

On hire to the cruellest bidder

By **Yenni Kwok** in Hong Kong

Ati Khadijah has a soft smile that gives only a hint of all the recent hardships she has endured. She came to Hong Kong seven months ago in the hope of putting an end to her family's financial problems. Her husband, a farmer in southern Sumatra, earns HK\$500 to HK\$1,000 every three months - barely enough to support the young couple and their seven-year-old daughter.

Ati (not her real name), 26, decided to work as a domestic helper in the SAR because "my friends who went to Hong Kong came back with success", she says. Little did she know that rather than the money she dreamed of, she would endure abuse.

Over the past six months she has been hit by her employer and her employment agent. She was promised a wage of HK\$2,200 (well below the legal minimum of HK\$3,670), but has not been paid a cent.

Underpayment is a persistent problem among Indonesian maids. Before the SAR Government cut the minimum rate to HK\$3,670 in early 1999, most were being paid about HK\$2,000, said Devi Novianti, assistant manager of the Domestic Helpers and Migrant Workers Programme, which provides paralegal counselling for the maids. "Now the rate has fallen as low as HK\$1,800."

Under the Employment Ordinance, those who pay their maids below the legal minimum face fines of up to HK\$100,000 and can be jailed for a year. However, such fines or prison terms will not be imposed if the employer agrees to pay the balance of the wages through the Labour Department's reconciliation services.

The continuing economic crisis in Indonesia is largely responsible for this further fall in the salary of its maids. Many do not even know they are entitled to a minimum wage and, coming from a country where an entry-level administrative post pays the equivalent of \$1,000 a month, even a salary of HK\$1,800 is often considered "lucky".

Although the problem of underpayment also exists among maids from other countries, it is particularly prevalent among Indonesians. One survey, conducted last year by what was then known as the Indonesian

Group, found that nearly 95 per cent of Indonesian maids were paid less than the minimum wage.

That probably helps explain the rapid growth in the number of Indonesians being hired – a fact illustrated by government figures that show Indonesians are the fastest growing foreign community in Hong Kong. As of April, their number reached 45,300 – putting them second only to the SAR's 146,600 Filipinos. “We received reports from Filipino workers that their contracts were terminated because their employers prefer hiring Indonesians,” Devi said.

This trend has also been noticed by the better organised Filipino labour groups. Connie Bragas-Regalado, chairwoman of the United Filipinos in Hong Kong, said: “It is very unfair for Filipino domestic helpers, but I also feel very sad for the Indonesians being paid that low.”

Indonesian maids are often also charged exorbitant fees by employment agencies. Many newcomers have to pay between HK\$17,000 to HK\$21,000 in “recruitment fees”, and are later charged HK\$5,500 to renew their contracts.

Indonesian helpers are commonly only allowed two Sunday holidays per month, instead of the legally stipulated four. Many agencies and employers also retain the maids' passports. “Verbal abuse is quite common; physical abuse also happens,” said Devi.

Ati arrived in Hong Kong during the cold spell last November. Her first employer terminated her contract after a month because Ati fell sick with flu. At the beginning of December, she returned to her employment agent who, she said, slapped her for “being unable to work”.

She stayed at the agency for four days and afterwards was told to work “part-time” for a family of three. In reality, this meant working an 18-hour day. The agent also slapped her on the street on the way to Ati's new employer. “She said I took too many clothes,” Ati said. She claimed the new employer also hit her whenever she was unsatisfied with her work.

The employer once called Ati's agent in Fanling to complain about her. The agent told Ati: “It would be better if you died.”

Her employer eventually apologised for the repeated verbal and physical abuse. “But four days later, my agent showed up with a new maid for her.” Before she left, she asked her employer for her salary. He said it had

already been paid to her agency. But the agent claimed her employer had not paid the full amount. “In my contract, they wrote that my salary was HK\$3,670. But, from the beginning, they said I would only get HK\$2,200,” Ati said.

Knowing little about Hong Kong law, Ati did not realise she had been working illegally. Her nightmare began when her agent decided to send her back to Indonesia. She was stopped at the airport because she had overstayed her visa. Her agent, who had kept her passport, had not bothered to renew her employment visa after she was fired by the first employer.

Ati has appeared in court for overstaying, and also risks being charged for working illegally. Her agent, however, is likely to escape any charges. She told the *Post* she had not underpaid any maids, nor organised “part-time work” nor caused physical abuse to Ati or any of their other migrant workers. “There is no proof,” the agent said. “There are many people who are jealous of us. Indonesians have bad mouths.”

Indonesian maids also suffer because, unlike their Filipino counterparts, they are less organised and have fewer support groups. “They are more vulnerable to exploitation,” Bragas-Regalado said.

Indonesian domestic workers only set up their own union in April last year. The Indonesian Migrant Workers Union is a 130-strong organisation formerly known as the Indonesian Group.

Sulastri, who like many Indonesians uses just one name, is the union's president. “We decided to form a union because its voice will be stronger and could even reach the International Labour Organisation.” The union refers maids to organisations that offer counselling and is lobbying the Indonesian Government to scrap regulations which permit agencies to charge maids high fees.

The establishment of the union marks a big step forward for the rights of Indonesian domestic workers. Three years ago, when this reporter interviewed domestic helpers and the Indonesian Consul-General, both scoffed at the idea of a union.

But the situation has changed radically. The consulate now gives its “blessing” to the new union, and even attended January's formal launch in Victoria Park, a popular gathering spot for Indonesian maids. “This is a different era from three years ago,” said Mufti Sidibab Yatim, the head of

consular affairs. “We have democracy now in Indonesia, and we welcome the unions.”

He acknowledged the problems Indonesians often face, from underpayment and high fees to lack of counselling services. In terms of underpayment, he said the consulate was watching the agencies, but refused to reveal what action might be taken. The high fees, he said, were regulations from Indonesia's Ministry of Manpower, and the consulate was proposing to “adjust the rates”. The consulate is also hoping to add more staff so it could offer counselling services. But Sulastri said: “They don't help the migrant workers, instead they help the agencies.”

Many workers blame their plight on employment agencies. There are more than 100 agencies specialising in Indonesian maids and it is clear that some have occasionally resorted to unscrupulous and illegal practices. Last September, Siauw Mie-lan, a boss of an employment agency and president of an association of employment agencies for Indonesian maids, was sentenced to 12 months imprisonment. She pleaded guilty to attempting to incite undercover Independent Commission Against Corruption officers to deceive the Immigration Department so the “employers” could hire maids below the minimum wage.

Most of the Indonesian domestic helpers in Hong Kong come from East Java towns, such as Malang, Blitar and Tulungagung. But recently more women have come from other areas in Java and the outer islands of Sumatra and Sulawesi, although they are still hired through employment agencies in East Java.

In 1998, Jakarta said it aimed to increase its Hong Kong maid population to 70,000. The consulate denied such a target existed, but acknowledged that Indonesia has a policy of trying to “export its manpower”. Mufti also rejected accusations that such a policy is exploitation. “As long as it is done in a good manner, it is not exploitation. Besides, they are not forced to go,” he said. Last year, the 40,000-plus Indonesian maids in Hong Kong sent home HK\$473 million in remittances.

Many workers shrug off their bad experiences and seek a better employer. However, 23-year-old Roro Mukminah, who came to Hong Kong at the beginning of last year, has had enough. She said she was promised a wage of HK\$3,820 by her agency, but only received HK\$1,800. For the first three months she received only HK\$500; the rest was taken by her agency for “recruitment fees”. During the 14 months

with her employer, she said she slept behind the dining table and had little to eat. After her employer told Roro to leave in early May, she stayed at a migrant workers' shelter in Kowloon. On May 30, she sued her employer at the Labour Tribunal and received HK\$25,000 compensation.

Roro went home to Jakarta last Sunday with a better plan. "I haven't finished my studies at the nurses' academy; now I have some money to finance it."

The reportage was published in the South China Morning Post daily (www.scmp.com), 7 June 2000. It was the first of a two-part series on Hong Kong domestic workers; a colleague did an interview with the employers.