

EO Files (December 2014)

“THINGS WE DO, PEOPLE WE MEET - Reflections in Brief”

Don't let foreign domestic workers suffer abuse in silence

York Chow says sexual harassment cases are a reminder of our duty of care

Today is International Migrants Day – an opportune moment for us to celebrate the positive role played around the world by different types of migrants. In Hong Kong, the most visible example of this is the very valuable contributions made by foreign domestic workers, particularly in alleviating family care responsibilities and enabling many to, in turn, return to their careers.

Despite this important role, many foreign domestic workers face significant barriers and injustice in their daily life. Late last month, the Equal Opportunities Commission released the findings of the first questionnaire survey for foreign domestic workers on the sexual harassment and discrimination they face at work. The results are sobering: Of the nearly 1,000 workers surveyed, 6.5 percent said they had been sexually harassed at the workplace or at a work-related event in the preceding 12 months. According to the Immigration Department, there are currently over 330,000 foreign domestic workers in Hong Kong. Extrapolating from these figures means that tens of thousands of foreign domestic workers may be at risk of sexual harassment each year.

The survey findings confirm that foreign domestic workers are among the most vulnerable groups in our society to potential mistreatment. Their situation is exacerbated by a number of factors. First, the policy requiring workers to live with their employer, sometimes in accommodation without privacy, means that those who face harassment are put at high risk of prolonged abuse. According to the commission's survey, employers and others residing in the household were the most common perpetrators of sexual harassment, together making up 82 percent of the alleged harassers.

We have also been told that the “two-week rule” deters victims from stepping forward, as they worry that they would then be dismissed and

forced to find a new employer, or leave Hong Kong, within two weeks. Some may be new arrivals who are not sufficiently aware of their protection under Hong Kong's laws, in addition to facing cultural and linguistic barriers, making them fearful of asking for help.

According to a 2013 report by Amnesty International, a number of Indonesian domestic workers face debt-bondage, where they are required to pre-pay agency fees higher than what are legally permissible, sometimes up to an equivalent of seven months of salary, which they have to work off. The prospect of having to pay the agency fee again discourages them from leaving their current employment.

Not surprisingly, almost one in four said they did not take action after facing sexual harassment, with the most common reason being fear of losing their job. Many may still be suffering in silence.

Sexual harassment is already an issue that disproportionately affects women and is a manifestation of a power imbalance between men and women. Sexual harassment against foreign domestic workers brings to the fore the intersection between issues of gender, socio-economic status and race. Such acts reflect how far we must still go to foster an inclusive society for all.

In fact, foreign domestic workers in Hong Kong do face much discrimination beyond sexual harassment. According to the commission's survey, 12 percent of the respondents have faced some form of discrimination or harassment over the past year, with over half of respondents pointing to racial harassment. This demonstrates the need for greater public education to eliminate stereotypes and biases, including about racial origin.

Through our outreach, the commission has also been informed that foreign domestic workers frequently face pregnancy discrimination, including being compelled to sign a contract stating that they would not become pregnant during home leave. Under the existing law, such a case would not be protected. This is one of the reasons why the commission has proposed, as part of our review of the existing anti-discrimination ordinances, that the Sex Discrimination Ordinance should also provide protection against potential pregnancy.

Indeed, the EOC strives to offer assistance to foreign domestic workers, such as by providing redress for sexual harassment complaints. There are also non-governmental organisations and consulates-general providing much-needed support to those who face abuses including sexual harassment.

Everyone has a right to be safe and free from harassment in their work environment. As a modern, cosmopolitan city, Hong Kong must do better to safeguard the rights of all, including foreign domestic workers, and ensure that they can also enjoy fair treatment. All of us – from employers to employees’ groups, from employment agencies to the consulates-general to the government – must work together towards this aim.

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