (residual)	1920.061	2,497	0.769		
	Total	1953.122	2,499			
Sum of sexual abuses	Between Groups	1.087	2	0.544	3.094	0.046
	Within Groups (residual)	438.808	2,497	0.176		
	Total	439.896	2,499			

Null hypothesis (**H₀**): All means are the same (i.e. variables are independent/not related)

Alternative hypothesis (**H₁**): The means are not all the same (i.e. variables are related)

From the statistical tables, we get:

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 4.61 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 3.00 \text{ at } \alpha = 0.05$$

Results:

- Physical abuses – The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 21.498 > 4.61$); therefore, we reject **H₀** and conclude that the number of physical abuses and nationality are significantly related.
- Sexual abuses – The one-way ANOVA test indicates statistical significance at the 95% confidence level (since $F = 3.094 > 3.00$); therefore, we reject **H₀** and conclude that the number of sexual abuses and nationality are significantly related. Note however that the confidence level is lower, and the F-values are very close.

3. Test of relationship (One-way ANOVA): Sum of physical, sexual abuses vs. FDH gender

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Sum of physical abuses	Between Groups	0.262	2	0.131	0.167	0.846
	Within Groups (residual)	1946.689	2,477	0.786		
	Total	1946.951	2,479			
Sum of sexual abuses	Between Groups	0.745	2	0.372	2.142	0.118
	Within Groups (residual)	430.480	2,477	0.174		
	Total	431.224	2,479			

Null hypothesis (**H₀**): All means are the same (i.e. variables are independent/not related)

Alternative hypothesis (**H₁**): The means are not all the same (i.e. variables are related)

From the statistical tables, we get:

$$F(v_1, v_2) = F(2, 2477) = F(2, \infty) = 4.61 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = F(2, 2477) = F(2, \infty) = 3.00 \text{ at } \alpha = 0.05$$

Results:

- Physical abuses – The one-way ANOVA test does not indicate statistical significance at the 95% or 99% confidence levels (since $F = 0.167 < 3.00$); therefore, we accept **H₀** and conclude that the number of physical abuses and gender are independent of each other.
- Sexual abuses – The one-way ANOVA test does not indicate statistical significance at the 95% or 99% confidence levels (since $F = 2.142 < 3.00$); therefore, we accept **H₀** and conclude that the number of sexual abuses and gender are independent of each other.

CHAPTER VI
ANALYSIS OF RESULTS
(Discrimination in Daily Life, Access to Services, Exercise of Rights)

A. Unequal/Discriminatory Experiences of FDH

1. Cross-tabulation: discriminatory encounters vs. FDH nationality

(Arranged from highest to lowest %)

Places/Venues/ Occasions	% of FDH who experienced discriminatory treatment							
	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
1. Market/Grocery	122	7.7	37	4.8	16	10.7	175	7.0%
2. Shop, restaurants, commercial establishments	91	5.8	14	1.8	8	5.3	113	4.5%
3. Bus, train, ferry	67	4.2	12	1.6	6	4.0	85	3.4%
4. Taxi, mini-bus	57	3.6	12	1.6	6	4.0	75	3.0%
5. Courts	50	3.2	20	2.6	0	0.0	70	2.8%
6. Airlines	49	3.1	11	1.4	0	0.0	60	2.4%
7. NGOs, support groups	41	2.6	4	0.5	2	1.3	47	1.9%
8. HK Immigration	25	1.6	10	1.3	3	2.0	38	1.5%
9. Parks, beaches, sports/Urban Council facilities	19	1.2	3	0.4	5	3.3	27	1.1%
10. HK Police	13	0.8	7	0.9	3	2.0	23	0.9%
11. Hospitals	16	1.0	6	0.8	0	0.0	22	0.9%
12. Media (print, radio, TV)	7	0.4	15	1.9	1	0.7	23	0.9%
13. Banks	14	0.9	4	0.5	1	0.7	19	0.8%
14. Public in general	16	1.0	2	0.3	2	1.3	20	0.8%
15. HK Customs	11	0.7	5	0.6	0	0.0	16	0.6%
16. HK Labour Department	6	0.4	5	0.6	1	0.7	12	0.5%
17. FDH's consulate	5	0.3	3	0.4	3	2.0	11	0.4%
18. Churches	5	0.3	2	0.3	0	0.0	7	0.3%
TOTAL	1,580		770		150		2,500	

In terms of actual experiences, the outward displays of discrimination in the daily life/normal routines of the FDH are small in number. The most common incidents happen at the markets/groceries which, naturally, are the central sphere of daily public interaction of the FDH outside the employer's home.

The above experiences, however, do not fully reflect the extent of the problem, since many manifestations of discrimination are not necessarily expressed outwardly.

In order to get a rough indicator of the extent of "discriminatory encounters" of FDH in normal life, we generated the following table of sums of the discriminatory experiences of each FDH on the 18 listed places/occasions/venues. It can be seen that 85% of all FDH did not cite any discriminatory encounter in any of those 18 places/venues; conversely, this means that 15% of all FDH have had at least one discriminatory encounter in anyone or several of those 18 places/venues. In fact, almost 8% of all FDH have had multiple (at least 2) discriminatory encounters.

Number of places/ occasions cited as discriminatory	Filipino		Indonesian		Thai		All FDH	
	N	%	N	%	N	%	N	%
None (0)	1,329	84.1	681	88.4	116	77.3	2,126	85.0
1 place/occasion	107	6.8	55	7.1	18	12.0	180	7.2
2 places/occasions	56	3.5	20	2.6	11	7.3	87	3.5
3 places/occasions	43	2.7	5	0.6	3	2.0	51	2.0
4 places/occasions	10	0.6	5	0.6	2	1.3	17	0.7
5 or more places/ occasions	35	2.4	4	0.4	0	0.0	39	1.6
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

It is interesting to note that the Thais seem to have more discriminatory encounters and Indonesians

2. Cross-tabulation: discriminatory encounters vs. FDH gender

Places/Venues/ Occasions	% of FDH who experienced discriminatory treatment							
	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
1. Market/Grocery	2	8.0	170	7.0	2	22.2	174	7.0
2. Shop, restaurants, commercial establishments	0	0.0	108	4.4	3	33.3	111	4.5
3. Bus, train, ferry	2	8.0	80	3.3	3	33.3	85	3.4
4. Taxi, mini-bus	0	0.0	72	2.9	3	33.3	75	3.0
5. Courts	1	4.0	67	2.7	2	22.2	70	2.8
6. Airlines	0	0.0	60	2.4	0	0.0	60	2.4
7. NGOs, support groups	0	0.0	44	1.8	2	22.2	46	1.8
8. HK Immigration	0	0.0	37	1.5	1	11.1	38	1.5
9. Parks, beaches, sports/Urban Council facilities	0	0.0	26	1.1	1	11.1	27	1.1
10. HK Police	0	0.0	23	0.9	0	0.0	23	0.9
11. Hospitals	1	4.0	21	0.8	0	0.0	22	0.9
12. Media (print, radio, TV)	0	0.0	23	0.9	0	0.0	23	0.9
13. Banks	0	0.0	19	0.8	0	0.0	19	0.8
14. Public in general	0	0.0	19	0.8	1	11.1	20	0.8
15. HK Customs	1	4.0	12	0.5	1	11.1	14	0.6
16. HK Labour Department	0	0.0	11	0.4	1	11.1	12	0.5
17. FDH's consulate	0	0.0	11	0.4	0	0.0	11	0.4
18. Churches	0	0.0	7	0.3	0	0.0	7	0.3
TOTAL	25		2,446		9		2,480	

The following table reveals that women FDH (12%) encountered at least one discriminatory experience, as compared to 16% for men and 23% for other genders.

Number of places/ occasions cited as discriminatory	Male		Female		Others		All FDH	
	N	%	N	%	N	%	N	%
None (0)	1,329	84.1	681	88.4	116	77.3	2,126	85.0
1 place/occasion	107	6.8	55	7.1	18	12.0	180	7.2
2 places/occasions	56	3.5	20	2.6	11	7.3	87	3.5
3 places/occasions	43	2.7	5	0.6	3	2.0	51	2.0

4 places/occasions	10	0.6	5	0.6	2	1.3	17	0.7
5 or more places/ occasions	35	2.4	4	0.4	0	0.0	39	1.6
Total	1,580	100.0	770	100.0	150	100.0	2,500	100.0

There are observable differences among the categories. Tests of relationship and significance will be conducted to examine the possible relationships.

3. Tests/Measures of Association and Tests of Significance

a) Measures of association (discriminatory encounters vs. FDH nationality, gender)

Cross-tabulations	Dependent variable	Eta value
Sum of discriminatory encounters vs. FDH nationality	Sum of discriminatory encounters	0.068
	FDH nationality	0.099
Sum of discriminatory encounters vs. FDH gender	Sum of discriminatory encounters	0.102
	FDH gender	0.127

**Eta is a directional measure.*

b) Test of relationship (One-way ANOVA): Sum of discriminatory encounters vs. FDH nationality

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Sum of discriminatory acts	Between Groups	14.426	2	7.213	5.806	0.003
	Within Groups (residual)	3102.314	2,497	1.242		
	Total	3116.740	2,499			

Null hypothesis (**H₀**): All means are the same (i.e. variables are independent/not related)

Alternative hypothesis (**H₁**): The means are not all the same (i.e. variables are related)

From the statistical tables, we get:

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 4.61 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 3.00 \text{ at } \alpha = 0.05$$

Result:

- The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 5.806 > 4.61$); therefore, we reject **H₀** and conclude that the number of discriminatory encounters and FDH nationality are significantly related.

c) Test of relationship (One-way ANOVA): Sum of discriminatory encounters vs. FDH gender

	Source of variation	Sum of squares	Df	Mean square	F	Sig.
Sum of discriminatory acts	Between Groups	32.151	2	16.075	12.977	0.000
	Within Groups (residual)	3068.362	2,477	1.239		
	Total	3100.513	2,479			

Null hypothesis (**H₀**): All means are the same (i.e. variables are independent/not related)

Alternative hypothesis (**H₁**): The means are not all the same (i.e. variables are related)

From the statistical tables, we get:

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 4.61 \text{ at } \alpha = 0.01$$

$$F(v_1, v_2) = F(2, 2497) = F(2, \infty) = 3.00 \text{ at } \alpha = 0.05$$

Result:

- The one-way ANOVA test indicates statistical significance at the 99% confidence level (since $F = 12.977 > 4.61$); therefore, we reject H_0 and conclude that the number of discriminatory encounters and FDH gender are significantly related.

B. Equality of access/rights

The respondents were asked if they felt they can equally/freely access facilities/services or exercise the same basic rights (join/form organisations, undertake activities) like all other people in Hong Kong.

	Yes		No		Total		No Answer
	N	%	N	%	N	%	
1. Can equally/freely join/form organisations like all others in Hong Kong.	1,647	76	524	24	2,171	100	329
2. Can equally/freely conduct activities like all others in Hong Kong.	1,628	76	502	24	2,130	100	370
3. Can equally/freely access facilities and services like all others in Hong Kong.	1,543	77	471	23	2,014	100	486

The big majority (more than three-quarters) felt they have equal/free access to facilities/services and can exercise their right to join/form organisations and undertake public activities in Hong Kong.

But this also means that as much as a quarter of the FDH population felt or actually experienced having been denied such equal and fair access/exercise of their rights.

C. Discrimination by sectors of society

The FDH were asked which sector of society tended to discriminate against them. Respondents were asked to rank their answers (1 = always ... 5= never) on each of the items.

In order to analyse the answers, the following scores were assigned to the answers: “Always” = 1, “Frequently” = 2, “Sometimes” = 3, “Rarely” = 4, and “Never” = 5. Missing data were excluded from the overall total. The mean and median was then taken for each of the items.

Sector of society which discriminated against FDH	Mean (average)	Median (50 th percentile)	Mode (most common)	10 th percentile
1. Compatriots (fellow nationals)	3.85 (Sometimes to Rarely)	Rarely	Never	Frequently
2. Fellow FDH (same nationality)	3.88 (Sometimes to Rarely)	Rarely	Never	Frequently
3. Fellow FDH (other nationalities)	4.10 (Rarely to Never)	Never	Never	Sometimes
4. Local women	3.55 (Sometimes to Rarely)	Sometimes	Never	Frequently
5. Local men	3.87 (Sometimes to Rarely)	Rarely	Never	Frequently
6. Local workers (not DH) in HK	3.96 (Sometimes to Rarely)	Rarely	Never	Sometimes
7. Foreign workers (not DH) in HK	4.19 (Rarely to Never)	Never	Never	Sometimes

Sector of society which discriminated against FDH	Mean (average)	Median (50 th percentile)	Mode (most common)	10 th percentile
8. Foreign (Asian) residents in HK	4.10 (Rarely to Never)	Never	Never	Sometimes
9. Foreign (non-Asian) residents in HK	4.32 (Rarely to Never)	Never	Never	Sometimes
10. Public in general	3.58 (Sometimes to Rarely)	Rarely	Never	Always

**10th percentile – average score given by the bottom 10% of the respondents.*

Overall, the majority of the FDH feel that they are not discriminated – as reflected by the median (the 50th percentile) which shows that for all groups, FDH feel that they are rarely or never discriminated. The exception is “local women” which at least half of the FDH feel ‘sometimes’ discriminate against them.

The groups that most FDH feel discriminate against them are ‘local women’ and ‘public in general’ (with lowest means); but on average, these groups only discriminate against FDH ‘sometimes’. The next groups that are deemed discriminatory sometimes (almost rarely) are the ‘local men’ and the FDH’s compatriots.

It is significant to note that the 10th percentile feel that their compatriots, FDH of same nationality, local women and local men ‘frequently’ discriminate against them. Worse, the FDH feel more strongly against the ‘public in general’ since the 20th percentile feel they are frequently discriminated against; the 10th percentile feels they are ‘always’ discriminated against by the public in general.

D. Reasons for Discrimination

The FDH were asked why they are being discriminated against. Following are the results:

Reason for discrimination	% of FDH who cited this reason
1. Because I am a foreigner.	22.2%
2. Because of my age.	3.8%
2. Because I am a woman (man).	5.0%
3. Because I am a domestic helper.	60.3%

**Not additive (since not mutually exclusive); highest possible value for each item is 100%.*

A big majority of the respondents (61%) cited class/status discrimination as the main reason for the way that they have been treated in Hong Kong. The next major reason, they believe, is their being foreigners (race discrimination). Only a small percentage (5%) felt that gender was the basic reason. Overall, the respondents felt that the combined characteristic of being foreigners, domestic helpers and women marked FDH in the minds of employers, the public and even the government as “low status”, “second-class” people in Hong Kong. Therefore, the corresponding attitude and treatment of society towards them.

DH is one of the currently stereotyped low-paid, low status jobs in Hong Kong. At the height of the economic recession in Hong Kong (1998-1999), around 25,000 FDH were reportedly terminated/not renewed in HK.²⁷ The government encouraged local women to take on domestic helper jobs and offered a government-funded training and placement service. Up until now, only few local women have taken on this job, saying that the pay is too low, the working hours too long, and only desperate people will take on these jobs.²⁸

Asian societies, up until now, have not properly recognised and valued women’s reproductive and productive labour – especially those relating to work at home and the care

²⁷ Asian Migrant Yearbook 1999.

²⁸ Interview with a local domestic helper association, February 2001.

of the family. This stereotype was institutionalised and elevated to a *de facto* international standard through the worldwide trade in maids – especially since the women are now foreigners, and domestic helpers, in the receiving countries. Sending and receiving countries have an important role in this by officially classifying domestic helpers as “low or unskilled labour.”

Hong Kong government policies only served to reinforce this stereotype – e.g. by ensuring low wages for FDH (normally below the mean wage in HK), restrictive conditions (e.g. NCS), and denial of certain benefits/privileges enjoyed by other workers in HK (e.g. residency, job mobility).

The FDH themselves cited very strongly the recent moves by the government/policy-makers specifically targeting FDH and aimed at reducing/limiting their benefits – e.g. refusal to review/change the 2-week rule and NCS, proposed removal of maternity protection, wage cut/freeze (see next section for details) – as continuing manifestations of the government’s second-class treatment of FDH.

E. Discriminatory laws, policies; discriminatory actions, language, practices, gestures

Two separate open-ended questions were asked:

- a) Discriminatory laws, policies (of the HK government);
- b) discriminatory actions, language, practices, gestures, symbols, etc. that other people in Hong Kong used against them.

Answers by the respondents in these 2 questions intermingled, so we processed and categorised them accordingly. Many cited abuses/problems they experience; when further asked why they felt these were discriminatory, they said that these were done to them to take advantage of them (unfairly treat, discriminate, regard as second class people) because they were DH, foreigners, women ... such would not happen, they believe, if they were migrant professionals, especially from the West.

Following are the top answers (*not in order; no frequency count was made*):

1. Discriminatory policies, laws, practices of the Hong Kong government
 - Two-week rule – unfair restriction particularly used against the FDH;
 - New Conditions of Stay; employment status of FDH – limitations applied particularly to FDH; difficult to change employers; can’t change to other jobs;
 - Difficulties on extending stay – FDH required to go home to wait for visa;
 - Low salary, wage cuts – FDH salary kept very low; been frozen since 1996; reduced in 1999;
 - Maternity rights – proposal to remove maternity protection for FDH; actual difficulties in getting pregnant as a FDH; can be terminated if pregnant; like a form of “population control against the FDH”;
 - Not being allowed to work if FDH has a pending case (e.g. with Labour Department, courts); some cases last for months/years; this is a way to stop the FDH from filing cases against abuses;
 - Family not allowed to join FDH in Hong Kong – this is not true for other foreign workers in Hong Kong, especially Western people – in fact, they are the employers of FDH;
 - Library – FDH can’t borrow or become member since application requires proof of residence (FDH live in with employers so they don’t have these records);
 - Arbitrary termination – although either can terminate, FDH is at disadvantage (no where to go); employers use this to control/intimidate the FDH;
 - Agencies – even if abuses (excessive fees, underpayment) are rampant, not punished;
 - Employers – not punished for abuses, underpayment;
 - Immigration, government offices – are more strict about processing of papers especially for FDH;

- Holidays – other people in HK enjoy all public holidays; FDH only allowed certain holidays; many times, employers don't allow FDH to go out on holidays or require them to go back on same day;
- Police – ID checks are common for FDH; target FDH e.g. for jaywalking offenses even if other local people do the same; they side with employers and talk between them in Chinese when there is problem/dispute;
- No lawyer for DH;
- Working hours – very long; no specific time; on call anytime;
- Long service benefits – employers deny giving this; “depends on the boss”
- Severance pay – denied; employers decide if they want to give or not;
- Day off – not allowed to take; not granted the 24-hours off;
- Health benefits – very limited for FDH; some employers don't give.
- Part-time jobs – not allowed, but only for FDH;
- Laws – lack of protection for FDH;
- Residency status – not granted to FDH;
- Voting – FDH have no right to vote or not consulted/represented in policy-making;
- Opportunities – FDH don't have equal opportunities as other people in Hong Kong; restricted on jobs, opportunities for growth/education/development, family life.

2. Discriminatory treatment, actions by various sectors:

- Racism;
- Markets – discriminatory treatment;
- Consulate – unfair treatment of DH;
- Working conditions – bad;
- People look down on maids; low status of DH;
- Transportation services- discriminate against FDH;
- Use of sexually obscene language, gestures against FDH (Chinese and/or English words); dirty finger;
- Use of abusive language, gestures, making faces against FDH (Chinese and/or English) – e.g. bastard, idiot, stupid, lazy, crazy, panmui, etc.;
- Being belittled e.g. “just a DH/maid”, “just a Filipino/Indonesian”, “from the third world”, “Filipinos/Indonesians are bad”, “Filipinos are only DH”, “maid in the Philippines”, “no good Filipinos/Indonesians”; “poor country people”, “alien”, “ambitious people”; “nothing to eat in the Philippines”, etc.
- Entertain others first, FDH last;
- Shops, market people are disrespectful, impolite if they know you're DH; can't afford; drove out of shop; sales people become angry;
- Rude; snob; indifferent; don't respond when greeted; ignore what the FDH say; don't want to talk to FDH;
- Stare from head to foot;
- Insulting actions directed at FDH; stare/insulting stare; insulting smiles, laughs; whisper about FDH; point fingers and insult/mock; shouting;
- Intimidating/threatening looks, actions;
- Laugh/enjoy when kicked, abused by kids;
- Don't accommodate, entertain if you're FDH;
- Separate the FDH food;
- Shouted at/degraded in public;
- Abuses; slave-like treatment; sexual abuses.

CHAPTER VII CONCLUSIONS AND RECOMMENDATIONS

"Is there discrimination of migrants in Hong Kong? Is it marked? I think the incidents are isolated cases only" – Chief Secretary Anson Chan, in conversation with AMC staff, January 2001

A. Conclusions

Following are the highlights of the findings of this research:

1. Violations of FDH contract in the aspects of minimum wage, days off and annual leaves are prevalent – affecting at least a quarter of all FDH in Hong Kong:
 - a) On average, an FDH in Hong Kong is short-changed of entitlements guaranteed in her contract: she is underpaid (gets only HK\$3,578 per month), not allowed to take regular rest days (gets only 3.5 out of 4 days per month) and denied her legal holidays (gets only 9.5 out of 12 holidays a year).
 - b) At least 15% of all FDH are underpaid; this translates to more than 30,000 FDH cheated out of their wages. As many as 48% of Indonesians and 4% of Thais are underpaid. Indonesians receive the lowest average pay (HK\$3,073). More women (15%) are underpaid than men (8%); women are also paid lower (HK\$3,619) than men (HK\$4,758);
 - c) At least 22% of all FDH are not given the mandated 1 rest day per week; this translates to more than 44,500 FDH being cheated. More than 2% (over 4,400) are held in virtual bondage with almost no day off at all. More than 61% of Indonesians don't get the mandated rest days; more women (22%) are affected than men (9%).
 - d) At least 26% of all FDH are not given the 12 statutory holidays per year; this translates to over 52,700 FDH. More than 18% of FDH have only 1 or no holiday at all in a year. Almost 64% of Indonesians, 18% of Thais, and 11% of Filipinos do not get all the statutory holidays they are entitled to. More women (26%) are affected than men (8%).
 - e) Overall, these contract violations are severe among Indonesians. Still, Filipinos and Thais suffer more in certain aspects of contract violations.
2. Statistical tests (one-way analysis of variance, or ANOVA) establish that these contract violations are significantly related (99% confidence level) to both racial and gender discrimination against FDH.
3. More than a quarter (26%) of FDH suffer from verbal and physical abuses. This is an alarming level, translating to more than 52,700 FDH having been abused. Indonesians are the most widely abused (33%), although the problem is also high among Thais (26%) and Filipinos (22%). More women (26%) are verbally and physically abused than men (20%).
4. ANOVA tests establish that there is significant association (99% confidence level) between verbal/physical abuses and FDH nationality. However, these abuses do not seem to be significantly dependent on gender.
5. As many as 4.5% of the FDH are subjected to sexual abuses, including rape. This translates to more than 9,000 FDH having been victimised. There are very particular patterns/trends on these abuses depending on FDH nationality; all cases studied by the research only affected women/other genders, but not men.
6. Statistical tests (ANOVA) show that there is significant relationship (95% confidence level) between the sexual abuses and the FDH race; however, this do not seem to be dependent on gender of FDH.
7. The FDH have identified the areas of public life where they are most often unfairly treated or discriminated against. The following were cited as having the highest instances of discrimination: markets/groceries, shops/ restaurants/commercial establishments, and public transportation personnel. Among government offices, the incidents are highest in the HK Immigration Department and HK Police.
8. Among the sectors of HK society, the FDH cited the following as among the most discriminatory against them: local women, local men, and Hong Kong public in general.

9. The FDH believe that the top reason why they are discriminated against is because of the nature of their job (class discrimination; cited by 60%), second is because they are foreigners (racial discrimination; cited by 22%).
10. The FDH cited several policies/laws/moves by the Hong Kong government that they felt discriminated/unfairly treated them. Following are the more common ones:
 - “2-week rule”;
 - “New conditions of stay” – especially restrictions on job mobility, residency, etc. that specifically restrict FDH but not other foreign workers in HK;
 - Wage cut, wage freezes targeted at FDH; keeping FDH salary low;
 - Working hours – very long, no specific time; on-call any time;
 - Not allowed to work while having a case (e.g. labour department, courts) – the cases normally stretch for months or sometimes years;
 - No allowed to do part-time jobs, although other people can;
 - Maternity rights – proposal to remove protection; difficulties in becoming pregnant as an FDH, including risk of being terminated;
 - FDH family not being allowed to stay with FDH in Hong Kong;
 - No voting rights; no representation in policy-making regarding FDH matters;

Overall, the research has established the significant linkage between the race and gender of the FDH with the contract violations, physical abuses, and unfair/discriminatory treatment of FDH in public life. The analysis showed that the cases covered by the study are not rare or isolated, but affected a significant portion of the FDH population. The violations and abuses are specifically rampant or severe on certain nationalities, and women in particular. They are therefore manifestations of the unequal treatment of FDH because they are foreigners, women, and domestic helpers.

Although not the focus of this study, it also emerged that class discrimination (low regard for domestic helpers) may in fact be the most significant form of discrimination against FDH.

B. Recommendations

1. The HK government and concerned consulates/countries need to take immediate action against the above-mentioned and other violations experienced by FDH.
 - a) The HK government and consulates concerned need to provide relief/emergency services for these problems – including multi-lingual counseling and 24-hour hotline services, shelter/refuge facilities, etc.
 - b) Consulates/governments of Indonesia, Philippines and Thailand need to address these violations and develop necessary services, policies, and interventions with the HK government to reduce/eliminate the problem. They need to align their FDH-export policies with the requirements of HK law (especially on wages, agency fees, days off, annual leave stipulations).
 - c) The HK government needs to more effectively require and/or work with the sending countries to stamp out the violations.
 - d) Both HK government and sending countries should effectively prosecute and crackdown on recruitment agencies responsible for placing FDH/facilitating contracts that violate HK laws/FDH employment contract.
 - e) The move by the HAB to publish in various languages, and widely circulate the “Your Guide to Services in HK” is a positive move to help reduce this problem by public education. However, it is not enough and the effort should not end there. A follow-up effort can be to publish a Chinese version of the same manual, to enable employers to better understand the terms of the contract.
 - f) Physical abuses - urgent action by the government is needed to address/stop physical abuses, including making employers answerable if they commit such offenses, providing secure/effective channels where FDH can report violations instantly.
 - g) Sexual abuses - the government needs to develop effective and appropriate responses to this problem, since most of these cases are not even reported by the

FDH. The major stumbling block is the fear of FDH of being unfairly terminated (“victimising the victim”) once they report the abuse. It is also not easy for victims to simply talk to anyone about these problems. The first step is to provide/widely advertised multi-lingual, confidential, easily-accessible and racially/gender-sensitive reporting channels.

2. The government needs to provide more assistance to NGOs/social groups supporting FDH/migrants, including providing space and financial assistance for their work. Up until now, the churches/NGOs have assumed much of this burden with only limited support from the government. Also, some of the NGOs serving the FDH have been stripped of charity status by the IRD, on the policy that “support work for FDH is not considered charitable work with a public character”. This has undermined the the groups’ work/services for migrants.
3. Local support groups, especially those subvented by the government, need to extend their counseling/shelter/redress services to FDH. This is especially true for Indonesians, Thais, Indians, Sri Lankans, Nepalese and other nationalities who have nowhere to run to once victimised. Although several migrant-support NGOs currently provide some form of service to abused/distressed FDH, these services have long been outstripped by the magnitude of actual violations/abuses.
4. The HK government needs to publicly acknowledge and confront the problem of racial/gender discrimination of FDH, as a first step in combating the problem. The whole government structure, not only some government agencies, needs to recognise this problem.
5. The government needs to encourage the formation FDH trade unions which can represent their members and bring members’ cases (especially physical/sexual abuses, contract violations) for resolution. The FDH unions can be the FDH’s second line of defense (next to FDH’s self-defense/protection) since they can trust and reveal the abuses/violations to their unions. These unions can sit in tripartite bodies with government and employers as a venue for consultation and resolution of labour problems.
6. The creation of a standing consultative body where government, migrants and NGOs can discuss, comment on and recommend policies relating to migrants can serve positive value in reducing discrimination against migrants, including avoiding such costly but potentially discriminatory moves as the removal of maternity protection for FDH, imposition of service tax.
7. There is a need for sustained general public education about migrants’ human rights, racism/discrimination and gender-fairness. Public education is also needed in order for the people to recognise the value and contribution of FDH, women and migrants to HK society.
8. In addition, more focused/purposive awareness-raising programmes are needed for specific sections of HK society, especially in their dealings with FDH and minorities:
 - a) FDH community – to make them better understand these issues and help them realise that their problems are not isolated and that they can do something about these;
 - b) FDH employers/families –to make them better understand these issues and better realise that being an employer entails a higher degree of responsibility towards fair/just treatment of others; that paying others does not entitle employers to abusing and discriminating against them. Such human rights-oriented framework in FDH-employer relationship could be a strategic approach to reducing the contract violations/abuses and making HK society appropriately value the work of FDH, women and migrants.
 - c) Commercial establishments, shops, markets, groceries;
 - d) Public transportation personnel;

- e) Frontline government agencies which interface with FDH – especially HK Immigration, courts, police, labour department. They need to be particularly trained/sensitised about race, gender and human rights issues in order to more clearly demonstrate that the government is committed to fairness, equality and justice, including to the FDH.
9. Specific policy recommendations:
- a) The minimum wage and FDH contract need to be maintained as minimum forms of protection for FDH; these should be reviewed/upgraded periodically.
 - b) The IRD policy of stripping migrant support NGOs of charity status need to be reviewed by the government.
 - c) Sex Discrimination Ordinance (SDO) – need to popularise (e.g. public education targeting FDH, employers, agencies) and enforce;
 - d) Racial discrimination ordinance – there is a need to consider adopting such an ordinance, which should especially cover FDH and enable them to formally complain against serious cases of racial discrimination;
 - e) Other FDH-related policies (esp. New Conditions of Stay/2-week rule) and proposals (e.g. removal of maternity protection, impositions of service tax) – these need to be seriously reviewed especially in light of how they reinforce racial/gender/class discrimination against FDH, and how they make FDH more vulnerable to abuses and contract violations.
10. The HK government needs to consider the 1990 UN migrant convention as an international standard to guide/inform its policies about FDH in HK (if not actually adopt it), in order for the SAR to truly realise its aim of becoming a key world-class city not only economically but holistically. The situation of FDH serves as one of the bottomline indicators of the SAR's capacity to progress as a multi-cultural, fair, world-class society. ■

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APPENDIX

Sample questionnaire