

# **Sexual Harassment and Discrimination in Employment – Questionnaire Survey for Foreign Domestic Workers**

## **Summary of Survey Findings**

The Equal Opportunities Commission (EOC) has completed a number of surveys on the prevalence of sexual harassment among employees of various service industries. Foreign domestic workers (FDWs) are prone to sexual harassment as they have to work in private accommodation and live in the same dwelling with their employers. The alleged physical abuse of Indonesian helper Erwiana highlighted the vulnerability and helplessness of FDWs when they are abused. In order to enhance FDWs' awareness on their rights to have a sexual harassment free work environment, the EOC has carried out a survey entitled "Sexual Harassment and Discrimination in Employment - Questionnaire Survey for Foreign Domestic Workers" from 30 March to 13 April 2014. The survey targeted on Filipino and Indonesian domestic workers who make up 98%<sup>1</sup> of the FDWs serving families in Hong Kong.

2. A total of 1,200 self-administered questionnaires in English/Indonesian were distributed to FDWs. Most questionnaires (95%) were distributed to Filipino and Indonesian domestic workers gathered in Central and Causeway Bay respectively on Sunday and were collected immediately upon completion.<sup>2</sup> The rest of the questionnaires (5%) were distributed to those FDWs who attended workshops<sup>3</sup> related to discrimination and were collected on site. A total of 981 valid completed questionnaires were collected; 525 were from Filipinos and 456 from Indonesians.

3. The main finding indicated that 6.5% of the respondents reported that they had been sexually harassed at work or at a work-related event in the 12 months prior to the survey. The most common alleged harassers were male employers (33%), followed by female employers (29%).

4. The survey also found that 64% of the respondents had never received any information on anti-sexual harassment.

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<sup>1</sup> Census and Statistics Department. (2014) *Women and Men in Hong Kong*, p237. Available from: <http://www.statistics.gov.hk/pub/B11303032014AN14B0100.pdf> [Accessed 5 August 2014].

<sup>2</sup> Out of the 600 questionnaires given to Indonesian domestic workers, 584 were distributed in Causeway Bay on Sunday, 30 March 2014 and 440 valid questionnaires were returned. Out of the 600 questionnaires given to Filipino domestic workers, 554 were distributed to Filipino domestic workers on Sunday, 13 April 2014 in the Central District and 479 valid questionnaires were returned.

<sup>3</sup> The two workshops were organised by Mission for Migrant Workers and the Consulate General of the Philippines respectively. In total 62 completed questionnaires were returned.

## Background

5. There are about 321,000 FDWs working in Hong Kong and 98% of them are women. By the end of 2013, among the female FDWs, 160,589 (51% ) were Filipinos, and 148,856 (47%) were Indonesians.<sup>4</sup> This survey targeted on the Filipinos and Indonesians for the reason that they comprise 98% of the whole population of female FDWs in Hong Kong. The vast majority of these domestic workers come to Hong Kong in pursuit of a better income to improve the living standard of their families in their home countries.<sup>5</sup>

6. In 2013, the EOC handled a total number of 282 employment-related complaints under the Sex Discrimination Ordinance (SDO), 40% of which were related to sexual harassment (112 cases). The proportion of employment-related sexual harassment complaints was higher than the corresponding figures in previous years (28% in 2011 and 37% in 2012).

7. Surveys conducted in the past indicated that the problem was rather serious. In 2011, a survey conducted by the Hong Kong Catholic Commission for Labour Affairs among Indonesian domestic workers showed that 4.9% of the respondents suffered from sexual assault.<sup>6</sup> In 2013, a survey carried out by Mission for Migrant Workers indicated that 6% of the 3,000 responding FDWs had been victims of sexual abuse.<sup>7</sup> In 2013, a survey conducted by Amnesty International found that 7% of the 97 Indonesian domestic workers interviewed were subjected to sexual harassment and violence in the workplace, and some of them were even raped by their employers.<sup>8</sup>

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<sup>4</sup> See note 1.

<sup>5</sup> According to the International Labour Organisation Global Wage Database ([http://www.ilo.org/travail/areasofwork/wages-and-income/WCMS\\_142568/lang--en/index.htm](http://www.ilo.org/travail/areasofwork/wages-and-income/WCMS_142568/lang--en/index.htm)), in 2010, the gross average nominal monthly wages in Indonesia and the Philippines were 1,294,475 Indonesian Rupiah (about 1,115 HKD) and 7,995 Philippine Peso (about 1,362 HKD) respectively, while the Minimum Allowable Wage (MAW) for FDWs in Hong Kong in 2010 was at 3,580 HKD per month. (Source: <http://www.info.gov.hk/gia/general/201008/25/P201008250180.htm>). Currency converted on the exchange rates as of August, 2010.

<sup>6</sup> Hong Kong Catholic Commission for Labour Affairs. (2011) *Survey on the Working Situation of Indonesian Domestic Helpers*, Available from: [http://www.hkcccla.org.hk/article/RI\\_111019.pdf](http://www.hkcccla.org.hk/article/RI_111019.pdf) [Accessed 5 August 2014].

<sup>7</sup> Mission for Migrant Workers Ltd. (2014) *Submission to the LEGCO Panel on Manpower*, Available from: <http://www.legco.gov.hk/yr13-14/english/panels/mp/papers/mp0227cb2-870-11-e.pdf> [Accessed 5 August 2014].

<sup>8</sup> Amnesty International Ltd. (2013) *Exploited for Profit, Failed by Governments*. Available from: <http://www.amnesty.org/en/library/asset/ASA17/029/2013/en/d35a06be-7cd9-48a1-8ae1-49346c62ebd8/asa170292013en.pdf%20> [Accessed 5 August 2014].

8. Under the Sex Discrimination Ordinance (SDO), sexual harassment of an employee by an employer is unlawful. It is also unlawful for a person residing in any premises to sexually harass a woman employed by another person at an establishment carrying out in those premises her work in relation to her employment. In other words, the SDO protects FDWs from sexual harassment not only by their employers but also by others residing in the same premises, such as family members of the employers. Furthermore, sexual harassment includes creating a sexually hostile work environment, in which case a person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person(s). Employers should take reasonable steps to ensure that a sexually hostile environment is not created in their household which is also the working and living place of their FDWs.

### **Key Findings**

9. Among the 918 respondents, 6.5% (n=60) (6% for Filipinos and 7% for Indonesians respectively) reported that they had been subjected to sexual harassment in the preceding 12 months (See Chart 1, Chart 1.1 and Chart 1.2).

10. The most common incidents of sexual harassment encountered by FDWs in descending order were “Inappropriate staring or leering in a sexual manner” (n=16, 14%), “Sexually suggestive comments/jokes/name-calling” (n=15, 13%) and “Intrusive questions about your sex life/physical appearance that offended you” (n=14, 12%). The findings also documented four cases of “Actual or attempted rape or sexual assault” (See Table 1).

11. If the forms of sexual harassment are grouped according to their nature, the most common type encountered was oral/textual/electronic messages (44%), followed by non-verbal sex cues (17%), and hostile environment (17%) (See Table 2).

12. Some respondents illustrated their experiences of sexual harassment as follows:

- “My (male) employer watched porn when I was around. And he did it on purpose.”;
- “My (male) employer scratched his private part in front of me while he was talking (to me).”;
- “My employer asked me to put medicine on his anus.”;

- “He asked me to buy some movies/CDs containing sexual or pornographic content”.

13. The results showed that both men and women can be harassers. The most frequently alleged harassers were male (33%, n=16) and female employers (n=14, 29%), followed by “persons living in the same household” (20%, n=10). “Employers’ visiting relatives/friends” (6%, n=3) and “Others” (12%, n=6), such as “grandfather” and “employer’s staff”, were alleged as harassers (See Chart 2).

14. Regarding the reaction to sexual harassment, 23% (n=10) of the victims did not do anything, while 77% (n=33) of them took action(s) (See Chart 3). While 81% of Indonesian workers took action, only 73% of Filipino workers did so (See Chart 3.1 and Chart 3.2). Overall, the most common actions taken in descending order were “I reported it to the police” (22%, n=12), “I went to the Consulate General for help” (17%, n=9), and “I went to the migrant workers’ groups/associations/religious groups for help” (15%, n=8) (See Table 3).

15. Ten respondents indicated that they “did not do anything” and half of them explained that they were “Afraid of revenge (e.g. losing my job)” (n=5) (See Table 4). The reluctance of FDWs to take actions against sexual harassment is due to their fear of not having continued employment and residence in Hong Kong.

16. It should be noted that 64% of the respondents had not received any information on anti-sexual harassment (See Chart 4). While 47% of Indonesian respondents indicating they had access to those information, only 29% of their Filipino counterparts said the same (See Chart 4.1 and Chart 4.2). This difference may be due to the fact that the Indonesian domestic workers’ groups have been active in distributing relevant information to Indonesian domestic workers through frequent outreach. The most common sources of anti-sexual harassment information were migrant workers’ groups/associations/religious groups, the Consulate General and employment agency (See Chart 5).

17. Respondents were also asked about their experience of other types of discrimination and harassment in employment in the past year. Overall, 12% (10% of the Filipinos and 15% of the Indonesians) responded that they encountered discrimination and/or harassment, while 88% did not (See Chart 6, Chart 6.1 and Chart 6.2). The major types of discrimination/harassment encountered were racial harassment (51%) and age discrimination (10%) (See Table 5).

18. Among the respondents (N = 952), 99.7% (n=949) were women and 0.3% (n=3) were men (See Chart 7). The average age of the respondents was 35 (See Table 6). The age portfolio of the respondents who experienced sexual harassment largely corresponds to that of the respondents as a whole. The findings showed that FDWs, regardless of their age groups, were all exposed to the risk of sexual harassment (See Table 7). Regarding the nationality of respondents, Filipinos constituted 53% of the total number of respondents and Indonesians took up the other 47% (See Chart 8).

19. Most of the respondents have been working in Hong Kong for 2 – 5 years (46%). One-fifth of the respondents have come to work as a domestic worker in Hong Kong for less than 1 year, while another 20% have been working here for 6 – 10 years (See Chart 9).

20. The respondents' education level was generally "upper secondary" (37%), "post secondary" (32%), and "lower secondary" (27%) (See Chart 10). Overall speaking, the Filipino group received higher education than their Indonesian counterparts. Sixty per cent of the Filipino respondents achieved a level of post-secondary, while only three per cent of Indonesian respondents achieved the same level (See Chart 10.1 and Chart 10.2).

### **Limitations of Study**

21. Data of this study was collected through convenience sampling. Thus the results based on 981 questionnaires may not be representative of the more than 300,000 FDWs working in Hong Kong. One has to be cautious not to generalise the findings to the total FDW population in Hong Kong.

### **Recommendations**

22. This survey found that 6.5% of the FDWs have encountered sexual harassment at their workplace or in a work-related event in the past 12 months. Sexual harassment towards FDWs is particularly alarming because unlike similar harassment happened in office/factory workplace, FDWs live with their harassers under the same roof.

23. Male employers and female employers consisted of 33% and 29% of the alleged harassers respectively, while another 20% of the alleged harassers were others living in the same household. In other words, the FDWs may have to suffer from prolonged sexual harassment with relatively little chance to escape from the workplace

where they work and dwell as well. More importantly, the FDWs have to rely on their employers for continued employment and residence in Hong Kong. Hence, compared with workers in other service industries, the FDWs may have encountered additional difficulties when they were sexually harassed in their workplace. This reluctance of reporting sexual harassment may be due to their fear of losing their jobs.

24. The responsibility for providing a sexual harassment free workplace for the FDWs lies mainly on the employers. Having said that, the Hong Kong Government, the relevant Consulates General and the employment agencies should take a more proactive role to protect the FDWs from sexual harassment.

25. In the survey, 64% of the respondents indicated that they had not received any information on anti-sexual harassment. More effective ways should be explored for ensuring their access to anti-sexual harassment information, e.g. by displaying anti-sexual harassment banners in Indonesian and English. The EOC will continue to join hands with the Consulates General concerned to disseminate relevant information, for example, by sending them posters/leaflets for mass distribution.

26. The present research findings also reflect the allegation made by trade unions and human rights advocates that the FDWs have limited access to information. Some employment agencies tend to control such access to information upon FDWs' first arrival.<sup>910</sup> It is thus recommended that the Immigration Department may have to be more proactive in providing anti-sexual harassment information directly to the FDWs. For instance, an episode of anti-sexual harassment video can be played and posters/leaflets (in FDWs' own language) can be displayed at the offices of the Immigration Department while FDWs are waiting for services.

27. Given that the alleged harassers of FDWs were mostly employers, it is vital to raise the awareness of both female and male employers on the importance of preventing sexual harassment. While TV Announcements in the Public Interests (APIs) can promote anti-sexual harassment messages, emphasis should be put on giving respect and being culturally sensitive to FDWs. The message should also focus on informing prospective and current employers about their liability regarding sexual harassment.

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<sup>9</sup> The Federation of Asian Domestic Workers Unions and The Hong Kong Confederation of Trade Unions. (2014) *Submission to the Legislative Council Panel on Manpower*. Available from: <http://www.legco.gov.hk/yr13-14/chinese/panels/mp/papers/mp0227cb2-978-3-ec.pdf> [Accessed 5 August 2014].

<sup>10</sup> See note 8, p78.

28. It is equally essential to enhance the role and responsibility of the employment agencies on preventing sexual harassment. Employment agencies are suggested to assist in distributing the EOC's anti-sexual harassment leaflets/brochures to all FDWs and their employers. Upon receipt of the information kit, they have to read and sign indicating their full understanding of the meaning of sexual harassment and the importance of a sexual harassment free work environment.

29. When the respondents encountered sexual harassment, 77% of the victims took action and many of them turned to the Consulate General for help. In this connection, Consulates General should provide more training for their staff who are designated to handle the FDWs' sexual harassment cases.

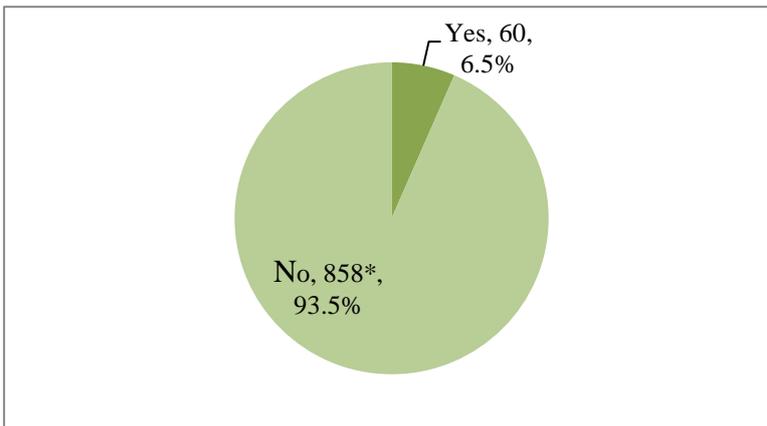
30. FDWs have been providing crucial services to local households and they deserve a work environment free of sexual harassment or any other forms of discrimination. While most of the employers treat their FDWs with respect, some may intentionally or unintentionally say or do something that amount to sexual harassment or discrimination against their helpers. Creating a culture of respect and embracing cultural differences will not only provide a safe and favourable work environment to the FDWs, but also help maintaining a harmonious employee-employer relationship which is essential for good and loyal service.

## Tables and Charts

1. **In the PAST 12 MONTHS, have you experienced any of the following sexual harassment in the workplace or at a work related event?**

### Chart 1

N = 918

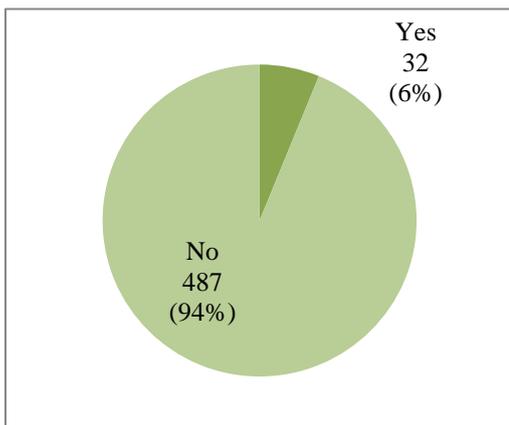


*\*Seven out of 858 respondents indicated they had encountered sexual harassment but not in the workplace or at a work related event (e.g. sexual harassment on public transportation, by a harasser not related to work, or from the Internet) in the past 12 months.*

### Chart 1.1

Filipino Group

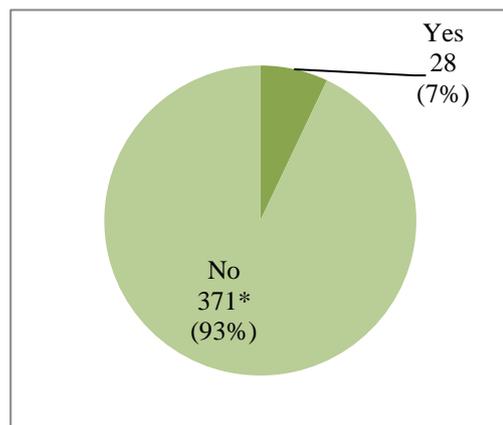
N = 519



### Chart 1.2

Indonesian Group

N = 399



*\*Seven out of 371 respondents indicated they had encountered sexual harassment but not in the workplace or at a work related event.*

**Table 1**

	<b>Type of Sexual Harassment</b>	<b>Cases</b>	<b>%</b>
A	Inappropriate staring or leering in a sexual manner	16	14%
B	Sexually suggestive comments/jokes/name-calling	15	13%
c	Intrusive questions about your sex life/physical appearance that offended you	14	12%
d	Someone showing his/her private parts/half or fully-naked body to you that offended you	11	10%
e	Unwelcome touching, hugging, kissing or other inappropriate physical contacts	11	10%
f	Sexually explicit emails or SMS messages	8	7%
g	Repeated or inappropriate invitations to dates	6	5%
h	Sexually explicit pictures, posters or things	5	4%
i	Actual or attempted rape or sexual assault	4	4%
j	Video/photo-taking of you of a sexual nature	3	3%
k	Requests or pressure for sex or other sexual acts	3	3%
l	Other forms of sexual harassment	17	15%
<b>Total</b>		<b>113</b>	<b>100%</b>

**Table 2**

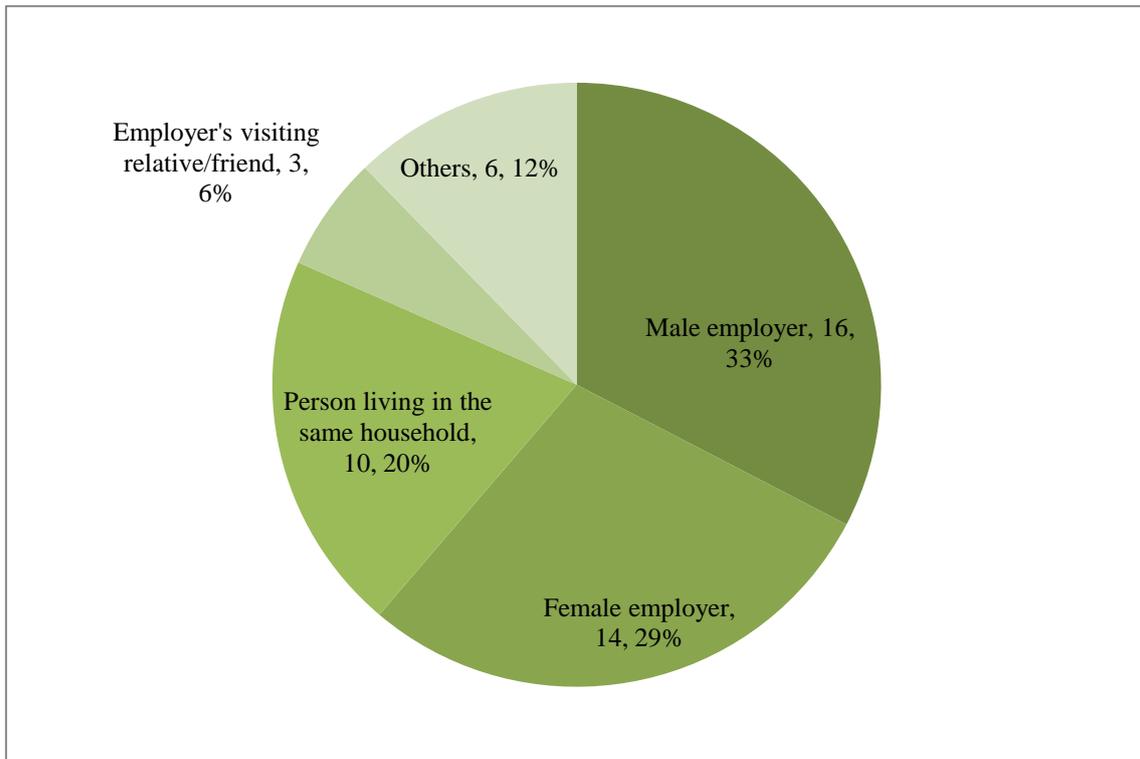
<b>Type of Sexual Harassment</b>	<b>Cases</b>	<b>%</b>
Oral/textual/electronic messages (b, c, f, g, k)	50	44%
Non-verbal sex cues (a, j)	19	17%
Hostile environment (d, h)	19	17%
Physical (e, i)	16	14%
Others (l)	9	8%
<b>Total</b>	<b>113</b>	<b>100</b>

*Note: Eight of the 17 respondents who chose “Other forms of sexual harassment” in Table 1 have given details of the incidents and those cases have been categorised according to the type of sexual harassment in Table 2.*

**2. Who was/were the harasser(s)?** (You can tick more than one box)

**Chart 2**

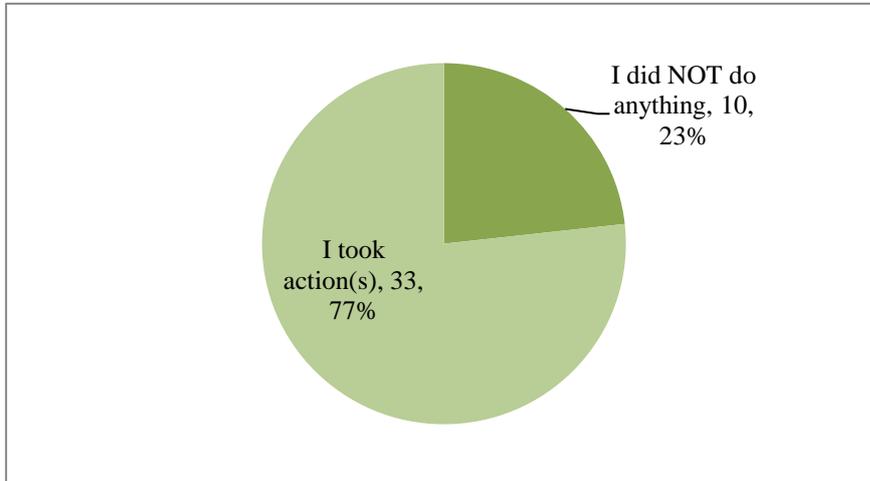
N = 49



**3. What was/were your reaction(s)? (You can tick more than one box)**

**Chart 3**

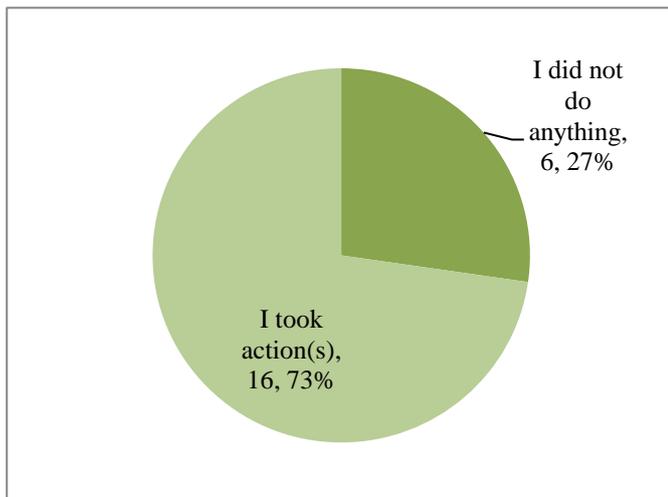
N = 43



**Chart 3.1**

Filipino group

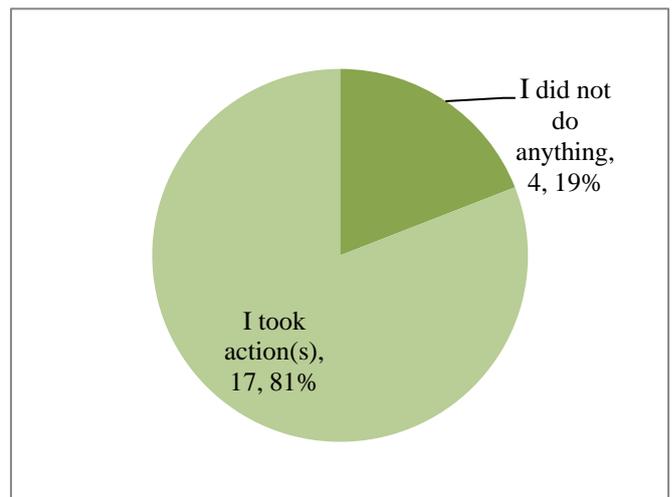
N = 22



**Chart 3.2**

Indonesian group

N = 21



**3. What was/were your reaction(s)?** (You can tick more than one box)

**Table 3**

<b>Actions Taken:</b>	<b>No.</b>	<b>%</b>
I reported it to the Police.	12	22%
I went to the Consulate General for help.	9	17%
I went to the migrant workers' groups/associations/religious groups for help.	8	15%
I told the harasser to stop.	7	13%
I complained to the employment agency.	6	11%
I sought advice from a legal representative/lawyer.	4	8%
I resigned.	4	8%
Others (e.g. "I asked him to find a qualified person to do it.")	2	4%
I complained to the Equal Opportunities Commission.	1	2%
<b>Total</b>	<b>53</b>	<b>100%</b>

**4. If you did NOT do anything, why?** (You can tick more than one box)

**Table 4**

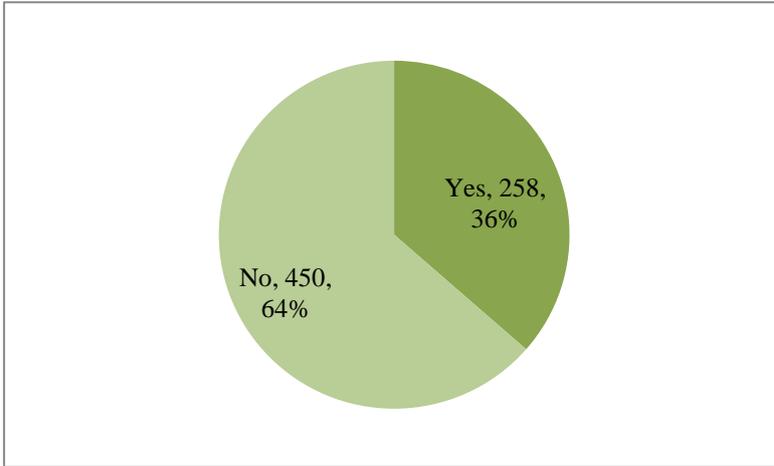
N = 9

<b>Reasons:</b>	<b>No.</b>
Afraid of revenge (e.g. losing my job).	5
Too scared/frightened.	2
Did not think the harassment was serious enough.	2
Did not know where to get help.	2
Did not think it could help.	2
Did not trust the people I could complain to.	2
Complaint process would be difficult.	2
Felt embarrassed to mention.	2
Others	0

**5. Have you ever received any information on anti-sexual harassment?**

**Chart 4**

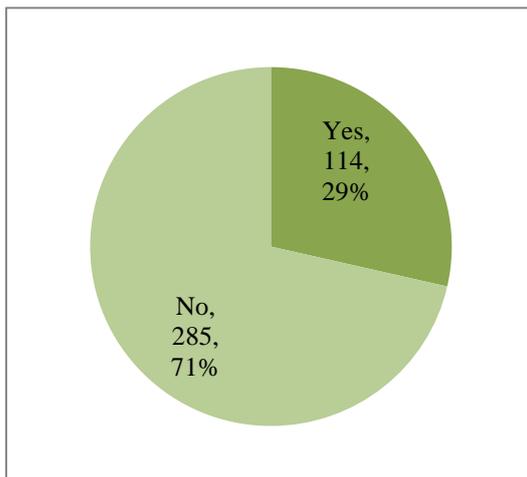
N = 708



**Chart 4.1**

Filipino group

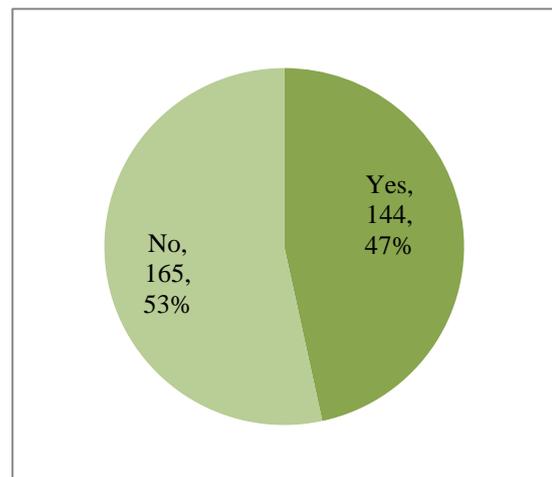
N = 399



**Chart 4.2**

Indonesian group

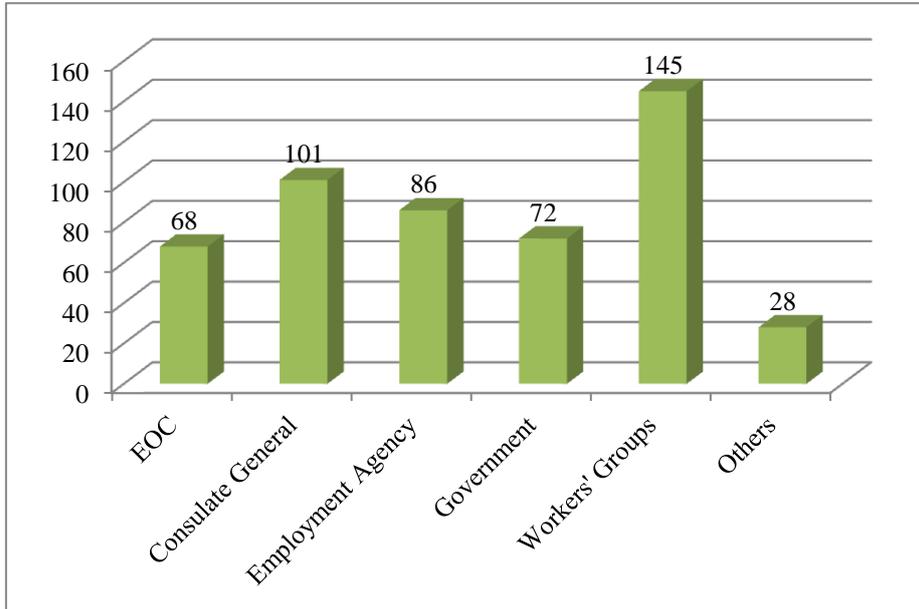
N = 309



**Chart 5**

**Source of anti-sexual harassment information:** (You can tick more than one box)

N = 258

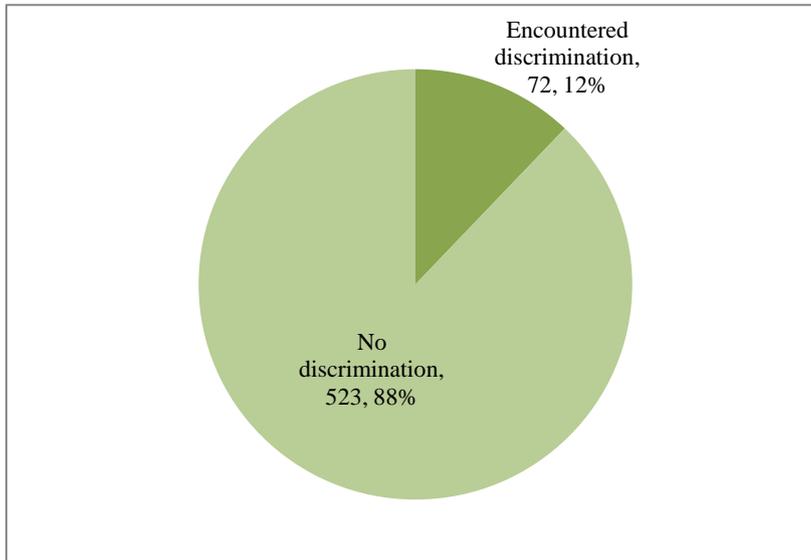


*“Others” include: pamphlets, newspaper, magazine, television, friends, employers, employment guidelines, Facebook, brochure received in the street, etc.*

**6. Have you encountered the following discrimination in employment in the PAST 12 MONTHS?**

**Chart 6**

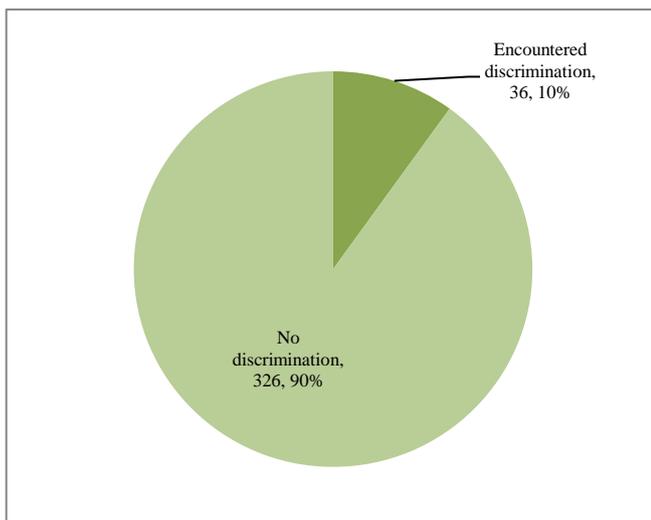
N = 595



**Chart 6.1**

Filipino Group

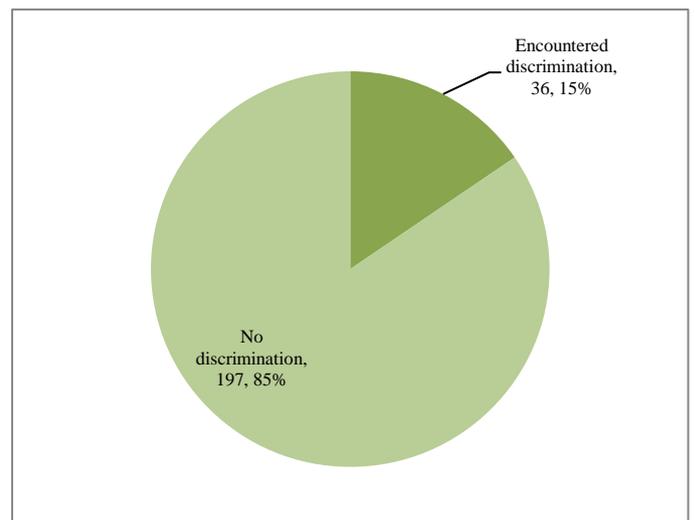
N = 362



**Chart 6.2**

Indonesian group

N = 233



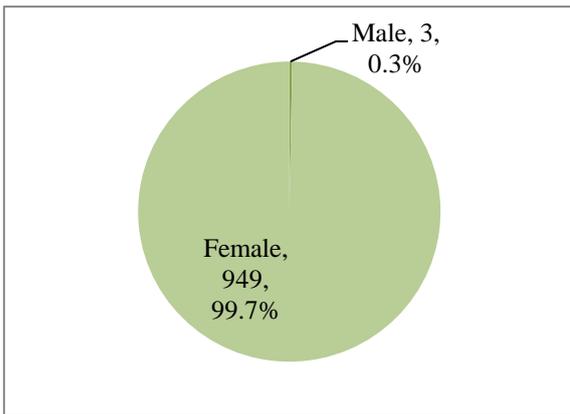
**Table 5**

Type of discrimination	Cases	%
Racial harassment	59	51%
Age discrimination	11	10%
Marital status discrimination	10	9%
Disability harassment	10	9%
Pregnancy discrimination	8	7%
Sexual orientation discrimination	7	6%
Sex discrimination	5	4%
Disability discrimination	5	4%
<b>Total</b>	<b>115</b>	<b>100%</b>

**7. Your sex:**

**Chart 7**

N = 952



## 8. Your age

**Table 6**

N = 888

<b>Average</b>	<b>35 years old</b>
<b>Median age</b>	<b>34 years old</b>

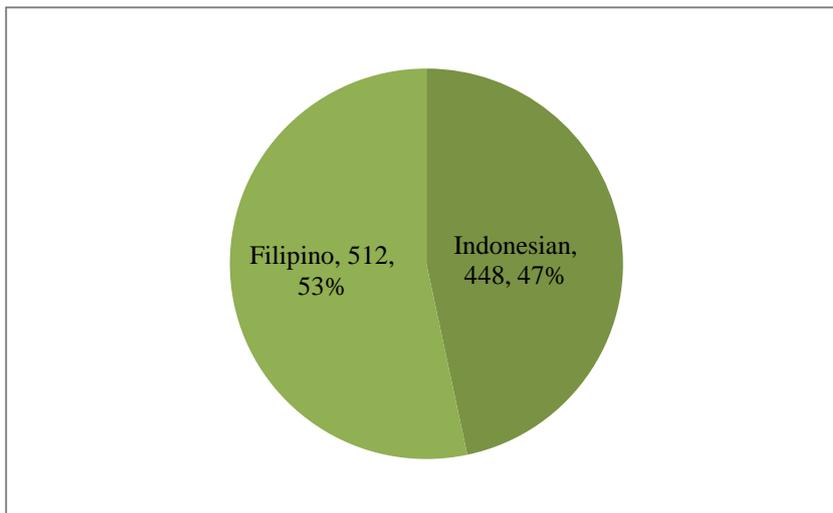
**Table 7**

<b>Age Group</b>	<b>Overall (N=888)</b>	<b>Respondents who experienced sexual harassment (N = 53)</b>
Below 20	1%(2)	0%(0)
21-30	31%(279)	35%(19)
31-40	45%(404)	40%(21)
41-50	20%(175)	21%(11)
51-60	3%(28)	4%(2)
Above 60	0%(0)	0%(0)

## 9. Nationality:

**Chart 8**

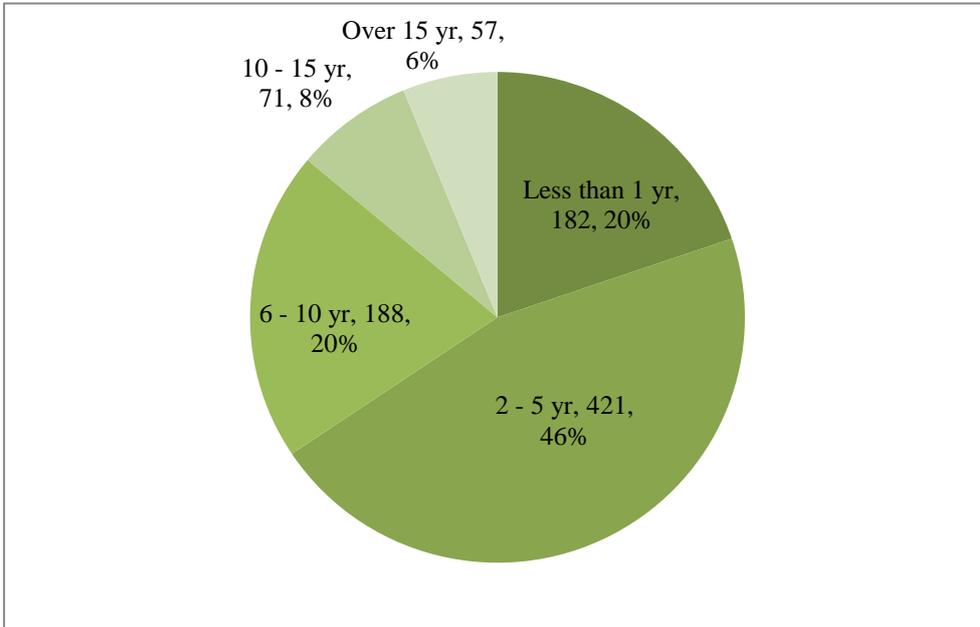
N = 960



## 10. Years of work in Hong Kong as a domestic worker:

**Chart 9**

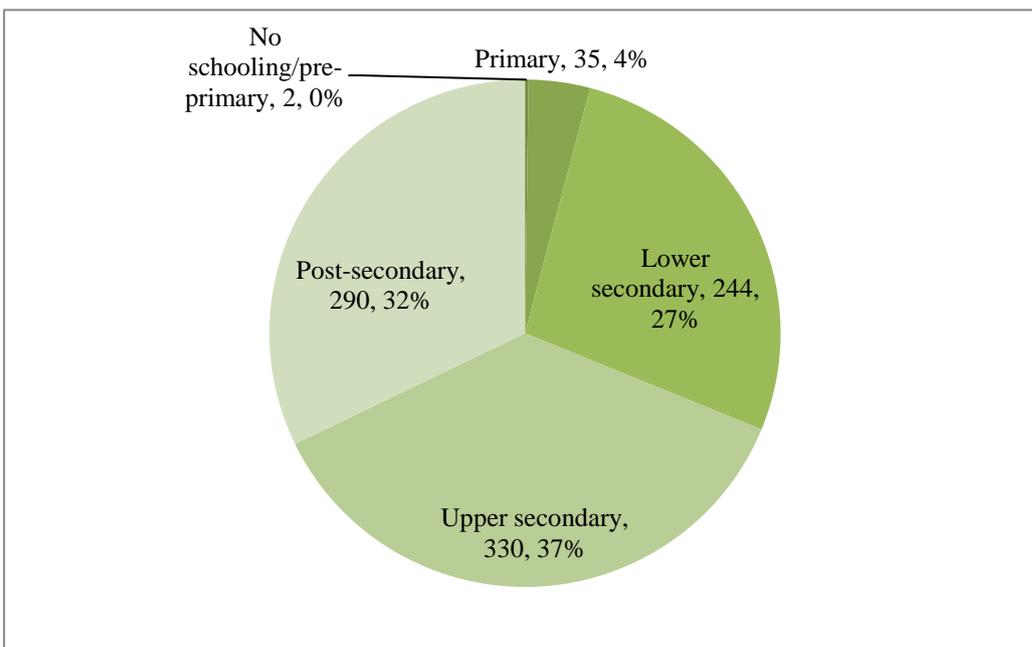
N = 919



## 11. Educational attainment:

**Chart 10**

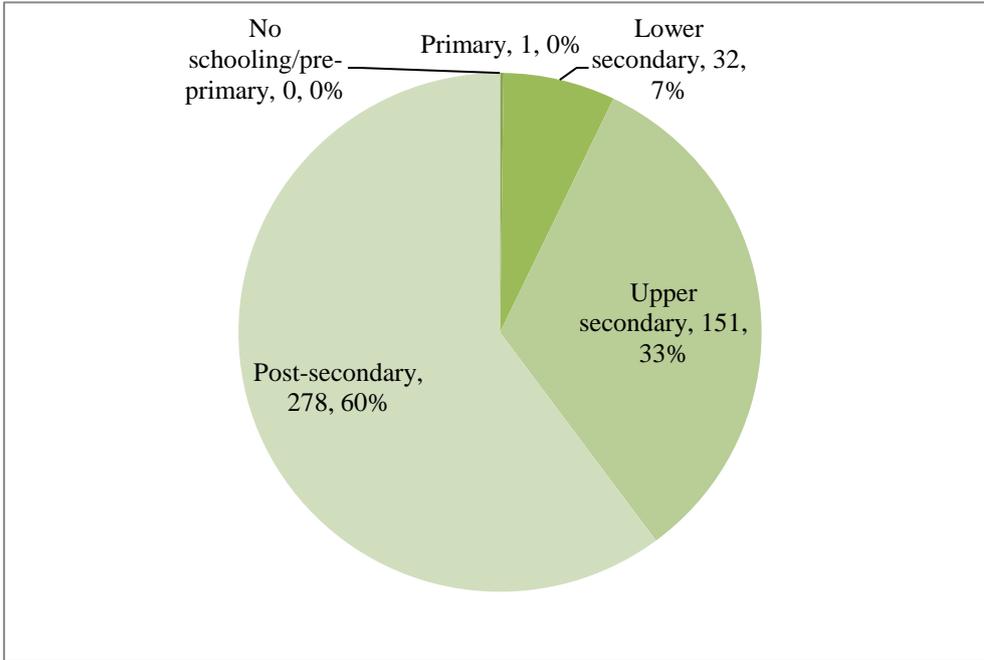
N = 901



**Chart 10.1**

Filipino group

N = 462



**Chart 10.2**

Indonesian group

N = 439

