

The New Slave in the Kitchen:

Debt Bondage and Women Migrant Domestic Workers in Asia

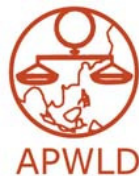


Asia Pacific Forum on Women, Law and Development
(APWLD)

The New Slave in the Kitchen:
Debt Bondage and Women Migrant Domestic Workers in
Asia

Asia Pacific Forum on Women, Law and
Development (APWLD)

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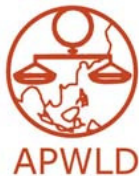
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25 years of promoting women's human rights in the Asia Pacific region

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1. Introduction

Centuries ago it was common in many parts of the world to have a women slave in the kitchen. They were transported from overseas to be bought for a price and were thereafter required to work in the house to cook, clean, care for the children (and whatever else was required) until death or they were sold on to another household. Although slavery has been illegal in every country for at least thirty years,¹ 'contemporary' forms of slavery mean that once again there is a slave in the kitchen.

The contemporary form of slavery happening in kitchens and households around the world is enabled through the practice of 'debt bondage'. Women are still being transported from overseas to work in the house to cook, clean, care for the children (and whatever else needs to be done), but they themselves are choosing to become bonded. Through debt the women are effectively 'owned' by powerful recruitment agencies rather than directly by employers. Once they sign up with a recruitment agency, the agency determines where they work, their condition of employment, and even when they can return home. They may only be in such a situation for months or years rather than being permanent property of another, but until they pay off the debt they can be held in confinement until they are selected, traded-in, and if rejected they can be deported. Every month thousands of women sign up with these recruitment agencies hoping to work in homes in the wealthier countries as helpers, domestic servants, or more appropriately; as domestic workers.

Recently, feminist rights and labour activists successfully put the plight of the domestic workers on the agenda of the International Labour Organisation (ILO), and new instruments were adopted in June 2011 concerning decent work for domestic workers. The attention is justified due to their unique situation as migrants, women and as workers in the informal and private sphere of someone's home; they are subject to abuse and mistreatment, while being largely excluded from protection of labour laws. However, even in countries with labour laws recognising domestic workers, there are still thousands of migrant women who become modern day slaves through the process of debt bondage.

Scope and Methodology

The information in this report will be concentrated on the domestic workers who migrate from the Philippines and Indonesia to Hong Kong and Taiwan, where primary information was gathered from member organisations and from other sources. Information gathered on migrant domestic workers from and in other Asian countries will also be discussed for comparison.

¹ "Nowhere is slavery legal in the sense that no legal system recognizes title or property in a living human being. This means that no court will enforce a contract to buy and sell slaves or enforce the right of a master to the labor of his or her slave. However, although slavery, as a form of property recognized by the state, has been abolished, millions of people are still enslaved." Anti Slavery Society, (2003) *What is Slavery?* Available from <http://www.anti-slaverysociety.addr.com/slavery2.htm>, accessed June 2011. "The last country to abolish slavery was the African state of Mauritania, where a 1981 presidential decree abolished the practice" BBC, (2011) *Ethics – Slavery: Modern Slavery*. Available from http://www.bbc.co.uk/ethics/slavery/modern/modern_1.shtml, accessed June 2011.

In 2011, APWLD was able to study and survey Filipino and Indonesian women migrant domestic workers and their organisations, in both Hong Kong and Taiwan, two similar places with very different experiences for women migrants. The workers were surveyed in a variety of places such as shelters, missions, outside a store selling Indonesian goods, in the main train station, at the MRT and MTR stations, outside catholic churches, outside mosques, a coffee shop, and at the market. The paramount places to find domestic workers to survey is on the street outside the 7-11 (convenience store) and in the park on Sundays. The field researchers also went outside of the main central city area for some of the surveys, for example, some women were interviewed in a shelter located in the southern end of Taiwan. The field researchers were instructed not to interview more than ten or so women migrant domestic workers at shelters and missions. Also, when interviewing at the park they were asked to make sure that they did not survey too many women in the same group or from the same region, in order to ensure that the survey was representative of women from different parts of Indonesia and the Philippines.

The workers were asked if they would like to use a pseudonym or nick name so that they could not be identified and they were not asked about their legal status during the survey so that they would feel more comfortable in answering the questions. The field researchers were themselves Filipino and Indonesian, and three of the four were domestic workers at the time. The field researchers were given four pages of instructions and after they had done some surveys, meetings were held with them to check over the surveys and discuss any difficulties or questions that had arisen - a couple of the interviews were quietly observed. The questions in the survey touched on a lot of issues, including that of their hours and days of work, how much they are paid, the fees and charges they pay to migrate for work and how they pay off that debt. Due to the instructions and the dedication of the field researchers themselves, the results are believed to be a good reflection of the situation of domestic workers in both Hong Kong and Taiwan.

Although the survey attempted to measure the multiple pre-departure costs paid by the Filipino and Indonesian domestic workers, inconsistencies in reporting, absent contextual data and the lack of understanding of the domestic workers' themselves, impeded this analysis from determining accurately the differences in costs and fees. The domestic workers commented during surveying that they did not know the breakdown of what was being deducted from their wages, therefore it is hard to know if they are being overcharged or underpaid or both. However, three things were clear; that the costs and fees varied widely between workers; that the majority of domestic workers went into debt with agencies and credit companies; and that the majority are still paying off that debt through wage deductions.

In addition, organisations that work with migrant domestic workers were surveyed and consultative forums were held to facilitate further information gathering in both Hong Kong and Taiwan. Some longer interviews were also held with particular key people who work in grassroots organisations, NGOs and shelters. These discussions were useful for providing information on specific cases from pre-departure to repatriation, and also an overview of the situation of migrant domestic workers, this was especially useful in Taiwan where there is less information available. Resource people in other organisations within the Asia Pacific Forum for Women, Law and Development (APWLD) network also proved to be a useful source of information, providing unpublished data, cases and general information from Malaysia, Indonesia, Macau, Thailand and other countries. Recent

secondary source information was also gathered from online governmental sources, media, academic journals, migrant worker organisations, NGOs and international organisations.

The results of surveys (both APWLDs' and other recent surveys) gave numbers and statistics, but what was more important was the discussions within the consultative forums, shelters and organisations, which backed up a theory that was beginning to emerge as to the underlying cause of the problems that women migrant domestic workers currently face. The theory is that the vulnerability of women migrant domestic workers is caused by, and a lot of the abuse and violations occur, because women are forced to go into debt to recruitment agencies in order to migrate for work and they are required to pay off that debt with their labour.

Although there have been some valuable studies and small scale research on the issue of overcharging of recruitment agencies, this is only a small part of the problem. It is not only the overcharging of fees and charges, but also the low wages, the holding of or underpaying of wages and the loans that workers take out to cover the initial costs of migration, often organised by the recruitment agencies. It is also the lack of standards, laws, and enforcement where laws exist, by governments in both origin and destination, who allow recruitment agencies to monitor themselves as they rely on either the remittances or cheap labour force which women migrant domestic workers provide. To understand the situation of debt bondage that many women are in, we must understand all these parts of the problem. Some parts in particular, such as the 'loans' organised by recruitment agencies, are not widely discussed or considered to be a cause of the difficulties that the workers face and need further study in order to understand how they can be a major cause of debt bondage.

This report will outline the concept of debt bondage and show how the situation of women migrant domestic workers commonly leads into debt bondage and slave like conditions. It will then be shown how situations of debt bondage causes violations of workers human rights and wider effects on the family and country of origin, and how debt bondages relates to trafficking, smuggling and prostitution. The final section will discuss how governments and other institutions are dealing or not dealing with debt bondage, and how things could be changed.

2. What is Debt Bondage?

Definition of Debt Bondage

There are many different terms and forms of debt bondage; for example, bonded labour, indentured labour, debt slavery, neo-bondage, the old fashioned term peonage, and also contract slavery. The 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, defines debt bondage as;

The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Debt bondage is considered to be a ‘contemporary form of slavery’² as it can lead to the situation where the person holding the debt has enough power over the person so as to act as if they own them. The UN Slavery Convention (1926) defines slavery as: “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” The conditions of debt bondage also overlap with another form of slavery; forced labour, as both situations can enslave a person to their employer. Forced labour is defined more broadly as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”, under the International Labour Organisations’ Forced Labour Convention of 1930.

The definition of debt bondage is more complicated than that of forced labour or slavery and involves several parts:

Debtors personal service (or that of someone under their control)	As security for a debt (including a loan)	
Becomes a form of debt bondage if:		
The value of that service as reasonably accessed is not applied towards paying off the debt	or	Length and nature of services not respectively limited and defined

Debt bondage is more commonly used to describe the situation where, in order to pay off some form of debt, a person and or their family works on the land of the person holding the debt - sometimes for years or even generations. This form of debt bondage often occurs in South Asia, but the rural poor in South Asia are not the only ones vulnerable to contemporary form of slavery;

² United Nations, (1991) *Fact Sheet No.14, Contemporary Forms of Slavery*, Geneva: United Nations

migrant domestic workers are also vulnerable. Kevin Bales explains that the first type of debt bondage is a; “hereditary *collateral debt bondage slavery*. In these cases of debt bondage the labor power (and indeed the very lives of the debtor and his/her family) becomes *collateral* held against the debt.”³ However, the form of debt bondage that migrant domestic workers are vulnerable to is *coercive fraudulent debt bondage slavery*:

In this form of debt bondage the work of the debtor may ostensibly be applied to the debt, but through false accounting or extortionate interest, repayment remains forever out of reach... In both types, the enforcement of the agreement is usually backed up by force, bringing an end to the free will of the debtor and crossing the line into enslavement... The bonded laborer is often at the mercy of his or her employer or creditor and the terms of the loan or advance are either not stipulated or not followed.⁴

Under *coercive fraudulent debt bondage slavery* it is not necessarily the case that the debtor is in debt for all or even the majority of their lifetime, nor are the family bonded, and the debt does not need to be hereditary. Unlike the first form, it is a more recent form of debt bondage which became more common after the Supplementary Convention on the Abolition of Slavery was drafted, and with the recent trend of mass international migration for work.

Debt Bondage and Migrant Domestic Workers

In order to work as a domestic worker, women often sign up with a recruitment agency that will organise their migration to another wealthier country and will set them up with an employer. Instead of paying the agency fees and costs of going overseas upfront, the worker may agree to work under the terms stipulated by the agency and pay off the debt over time through their labour. Therefore, the agency will commonly organise for the worker to go into debt with their associated credit agency or financial institution, this amount is then paid back by deductions out of the domestic workers’ wages for a particular period. This fits the first part of the definition of debt bondage in that the woman uses her labour as security for a debt. However, this is often a legal and mutually beneficial arrangement.

The contractual relationship can become a form of bondage in two ways, as stipulated in the definition above, although it is common for both conditions to be present. Firstly, when the value of the service as reasonably accessed is not applied towards paying off the debt, or in other words, when the worker is doing a lot more work that they should have to in order to pay off the loan because the value of their work is not fully appreciated or valued. Secondly, the contract can become a situation of debt bondage when the length and nature of the work is not respectively limited and defined. This occurs when the worker is tricked or trapped into working for low or no pay for unreasonable working hours and the work that the worker is contracted to do is not clear, or the terms of the contract or loan are either not stipulated or not followed. The two parts of this definition and how they occur in migrant domestic work will be clarified in more detail in the next part of this section.

³ Bales, Kevin, (2008) ‘Introduction’, in *Human Rights and Contemporary Slavery*, Human Rights and Human Welfare. Available from <http://www.du.edu/korbel/hrhw/researchdigest/slavery/intro.pdf> p.1, accessed June 2011.

⁴ Ibid.

The situation of debt of women migrant domestic workers is often overlooked due to the fact that they often freely choose to enter the contracts and the contracts are for a limited time, such as the three years stipulated on their visas. In the first form of *collateral debt bondage slavery* discussed above, some of the debtors do not enter into the debt by choice (such as the children forced to work on farms to repay the family debt) and such work can continue indefinitely when they and their family are unable to pay off the high levels of interest that continues to accrue. Unlike such examples, women migrant domestic workers choose to enter into the contract with the recruitment agency, in the often mistaken belief that it will lift them and their families out of poverty.

Due to the seemingly voluntary nature of migrant labor, it is an unfortunate reality that many of these women effectively enslave themselves abroad in hopes of improving their economic situation at home. This is not to suggest that migrants are to blame for their plights; once the choice has been made and the contract signed, all future choices are restricted or nonexistent.⁵

They may not know their rights under the law in the destination country, if they even exist, nor are they freely able to leave the employment due to the debt, confinement or lack of resources to return home. The employer normally covers the cost of the flight home, but when the worker wants to leave the employer they are often forced to cover the costs, even when they encounter extreme situations of abuse, such as rape.

The agency didn't believe me. They said, "if it's true that he forced you, why did it happen so many times?" It happened because I was afraid. After that I spent one month at the agency, working part-time for no pay. I told the agent, I want to go back to Indonesia. They told me if I wanted to go I had to pay all the expenses.⁶

Furthermore, even if they do freely enter the contract, they do not choose to sign over the control over their lives for the period of that contract, "It is not about owning people in the traditional sense of the old slavery but about controlling them completely".⁷ This control by the recruitment agencies is compounded by the isolation of being overseas and by the actions of the household employer; who may confine the worker, keep their documentation and threaten the work with being returned to the agency before they are able to pay off their debt.

Finally, it is important to emphasize that whatever form it takes debt bondage is fundamentally a mechanism for drawing the vulnerable into slavery. It works on several levels, on one hand justifying and rationalizing enslavement under the cover of debt, and on the other hand pressing the (enslaved) debtor to accept their situation by placing the responsibility for repayment upon them.⁸

⁵ Halabi, Romina, (2008) 'Contract Enslavement of Female Migrant Domestic Workers in Saudi Arabia and the United Arab Emirates', in *Human Rights and Contemporary Slavery*, Human Rights and Human Welfare. Available from <http://www.du.edu/korbel/hrhw/researchdigest/slavery/index.html>, accessed June 2011, p.43.

⁶ Quote from Muriyani Suharti, a domestic worker who had been raped repeatedly by her employer. Human Rights Watch, (December 2005) *Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore*. Report Volume 17, No. 10 (C), p.37.

⁷ Bales, K. (1999) *Disposable People: New Slavery in the Global Economy*. Berkeley and Los Angeles: University of California Press, p.4.

⁸ 'Introduction', in *Human Rights and Contemporary Slavery*, p.4.

3. The Definition of Debt Bondage Applied

The Amount of Debt

First, it is important to look at the debt, or loan, itself. Although the definition of debt bondage does not consider the fairness of the debt, only the paying off of the debt, it is important to consider here whether the women should be in so much debt to begin with.

There is debate as to what costs the worker should have to cover, rather than the employer. More and more of the costs of migration are born by the worker rather than the one wanting to hire them, but this wasn't always the case.

From 1980-1990, the employer paid [the placement costs]. The maid paid a small little fee. But the competition between agents has increased, they are not charging employers, and instead passing the buck to maids. For six to eight months, the poor maid does not get a salary.... The abuse of maids comes from the EA [employment agent]. They do business by not charging employers.⁹

Case Example:

Lucy was interviewed by an APWLD field researcher in April of 2011 on Chater Road, Hong Kong. In her late thirties, she had been working in Hong Kong for over six years. She had been self employed before deciding to go to Hong Kong to earn more money. Her friends and other domestic workers had informed her about the labour laws, however she still worked 12-14 hours a day and only had one day off a month, preferring to take the extra money to work Sundays.

She paid an extra P1,000 (Philippine Peso) for the pre-departure skills training and P30,000 to the recruitment agency in the Philippines. An extra HK\$8,000 (Hong Kong Dollars) was paid to an agency in Hong Kong. Her debt was paid and she planned to continue her employment.

In comparison, Carren was in her late twenties and had only been in Hong Kong for just over a month. Interviewed at the MFMW Foundation office in April 2011, she had been working over 14 hours a day and suffering from verbal abuse from her employer before seeking help. In the Philippines, she had paid P100,000 in fees, in Hong Kong she was also paying HK\$2,943 x 4 months. At the time of the interview she was continuing her employment in order to pay off the fees, but was hoping MFMW Foundation could help her change employers.

⁹ Maid to Order, p.54.

In other cases both the worker and the employer pay the costs; “recruitment agents in Sri Lanka sometimes pocket substantial portions of the fees paid by employers, and transfer placement and migration costs to migrant domestic workers.”¹⁰ If this is the case, then the women should not be going into the level of debt that they are in the first place, but overcharging or double charging by recruitment agencies is a common occurrence. Some countries of origin have policies on how much the recruitment agencies can charge, the problem is finding out what that amount should be at the current time.¹¹

Fees for Indonesians:

In general, the Migrant Placement and Protection Law of Indonesia states that recruitment fees should only reflect costs associated with processing identity documents and psychological tests, job training and competency certification. Therefore the amount will differ for each country of destination. The Decree of The Minister of Manpower and Transmigration of The Republic of Indonesia Number: Kep. 230/Men/2003 Regarding Certain Grades and Positions Subject To Manpower Placement Fees, states in article 7:

- (1) The amount of manpower placement fees collected from manpower in the categories and positions stated in Article 5 shall be stipulated based on the agreement between the workers/laborers and LPTKS [Private Manpower Placement Institution] and shall not be exceed 1 (one) month salary to be received.
- (2) The placement fees as meant in paragraph (1) are paid in at least 5 (five) instalments.

Furthermore, for Hong Kong, the Decree of Directorate General of Placement of Indonesian Migrant Workers, Department Manpower and Transmigration (Decree of Dirjen Binapenta Depnakertrans) number 186 (2008), “stipulates that the amount of costs to be borne by the prospective Indonesian migrant workers is amounted to Rp. 15,550,000,- plus USD 15. Previously, only Rp. 9,132,000, - based on the SK Binapenta No. 653 Year 2004.”¹² In the table of placement fees it is interesting to note that the 2008 table includes the training fees and charges, but not the costs of the passport and medical fees, which are still required, and which the previous decrees in 2003 and 2004 did include.

Table of Structure of Placement Fee 2008 [Hong Kong]¹³

Component	In Rupiah	In US\$	Notes
Basic Fee			
Passport			By migrant
Medical Check			By referred hospital or clinic

¹⁰ Human Rights Watch (HRW), (November 2007) *Exported and Exposed Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates*. Report Volume 19, No. 16(C), p.26.

¹¹ If an experienced researcher has difficulties, it must be very difficult for the average domestic worker to find out how much they should be paying to recruitment agencies.

¹² Committee on the Elimination of Discrimination against Women (CEDAW), (March 2009) *Women’s Vulnerability To Economic & Sexual Violence: At Home, Educational Institution and State Agency*, VAW Notes of Year 2008, p.27.

¹³ Dewi, Retno, (2005) “Overcharging” *The Form of the State Exaction in Indonesia*, Association of the Migrant Workers of Indonesia, Asosiasi Tenaga Kerja Indonesia Hong Kong (ATKI-HK), p.4.

Work Visa			By employer
Insurance	400000		
Pembinaan		15	
Variable Fee			
Local Transport			Adjust with the situation
Airfare Jakarta-Hong Kong			By employer
Airport Tax	100000		
Training Center			
Accommodation and Consumption	4500000		
Fee for Instructor	1350000		
Transport Allowance for Instructor	900000		
Cantonese Handbook	20000		
Stationary	20000		
Rent the tools for training	4410000		
Competency test	110000		
Management Fee	3740000		
Total Fee	15,550,000	15	
Total in US\$	US\$ 1,570		

The Association of the Migrant Workers of Indonesia (Asosiasi Tenaga Kerja Indonesia) (ATKI) complains that the government was responding to calls to remove some of the costs to migrant workers, but that the government has only shifted the costs rather than reducing them.¹⁴

Fees for Filipinos:

The Philippine Overseas Employment Administration (POEA) Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers, Rule V Fees, Costs and Contributions (see the appendix) mandated that “the agency may charge and collect from its hired workers a placement fee in an amount equivalent to one month salary, exclusive of documentation costs.” The employers must pay the visa fee, airfare, POEA processing fee and OWWA membership fee. Since 2007, the Philippine Government through the POEA Guidelines, has declared that no one should pay recruitment fees, but only fees for “Passport, NBI/Police/Barangay Clearance, Authentication, Birth Certificate, Medicare, Trade Test, if necessary, Inoculation, when required by host country and Medical Examination fees.”¹⁵

Under this policy Filipino domestic workers must only pay for training, assessment and the actual cost of obtaining the documents (i.e. government fees) as indicated in official receipts; however it is difficult to obtain such receipts. However, the no fees policy only applies in countries that have

¹⁴ “Overcharging”, p.3-4.

¹⁵ *Mission For Migrant Workers – Hong Kong (MFMW, Limited) (2007) Overcharging by Recruitment Agencies and Burdensome Philippine Government Fees Eat Up Wages and Remittances of Filipino Migrant Workers*, p.4-5. Also see Workabroad.ph, (2010), *POEA Guidelines*. Available from http://www.workabroad.ph/poea_guideline.php, accessed Aug 2011.

regulations and policies which require the employer to pay the cost of hiring.¹⁶ In other countries, such as Hong Kong, which allow fees to be charged to migrants, the one months wage limit applies - except for Korea and Taiwan, which have special placement fee schedules.¹⁷

Minimum requirements and fees for Filipino Household Service Workers¹⁸

POEA Document Processing	
<ul style="list-style-type: none"> work visa or work permit employment contract verification or authentication by the Philippine Embassy or Philippine Consulate in the destination country 	US\$100 or peso equivalent
Passport Fees	
<ul style="list-style-type: none"> Regular 14 day processing 	Php 500.00
Mandatory Insurance	
<ul style="list-style-type: none"> OWWA membership 	Php 1,275.00
<ul style="list-style-type: none"> OWWA Medicare 	Php 900.00
Medical Examination	
<ul style="list-style-type: none"> Undergo medical examination(s) at a Department of Health-accredited medical clinic Medical examination requirements vary across destination countries 	Varies Php 500 – Php 1,500 among FDHs in the PAE FDH Survey
Training / Seminars	
<ul style="list-style-type: none"> Skills training not required but mandatory after failing the TESDA assessment three times 	Training centers determine rate (based on market). Prevailing training fee ranges from P 10,000.00 – 15,000.00 for 216 hours of training
<ul style="list-style-type: none"> Attend Pre-departure Orientation Seminar (PDOS) and receive a certificate of attendance 	Provided by OWWA for free
<ul style="list-style-type: none"> Attend OWWA Language and Culture Orientation 	Provided by OWWA for free
Skills Assessment	
<ul style="list-style-type: none"> Complete an assessment at an accredited TESDA assessment center Obtain an <i>HSW NC2 Certificate</i> from TESDA demonstrating possession of fore core skills competencies: house cleaning, laundry and ironing, preparation of hot and cold meals, provision of hot and cold food and beverage services 	Php 1,000.00

The Mission for Migrant Workers (MFMW) in Hong Kong released a report stating that; “the majority (46%) of the respondents who went via RAs [recruitment agencies] paid between P60,000 – P100,000, three to four times the prescribed amount pre-POEA guidelines in 2007.”¹⁹ A more recent report in 2010 on Filipino workers in the UAE indicates that this illegal overcharging has continued,

¹⁶ Department of Labor and Employment, (Aug 2007) Republic of the Philippines *Policy reforms on deployment of domestic helpers*. Available from <http://www.poea.gov.ph/hsw/hsw.html>, accessed June 2011.

¹⁷ CARAM – Asia, (2011) *Reality Check: Rights and Regulation for Migrant Domestic Workers Across Asia*, p.41-2.

¹⁸ Sources include documents from the POEA, OWWA, TEDSA websites and the PAE FDH survey. Ignacio, Emilyzen and Yesenia Mejia. (April 2008) *Managing Labour Migration: The Case of the Filipino and Indonesian Domestic Helper Market in Hong Kong*. John F. Kennedy School Of Government, Harvard University and International Labour Organisation, p.41.

¹⁹ *Overcharging by Recruitment Agencies*, p.4-5.

with a placement fee of P5,000 and deduction of three months salary, up to P25,000 without salary deduction.²⁰

This overcharging is also occurring with domestic workers from other developing countries. A report on Sri Lanka showed that the law, “permits labor recruiters to charge migrant domestic workers only for the SLBFE’s [Sri Lanka Bureau of Foreign Employment] official registration fee, which ranges from about US\$50 to \$100. We found that the actual fees women paid were as much as US\$315, much higher than official fees.”²¹ The agents inflate the amount of the fees and charges and since the SLBFE does not widely advertise how much women should be paying, the agents are able to get away with this overcharging.²²

Destination countries:

In both the destination countries of Hong Kong and Taiwan, the governments have mandated or suggested a particular amount which recruitment agencies and brokers can charge migrant domestic workers.

In Taiwan, the placement fee to recruitment agencies should be covered by employers, and the Council of Labour Affairs (CLA) suggests that the labour sending governments limit their placement fee to a maximum of one month's salary – NT\$15,840. However, a study by Asia Pacific Mission for Migrants (APMM) in 2009 states that up to NT\$6,703 a month is deducted for 15 months from Indonesian domestic workers wages and Filipino domestic workers pay from NT\$65,000 – NT\$100,000 through salary deductions, unless they have been direct-hired.²³ On top of this amount domestic workers have to pay a monthly service fee to Taiwanese brokers; “1st year - NT 1,800/month, 2nd year - 1,700/month and 3rd year - 1,500/month”.²⁴ Finally, migrant domestic workers also have to pay health Insurance of NT\$236, Alien Residence Certificate at NT\$1,000 a year and health check-ups at NT\$8,000 for a three year period.²⁵

In destination countries such as Taiwan, the country of origin policies on fees and charges also have little effect. Therefore, workers end up being overcharged at both ends.

Before the service fee policy was introduced domestic workers and caregivers were paying a minimum of NT\$80,000 and a maximum of NT\$200,000 for their combined placement and

²⁰ Information is for Filipino migrants in general not specifically domestic workers. Agunias, Doreen Rannveig, (2010) *Migration's Middlemen: Regulating Recruitment Agencies in the Philippines – United Arab Emirates Corridor*. Washington DC: Migration Policy Institute, p.13.

²¹ Exported and Exposed, p.23.

²² For example the information on fees is not available on their website: Sri Lanka Bureau of Foreign Employment (SLBFE), (2010) *Welcome to SLBFE*. Available from <http://www.slbfe.lk/index.php>, accessed June 2011.

²³ Asia Pacific Mission for Migrants (APMM) (2009), *Triple Whammy: A Study on the Contemporary Situation and Problems of Indonesian Migrant Workers in Taiwan*, p.21,4. A MOU between Philippines and Taiwan allows direct hiring of domestic workers through the Philippine Overseas Employment Administration (POEA)

²⁴ This is to cover: “Providing transportation services to and from the airport. Providing transportation and food whenever there is medical examination. Providing board and lodging in case the worker is allowed to transfer to another employer. Getting the Alien Residence Certificate (ARC) of the worker. On site orientation. Providing assistance to the worker in case he/she is to be terminated by the Employer. Providing assistance in terms of mediating between the worker and employer whenever there is friction between them based on the methods of settlement agreed upon by MECO-CLA. Providing assistance in filing information/documents/cases to the authorities concerned in Taiwan like the tax bureau, police, labor, bureau, etc. If it becomes necessary, to assist the worker in transacting business with the bank and of remitting money to his/her family.” *Triple Whammy*, p.20.

²⁵ *Triple Whammy*, p.24.

broker fees. Now [2007] they are paying a minimum of NT\$104,000 and a maximum of NT\$293,000 for their expenses. With this new policy the workers' situation has only become worse.

PLACEMENT/SERVICE FEES Domestic Workers and Caregivers [Taiwan]²⁶

	Indonesia	Philippines	Thailand	Vietnam
2002	210,000	94,000 – 107,000	140,000 – 210,000	310,000 – 326,000
2003	240,000	94,000 – 127,000	140,000 – 210,000	310,000 – 326,000
2004	190,000 – 250,000	94,000 – 127,000	140,000 – 210,000	310,000 – 326,000
2006	161,000 – 164,000	104,000 – 124,000	140,000 – 180,000	278,000 – 293,000

The Mission for Migrant Workers (MFMW) reported in 2009 that “placement fees for Taiwan-bound OFWs are from P80,000 to P140,000 paid in cash or through salary deductions”, about NT\$50-95,000 for the placement fees alone and then the broker fees are on top of this.²⁷

In Hong Kong, the commission of recruitment agencies should not exceed 10% of the employee’s first months’ wages.²⁸ Also, according to the Hong Kong Labour Ordinance, an employer is only allowed to deduct a maximum of 50% of the migrant worker’s monthly wages for deductions “required or authorized under any enactment to be made from the wages of the helper”, and deductions, “at the helper’s written request, for recovery of any loan made by the employer to the helper”, not for third party loans.²⁹ This means that it is illegal for a worker to receive less than HK\$1,790 per month in wages. Furthermore, under section 8 of the standard contract the employer should reimburse the domestic worker for many of the fees that they incur.

8. The Employer shall be responsible for the following fees and expenses (if any) for the departure of the Helper from his/her place of origin and entry into Hong Kong:-
 (i) medical examination fees;
 (ii) authentication fees by the relevant Consulate;
 (iii) visa fee;
 (iv) insurance fee;

²⁶ Actual amounts. O'Neill, Fr. Peter (March 2007) *Taiwan Migrants' Labor System*, “The Catholic Church in Asia Cares for Migrants in Taiwan” Hsinchu Diocese Taipei, Taiwan. Available from <http://www.catholic.org.tw/catholic/in-3.htm>, accessed June 2011.

²⁷ Balladres-Pelaez, (10 Feb 2009) *11,000 OFWs in Hong Kong sign petition vs. direct hiring ban*, Pinoyoverseas News. Available from <http://pinoyoverseas.net/news/hongkong/11000-ofws-in-hong-kong-sign-petition-vs-direct-hiring-ban/>, accessed 21 June 2011.

²⁸ Asia Pacific Forum on Women, Law and Development (APWLD), (2010) *The Right to Unite: A Handbook on Domestic Workers Rights Across Asia*, p.28.

²⁹ Some publications refer to only allowing 25% deduction, but this is for “damage or loss to the employer’s goods or property directly attributable to the helper’s negligence or default” and is therefore different from deductions to repay fees and costs or loans associated with recruitment. Labour Department of the Government of the Hong Kong Special Administrative Region, (Jan 2011) *Practical Guide For Employment of foreign domestic helpers – What foreign domestic helpers and their employers should know*. Available from http://www.labour.gov.hk/eng/public/content2_2.htm, accessed June 2011, p.9.

(v) administration fee or fee such as the Philippines Overseas Employment Administration fee, or other fees of similar nature imposed by the relevant government authorities; and

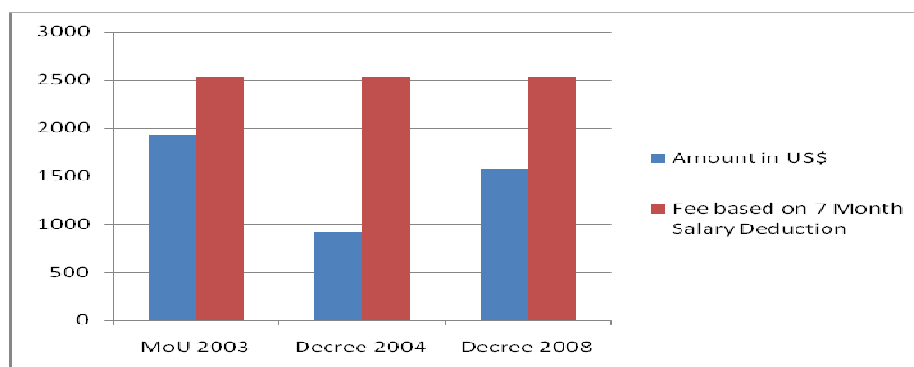
(vi) others: _____

In the event that the Helper has paid the above costs or fees, the Employer shall fully reimburse the Helper forthwith the amount so paid by the Helper upon demand and production of the corresponding receipts or documentary evidence of payment.

Despite the fact that the fees for Filipino domestic workers have been laid out, and despite the policy of Hong Kong, it is clear that the workers pay more than this amount. According to PILAR's survey "in 2009, 93% of IDWs processing their new contracts in HK are charged fees from HK\$1,500 – HK\$15,000 despite the limit set by the HK Government that agenc[ies] [can charge] only 10% of first month salary".³⁰ Also according to the HK-based NGO Mission for Migrant Workers (MFMW); "about 74 percent of Filipino domestic workers in Hong Kong were employed through recruitment agencies. Of this percentage, 54% were made to pay P60,000 to more than P100,000 as agency fees."³¹

The overcharging also seems to be higher for those from Indonesia, since they are unable to be directly hired by employers. A translated report by Association of the Migrant Workers of Indonesia (Asosiasi Tenaga Kerja Indonesia) (ATKI) *"Overcharging" The Form of the State Exaction in Indonesia*, clearly shows this practice of overcharging despite government mandated amounts in this graph:

Comparison between Legal Placement Fee with the Actual Charge to Indonesian Migrant Workers in Hong Kong³²



The receipt in the appendix also demonstrates that Indonesian domestic workers in Hong Kong workers are paying more than the government stipulated. The receipt shows the workers' wage being deducted \$1,800 each month for five months in 2005, the worker was being paid HK\$3,000 before deductions.³³ Another report *Managing Labour Migration: The Case of the Filipino and*

³⁰ United Indonesians Against Overcharging (PILAR), (1 May 2010) *Stop Forcing Indonesian Domestic Workers To Agency: IDWs in Hong Kong demand Indonesian Consulate to lift ban on direct hiring with same employer*. Press Release.

³¹ 11,000 OFWs in Hong Kong sign petition vs. direct hiring ban.

³² "Overcharging".

³³ Lee, Peggy W.Y. and Carole J. Petersen (May 2006) *Forced Labour and Debt Bondage in Hong Kong: A Study of Indonesian and Filipina Migrant Domestic Workers*, Centre for Comparative and Public Law The University of Hong Kong, Occasional Paper No. 16, appendix two.

Indonesian Domestic Helper Market in Hong Kong, notes that of the 28 Indonesians surveyed in Hong Kong, all “paid fees beyond the legal amount, ranging from HK\$ 1,532 for six months to HK\$ 3,000 for seven months.”³⁴

Earlier surveys by the Mission for Migrant Workers showed that “...domestic workers in Hong Kong are paying off debt for up to 15 months”.³⁵ Interviews for a 2008 publication by APWLD found that migrant domestic workers, “paid to the agency around 80% of their wages during the period of six to eight months. The ATKI survey reported that in mid 2005, the majority of the workers paid about HK\$20,000 to their agency.”³⁶ The recent 2011 survey by APWLD found that on average Indonesian domestic workers in Hong Kong paid HK\$21,000 by wage deductions over seven months, even though this is illegal under Hong Kong law.

ATKI goes on in their report to state; “We can say that 100 percent of Indonesian migrant workers are being overcharged” and they have the figures to prove it:³⁷

The Structure of Placement Fee in Various Recipient Countries:³⁸

Regulation and Recipient Countries	Official Fees (in Rupiah*)	Salary Deduction and Total Fees (in Rupiah*)
No. 158/D2PTKLN/XII/2004 (Taiwan)	12,944,500	15 months; Rp 20-30 million.
No. 650/D2PTKLN/XII/2004 (West Malaysia)	3,865,000	3 months; Rp 5 million.
No. 651/D2PTKLN/XII/2004 (East Malaysia)	2,500,000	3 months; Rp 5 million.
No. 652/D2PTKLN/XII/2004 (Singapore)	5,310,000	7 months; Rp 15 million.
No. 653/D2PTKLN/XII/2004 (Hong Kong)	9,132,000	7 months; Rp 21 million.
No. 654/D2PTKLN/XII/2004 (Brunai, informal)	4,295,000	3 months; Rp 6 million.
No. 655/D2PTKLN/XII/2004 (Brunai, formal)	4,470,000	2 months; Rp 6 million.
No. 659/D2PTKLN/XII/2004 (Bahrain)	7,275,000	2 months; Rp 3 million.
No. 767/D2PTKLN/XII/2004 (Uni Emirates)	7,275,400	2 months; Rp 3 million.
No. 770/D2PTKLN/XII/2004 (Oman)	7,275,000	2 months; Rp 3 million.
No. 771/D2PTKLN/XII/2004 (Qatar)	7,275,000	2 months; Rp 3 million.
No. 443/MEN/TKLN VII/2005 (South Korea)	8,830,000	n.a
Saudi Arabia	tidak ada (no) data	3 months; Rp 4,5 million.

* US\$ 1 = Rp 10,700.-

³⁴ *Managing Labour Migration*, p.23.

³⁵ *Overcharging by Recruitment Agencies*, p.7.

³⁶ Asia Pacific Forum on Women, Law and Development (APWLD), (2009) *The Hidden Pillars: A Study on the Contribution of Indonesian Domestic Workers to the Quality of Life of Hong Kong and Malaysian Employers.*, p.46.

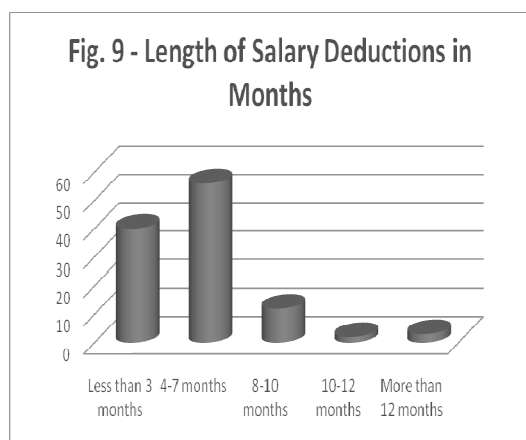
³⁷ “Overcharging”, p.5.

³⁸ “Overcharging”, p.5.

Illegal overcharging and excessive wage deductions are symptomatic of recruitment for domestic work, especially when the government sets fees and charges, but does not prosecute recruitment agencies or otherwise stop the practice, as will be outlined in the fifth section of this report.

In countries where the government does not have a policy on the fees and charges and there are no bilateral agreements the costs are often unpredictable. The fees can vary widely, as a report of Indonesian domestic workers in Macau showed:

1. For those who went straight from Indonesia to Macau, an average of MOP 6-7,000 was being spent in agency fees to a local Indonesian agency. (This is taking into account that there were 3 cases listed on the extreme ends of the spectrum.)



2. For those who choose to go through Hong Kong first they were still averaging between MOP 6-11,000 per person in agency fees to local Hong Kong agencies.
3. Once the Migrant Worker has arrived in Macau, there are still agency fees to be paid to a local Macau agency as well. Out of the 199 surveys, 161 respondents said they had to pay some amount to a Macau agency.
4. Less than 2% of the respondents paid less than \$1,000MOP, while 25% were charged between 4,000 and 6,000 MOP, 18% were

charged between 8,000 and 10,000 MOP, 13% were charged between 10,000 and 15,000 MOP and 19% were charged outrageous amounts calculating over 15,000 MOP!

5. And while the results show that 68% of the agency fees are being paid by the employer, it is also shown that the monthly salaries of the worker are being deducted in order to pay for the agency fees. See Figure 9 for the average months the worker has to pay agency fees via salary deduction.³⁹

Although the definition of debt bondage does not consider the amount of the debt, it is important to consider because even if the migrant worker is not in a situation of debt bondage, the debt amount may still be illegal or at the very least, they may be unfairly overcharged.

Summary of fees and costs:	
Indonesian domestic worker fees:	Rp. 15,550,000, plus USD 15 for Hong Kong Maximum one months wage in at least five instalments for other countries
Filipino domestic worker fees:	Training, assessment and actual documentation costs plus maximum one month wage for Hong Kong and other countries Only actual documentation costs in countries that specify that the

³⁹ A Baseline Survey of Working Conditions and Recruitment Practices of Indonesian Migrant Workers in Macau, p.7-8.

	employer must pay recruitment costs Actual documentation plus the fee schedules for Taiwan and Korea
Migrant domestic worker fees in Taiwan:	Suggested maximum fee: One months wage - NT\$15,840
	Other: Health Insurance of NT\$236 per year, Alien Residence Certificate at NT\$1,000 a year and twice a year health check-ups at NT\$8,000 for a three year period
	Broker fees (three year contract): 1st year - NT 1,800/month, 2nd year - 1,700/month and 3rd year - 1,500/month = NT60,000
	Total: Minimum NT\$87,548 over three years
Migrant domestic worker fees in Hong Kong:	Maximum commission of 10% of HK\$3,580 and also max 50% deduction of monthly wages

The Value of the Work

Whether or not there is a fair assessment of the value of the work that worker is doing and if that is being applied towards the liquidation of the debt (under the definition of debt bondage), may be hard to gage. However, if the domestic worker is working every day of the week without a break - on call 24 hours a day as they live in the employers' household - and it still takes the worker months or years to pay of their debt, then this would seem to be an unfair assessment of the value of domestic work. It is common to hear that, "the first year is to pay the debt, the second year is to balance the costs, and the third year finally nets a profit for the worker".⁴⁰

To determine if there is an unfair assessment of the value of the work itself, this requires also looking at the wage that the worker is paid. The wage is often decided by the recruitment agency, especially where the laws do not determine a minimum wage for migrant domestic workers. The monthly minimum wage of a migrant domestic worker in Taiwan is one of the higher rates at NT\$15,840 (approximately US\$507), however, the minimum wage is not enforced as migrant domestic workers have not been protected by the labour standards law since briefly in 1998. The minimum wage for other forms of employment in Taiwan was recently raised again to NT\$17,880.00 in January 2011.⁴¹ The "minimum allowable wage" (MAW) for entering into a new contract with a migrant domestic worker in Hong Kong is \$3,580 per month (approximately US\$461), since 10th July 2008.⁴² This was raised in June 2011 to \$3,740 (approximately US \$480), still lower than the \$3,860 MAW back in 1998, even though costs of living have risen in Hong Kong.⁴³

⁴⁰ Lee, Hey-Kyung (2005) "Changing Trends in Paid Domestic Work in South Korea." In Shirlena Huang, Brenda S. A. Yeoh, Noor Abdul Rahman eds., (2005) *Asian Women as Transnational Domestic Workers*, Singapore: Marshall Cavendish Academic.

⁴¹ *Triple Whammy*. Asia Pacific Mission for Migrants (APMM), (27 January 2011) *Domestic workers excluded from the wage hike in Taiwan*. Available from <http://ufdwrs.blogspot.com/>, accessed Jan 2011. Exchange rates checked on 29th Sept 2010.

⁴² *Practical Guide For Employment of foreign domestic helpers*. Exchange rates checked on 29th Sept 2010.

⁴³ Eval, Nheslaine (June 2, 2011) *Wage hike for HK maids approved; workers say it's not enough*, The Philippine Online Chronicles. Available from <http://ufdwrs.blogspot.com/>, accessed Jan 2011.. Exchange rates checked on 2nd June 2011.

Minimum set wage for migrant domestic worker	
Hong Kong	HK\$3,580 (approximately US\$461) (raised to \$3,740 (approximately US \$480) in June 2011)
Taiwan	NT\$15,840 (approximately US\$507) before tax (not enforceable)

It must also be noted that Taiwan also charges migrant workers income tax. Migrant domestic workers are considered to be resident taxpayers when they stay for over 183 days in a calendar year and they are then taxed 6-10% of their gross income. Domestic workers frequently earn under the threshold, but they still have tax taken from their salary and it is not refunded.⁴⁴ For those domestic workers who unfortunately stay less than 183 day in the year, or start after July, they are taxed at 20% and this is non-refundable.

Even where there is a minimum wage set by the government, the recruitment agency still controls what the worker receives, and to satisfy the customers of the agency - the employers - often the amount is below the minimum. There is anecdotal evidence from conversations with women migrant domestic workers that those workers on their first three year contract are seen as inexperienced and therefore can be paid under the minimum wage.⁴⁵ This is known as underpayment and it is illegal where there is a set minimum wage. A survey of Indonesian domestic workers in Hong Kong in 2006, showed that 38% of workers on their first contract were underpaid, compared to the average of 22% overall.⁴⁶ This underpayment in combination with overcharging on fees and costs leaves workers with little at the end of the month. An earlier 2008 survey also found that out of the 57 Filipino and Indonesian domestic workers surveyed, all of whom were on their first contract:

13 FDHs [Foreign domestic workers], all Indonesian, [were found] to be underpaid. Their salaries [before deductions] ranged from HK\$1,600 to HK\$3,140. One Indonesian FDH noted that she was paid the MAW until the obligated salary deductions were completed, after which she received only HK\$ 1,800 a month.⁴⁷

Even for those on their second contract who receive the full minimum wage, the second contract comes with a second set of costs and fees - the broker fees in Taiwan being the same amount as for the first contract. Domestic workers in Hong Kong and Taiwan were asked in 2011 what their wage per month before deductions was, the majority answered that they were still being paid the minimum wage (HK\$3,580 / NT\$15,840), even though most of the women surveyed were on their second or third contract.

⁴⁴ Information supplied by domestic workers and staff at TransAsia Sisters Association - Taiwan (TASAT)

⁴⁵ Asosiasi Tenaga Kerja Indonesia Hong Kong (ATKI-HK), (2007) *The Truth Behind Illegal Salary Deductions To Indonesian Migrant Workers (IMWs) In Hong Kong*.

⁴⁶ Asian Migrant Centre (AMC) Indonesian Migrant Workers Union (IMWU) and The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO), *UNDERPAYMENT 2 The Continuing Systematic Extortion of Indonesian Migrant Workers in Hong Kong An In-Depth Study of Indonesian Labor Migration in Hong Kong*, August 2007, p.26-7.

⁴⁷ *Managing Labour Migration: The Case of the Filipino and Indonesian Domestic Helper Market in Hong Kong*, p.25.

Where there is no law determining the wage then it is often much lower than for other comparable occupations and varies between different nationalities.

According to the Singapore Report on Wages 2004, an average entry-level Singaporean worker in a comparable occupation, for example, a cleaner or gardener, earns a starting wage of approximately S\$700-850 [U.S.\$438-531] per month. In contrast, the starting salary for Filipina domestic workers in early 2005 was S\$320 [U.S.\$189], for Indonesian and Sri Lankan domestic workers, approximately S\$220-260 [U.S.\$130-153], and for Indian domestic workers S\$150-180 [U.S.\$88-106] per month.⁴⁸

The average wage of Indonesian domestic workers in Macau in 2008 was 2,500MOP (Macau Patacas), but some workers surveyed by were paid as low as 1,550MOP.⁴⁹ Workers are also deceived by the agencies who tell them they will get a certain wage and they later find out that their wage will be much lower. "Labor agents in Sri Lanka revealed that they are aware that actual wages often are lower than the wages stipulated in labor contracts. The president of the Sri Lankan professional association of labor agencies acknowledged that deception about wages is common."⁵⁰

Even without this deception, it is this combination of the high recruitment agency fees and costs in order to migrate and the low wages the worker receives for their undervalued work that leads to the situation of debt bondage, as a recent news article reported:

The United Nations High Commission for Refugees (UNHCR) report blamed the country's 700 odd recruiting agencies and their group, the BAIRA, for helping contribute "forced labour and debt bondage". It said members Bangladesh Association of International Recruiting Agencies (BAIRA) "unlawfully" charge more than they are permitted from the workers for placing them in low-skilled jobs that usually pay between \$100 and \$150 per month. "Such high fees have been reported by the ILO to contribute to the placement of some of these workers in debt bondage or forced labour once overseas..."⁵¹

Is the Work Limited and Defined?

The second way that the contract can become a situation of debt bondage under the definition is the lack of definition and limitation of the work. As mentioned above, this occurs when the worker is tricked or trapped into working for low or no pay for unreasonable working hours and the work that the worker is contracted to do is not clear, or the terms of the contract are either not stipulated or not followed.

The lack of limitation is often caused by the fact that domestic workers do not go home to a separate place at the end of the working day.

⁴⁸ Maid to Order, p.70.

⁴⁹ *A Baseline Survey of Working Conditions and Recruitment Practices of Indonesian Migrant Workers in Macau*, p.6.

⁵⁰ Exported and Exposed, p.34.

⁵¹ Rahaman, Mashiur (2 August 2009) *High cost of migration leads to debt bondage of Bangladeshi workers*, The Financial Express. Available from http://www.thefinancialexpress-bd.com/more.php?news_id=75060&date=2009-08-02, accessed Feb 2011.

Since 2003, the Hong Kong government has specifically required MDWs [migrant domestic workers] to live in their employer's household. When combined with the lack of legislation on maximum hours of work, this renders the MDW effectively oncall for work at any time of day or night, without entitlement to overtime pay or to time off in lieu of overtime pay.⁵²

When the worker lives in the employers' household, their working hours are only defined by the fact that they may always be working. If they employer comes home late they may have to stay up, cook and clean up after and still get up with the children in the morning. If they are caring for an elderly person they may need to check on them, help them to the bathroom or give them medication every couple of hours, day or night.⁵³ Often workers do not have their own private space they can retreat to, as they share a room with an elderly person or children, or simply sleep and store there things in a communal area. During surveys and discussions with women in a shelter in Taiwan, one woman admitted that she was forced to sleep with the dogs outside and another slept next to the shoe rack in the entrance way to tend to the employer when they came home late, and to guard the house against intruders.⁵⁴

Case Example:

Lucy was interviewed by an APWLD field researcher in April of 2011 on Chater Road, Hong Kong. In her late thirties, she had been working in Hong Kong for over six years. She had been self employed before deciding to go to Hong Kong to earn more money. Her friends and other domestic workers had informed her about the labour laws, however she still worked 12-14 hours a day and only had one day off a month, preferring to take the extra money to work Sundays.

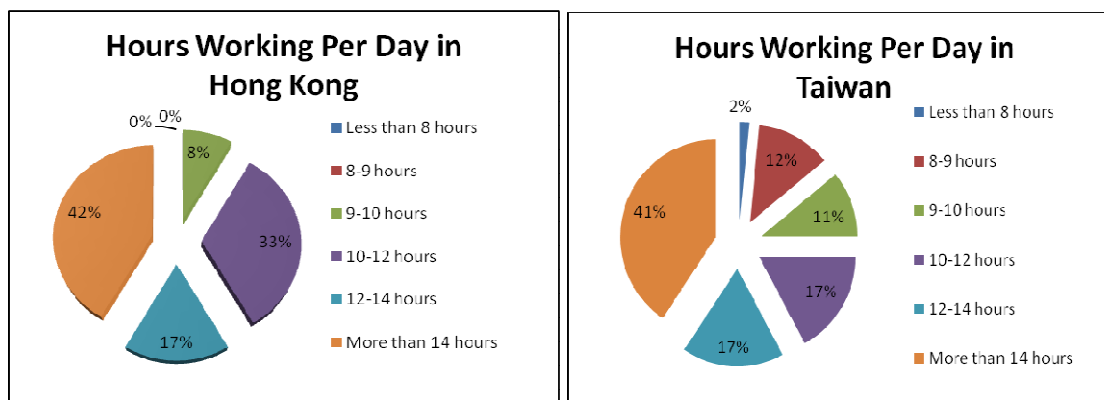
She paid an extra P1,000 (Philippine Peso) for the pre-departure skills training and P30,000 to the recruitment agency in the Philippines. An extra HK\$8,000 (Hong Kong Dollars) was paid to an agency in Hong Kong. Her debt was paid and she planned to continue her employment.

In comparison, Carren was in her late twenties and had only been in Hong Kong for just over a month. Interviewed at the MFMW Foundation office in April 2011, she had been working over 14 hours a day and suffering from verbal abuse from her employer before seeking help. In the Philippines, she had paid P100,000 in fees, in Hong Kong she was also paying HK\$2,943 x 4 months. At the time of the interview she was continuing her employment in order to pay off the fees, but was hoping MFMW Foundation could help her change employers.

⁵² *Forced Labour and Debt Bondage in Hong Kong*, p.10.

⁵³ From discussions at the consultative forum in Taiwan and Hong Kong, Feb and March 2011.

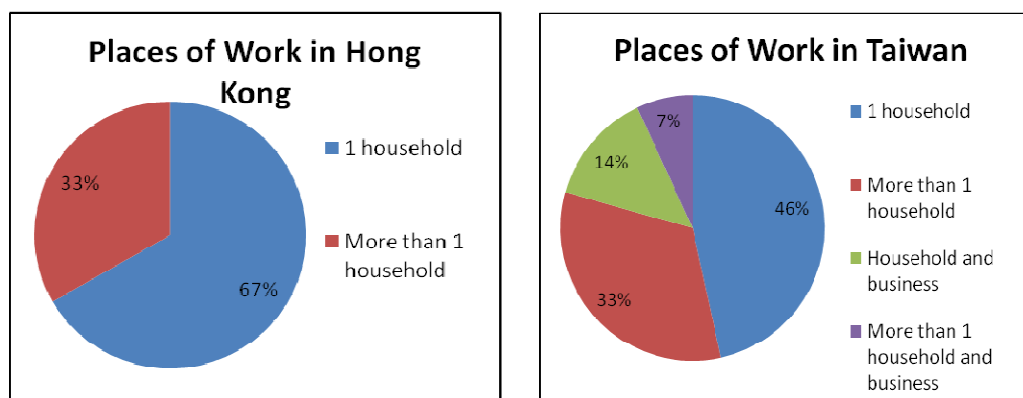
⁵⁴ From discussions with women at the shelter in Southern Taiwan, Feb 2011.



Although they work slightly less hours on average, the working week of domestic workers in Taiwan is not limited - they have no legislated day off - and although the policy and standard contracts of workers from the Philippines requires that they have a weekly day off, many do not get it. In Hong Kong, all migrant workers have the legislated right to a day off, but some workers may choose to take the compensatory extra pay or are forced to work on their days off instead.⁵⁵

The nature of domestic work itself is also not often defined. The 'list' of job particulars or work that the domestic worker is employed to do is not often included in contracts, or is vague and there can be different expectations as to what the work will entail, or more work can be added by the household employer without notice. If the employer has guests to stay or becomes pregnant, or if the employer tells the worker (often illegally) to clean a workplace or a relatives' house, the worker will not receive any extra compensation for this work. In Hong Kong it is illegal for the domestic worker to work in places other than the single household which is written in the contract. However, it is clear from the APWLD survey that domestic workers continue to work in more than one household, although they do not tend to also work in businesses as well, unlike in Taiwan.

Where Domestic Workers Work:



⁵⁵ See the graphs below in section 4.

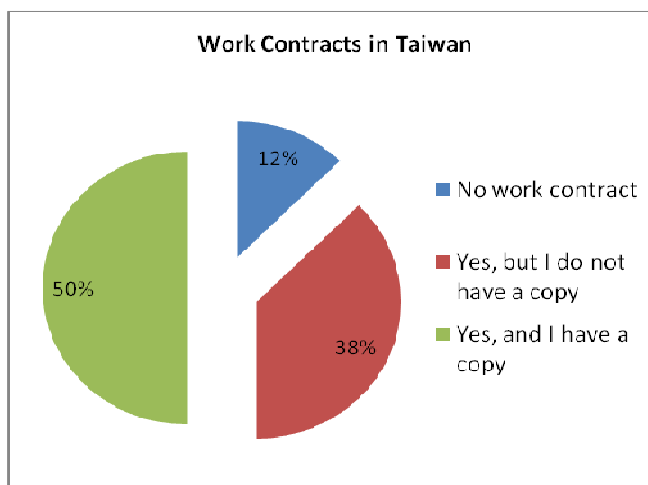
There are also many tricks and traps that occur in the recruitment business which change the nature of the work that the women has agreed to at the pre-departure stage. The worker is also often told one thing, but a contract is not signed confirming those conditions of work. For example one Sri Lankan women was told there three people in the house and their turned out to be seven, another thought the job would only be cleaning, but when she arrived she had to cook and care for a baby as well.⁵⁶ Before migration the women are often unsure what they will be required to do, and even when they have a job description it may be rather vague.

Example of Job Particulars From Casetrust and AEAS Standard Contract For Singapore:⁵⁷

29. The FDW shall be required to perform domestic duties as follows (to tick where applicable):

- ☐ Household chores
- ☐ Cooking
- ☐ Looking after aged person(s) in the household [constant attention is *required/not required]
- ☐ Baby-sitting
- ☐ Child-minding
- ☐ Others (please specify):

In a survey of Sri Lankan domestic workers in Lebanon in 2004, 71 per cent said they did not sign a contract.⁵⁸ Surprisingly, 12% of the migrant domestic workers in Taiwan, surveyed by APWLD in 2011, also said that they did not have a work contract, all of the 12% were from Indonesia.



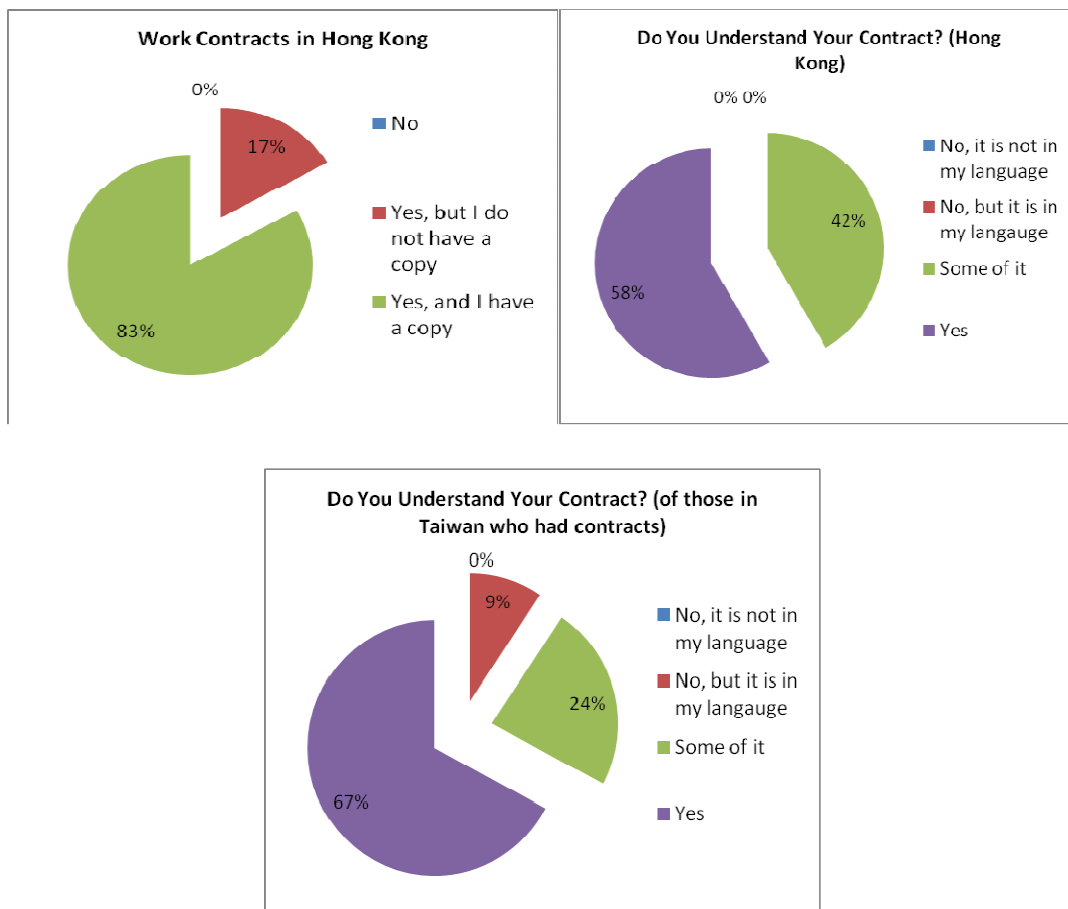
⁵⁶ Exported and Exposed, p.33.

⁵⁷ Consumers Association of Singapore, (2007) *How do I apply? Download CaseTrust Info Kits here!* Available from <http://www.casetrust.org.sg/Downloads/tabid/69/Default.aspx#EASStdContracts> accessed June 2011.

⁵⁸ Jureidini, Ray and Nayla Moukarbel, (July 2004) 'Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery'? *Journal of Ethnic and Migration Studies*, Vol. 30, No. 4, pp. 581–607, p.584.

This is not the case in Hong Kong, where every worker surveyed said they had signed a work contract before departure. However, the worker may not be able to read the contract or is not in their language and they may not be given a copy of the contract to refer to later.

During their first two-year contract, the labor agent typically sets the salary. Although many domestic workers sign a contract before beginning work, almost none retain their own copies, and many are vague about the terms and conditions of employment. Human Rights Watch interviewed Julie Panada, a newly-arrived domestic worker from the Philippines who did not know the salary she would receive once she finished paying her debts. She said, “I don’t know my salary yet... I got here yesterday.”⁵⁹



Where the worker is unsure of the terms of the contract, there can be unpredictability as to how much the worker owes and how long it will take them to pay off the debt.

Even when the terms of the contract are clear and accepted by the worker, the contract may later be substituted or amended. Side agreements and contract substitution is symptomatic of recruitment

⁵⁹ Maid to Order, p.49-50.

for domestic work and can be a trap that is difficult to avoid. Side agreements are used to supplement contracts with terms that are left vague or incomplete in the original contract signed by the worker. Contract substitution occurs when the worker may sign a contract in their home country and then are forced to sign a different one on arrival in the destination country. As they have already arrived at their destination, they already owe a large debt for the flights etc, and may have no way to pay off the debt or return home unless they agree to the new contract. According to Nabeel Rajab, of the Bahrain Centre for Human Rights:

'Contract substitution' was a key issue faced by an estimated 70,000 domestic workers in Bahraini households. "A worker signs a contract in their home country, but they are made to sign a new contract with vague terms upon arrival," he said. "In some cases, a housemaid works for extra hours, low salary and other problems which surface because of contract substitution."⁶⁰

Terms that are commonly changed or substituted, include the ability to have a day off, the fees and charges, and also the wage amount, which means that it can take months longer than the worker expected to pay off the debt. With the combination of overcharging of fees, underpayment of wages, undefined work, unlimited hours, and the lack of a contract, understanding of the contract or contract substitution, it is clear that debt bondage is a problem endemic to migrating for domestic work.

Why Do Women Go Into Debt Bondage?

There is a very simple reason as to why women go into debt bondage; "Debt bondage is in fact one of the only means for poor women to seek jobs abroad, since the sums required to pay for work permits and travel are usually beyond their means".⁶¹ In order to work overseas as a domestic worker, they need to cover the expense of the recruitment fees, the flights, visa and other costs associated with getting employment as a domestic worker. Almost all the women surveyed by APWLD in 2011 said they went into debt as they did not have the money to cover the fees and costs, or to pay the agency.

Women from developing countries want to work as domestic workers to earn money that they are unable to earn at home, therefore they do not have the savings or ready money in the bank to pay off these expenses. Women, unlike men, also commonly do not have assets which can be used to secure a loan from a bank or other credit facility. Women rarely own property, vehicles or farm machinery, for example, which could be used to secure a loan. The 2002 registration of land title in Java, Indonesia show that 60-80% of land is registered under the husbands' name alone.

Registration of Land Title by Marital Status and Type of Land (Java), 2002⁶²

⁶⁰ DECEMBER18, (Dec 2010) *New push for maids' rights in Bahrain*. Available from <http://www.december18.net/article/new-push-maids-rights-bahrain>, accessed June 2011..

⁶¹ Manseau, Gwenann S., (2006) 'Contractual Solutions for Migrant Labourers: The Case of Domestic Workers in the Middle East', in *The Human Rights Law Commentary*, Vol. 2, p.31.

⁶² SMERU Research Team (June 2002) *An Impact Evaluation of Systematic Land Titling under the Land Administration Project (LAP)*, SMERU Research Institute.

Type of Land	Wife	Husband	Joint Title
Urban	14.3	76.9	1.7
Suburban	27.4	67.4	2.8
Rural	20.4	66.7	1.0

The CEDAW report for the Philippines mentions that banks are not allowing women to have loans or credit, and financial institutions are still requiring a male partner's signature for contracts.⁶³ The CEDAW report for India states;

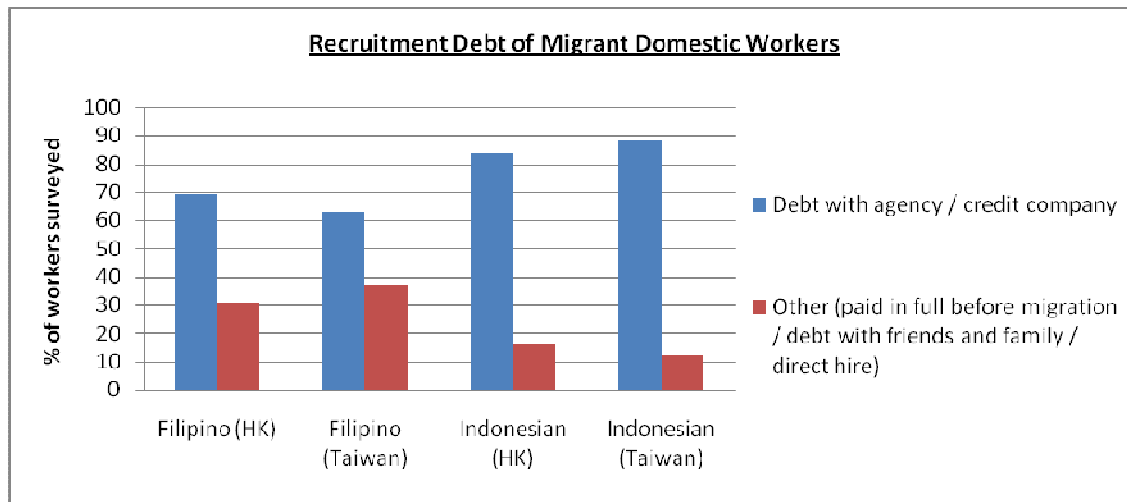
Legally there is no prohibition for a woman to hold property in her name; however, in practice almost all the immovable properties are registered in the name of the man. Thus, the opportunities to enter into and make financial transactions and entrepreneurial activities on their own are severely impaired due to lack of capital.... Though there is no prohibition for women to secure loans from banks and other financial institutions, the same is not accessible to them as they are unable to give collateral security for the loans, since they do not own any property in their name nor do they have any independent income. Thus they have to depend upon their husbands or other male relatives to secure the loan.⁶⁴

Therefore, women often only have their own labour as security for the debt and unless someone in their extended family is able to loan them the money or secure a loan, they otherwise have to seek assistance from the recruitment agency to cover the expenses. It may also seem much simpler to just go overseas and pay off the costs associated with recruitment from the first few months' wages in a 'fly now, pay later', especially when everything is set up and organised by the recruitment agency itself, including the loan. Around 72% of those Filipino women seeking to work in Hong Kong go through recruitment agencies, even though it is possible to be hired directly.⁶⁵ Less than 10% of the women migrant domestic workers surveyed by APWLD in both Hong Kong and Taiwan were hired directly. Furthermore, they were asked how they paid for the costs of migrating for domestic work and most of them said they were in debt with the agency and/or a credit company, with very few being in debt with family or friends.

⁶³ Committee on the Elimination of Discrimination against Women (CEDAW), (2 August 2004) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fifth and sixth periodic reports of States parties: Philippines.*, p.35, 143.

⁶⁴ Committee on the Elimination of Discrimination against Women (CEDAW), (19 October 2005) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined second and third periodic reports of States parties: India*, p.82-3.

⁶⁵ Overcharging by Recruitment Agencies, p.4.



With the real risk of debt bondage, it could be asked then, why so many women migrate for domestic work?

The first reason is that many women feel so much shame about their situation of debt bondage and the destruction of their hopes and expectations, that they may not be truthful when asked about their experience. The women may have originally felt empowered by the fact that they have travelled overseas to earn a living and do not want the pity that would come if they tell their community what the experience was really like.

Edna was the third child of nine. A younger sister was also working in Hong Kong, but her sixth sister had recently gone home in debt and Edna and the family were helping her financially. Edna had finally told her family about the conditions in Hong Kong as she did not want anyone else to come. Like many domestic helpers, Edna had not wanted to let her family know how bad the working conditions were, but she said her membership in ACFIL had helped her to gain the strength to tell her family the truth. Before she came to Hong Kong, she had not realized how bad life could be because no one had told her the facts before she left home - the loss of freedom and bad working conditions.⁶⁶

Others may have even lied about why they were going overseas or that they are working as domestic workers; "I met a Filipina on the street in Taipei. She's my neighbour in the Philippines... She asked me not to tell people I saw her in Taiwan. Many people don't even tell their family and friends what they are really doing here. They don't know we are just washing dishes and dogs!"⁶⁷

Secondly, women often have little other way to earn a living. Many women need to migrate in order to care for their families and earn a living when there is chronic unemployment in their own country.

⁶⁶ Kennelly, E.M. (2008), *Culture Of Indifference: Dilemmas Of The Filipina Domestic Helpers In Hong Kong*, A Thesis Submitted for the Degree of PhD at the University of St. Andrews, St Andrews Digital Research Repository. Available from <https://research-repository.st-andrews.ac.uk/>, accessed May 2010, p.138.

⁶⁷ Lan, Pei-Chia (2006) *Global Cinderellas: Migrant Domesticities and Newly Rich Employers in Taiwan*. Durham: Duke University Press, p193.

“For many of the hundreds of thousands of Sri Lankan women migrating to work as domestic workers in the Middle East, migration is a survival strategy pursued largely out of desperation.”⁶⁸

Nearly all the [Sri Lankan] migrant domestic workers Human Rights Watch interviewed cited financial necessity as a reason for their decision to migrate and said they had no option other than to migrate for work. Although many had a tenth or twelfth-grade education, they were unemployed or underemployed in Sri Lanka before and after migrating.”⁶⁹

However, this is not the case for all migrant domestic workers:

Many are educated and skilled and are not on the edge of abject poverty; in fact, many of these women come from lower-middle class families and take a proactive role in leaving the household in search of work. Although there is a key financial incentive to migrate, many women also do so because they are seeking adventure, independence, training, and upward social mobility.⁷⁰

Other women may see no other way to escape an unhappy marriage, an impending marriage or simply the confines of life in a small community or village, to live independently in a big city.⁷¹

This leads to the third reason. There are, of course, many women who migrate for domestic work, pay off their debt, are able to make remittances to their families and return safe and sound. When they return they may be more independent, start businesses, give money and gifts to their extended family, and many churches have been built from the funding of women migrant domestic workers.⁷² Even if there are some who return and advise others as to the problems that can occur and the women are clear as to the conditions of migration and the debt that they will sign up to, they may believe that they will not have the bad luck that other women experienced, they may believe that it is worth the risk.

Loans, Recruitment Agencies and Financial Institutions

Before moving on to the effects of debt bondage, it is first important to explain the process of how the women become bonded to the agencies in more detail, and in particular about the ‘loan’ agreements.

There are different types of recruitment or employment agencies;

Agencies vary greatly in size and formality. Some are large businesses that operate several branches in various neighbourhoods... maintain websites where employers can review profiles and recruitment fees for prospective employees of diverse nationalities, and provide

⁶⁸ Exported and Exposed, p.12.

⁶⁹ Exported and Exposed, p.12.

⁷⁰ Contract Enslavement, p.43.

⁷¹ From conversations with women migrant domestic workers in Hong Kong and Taiwan. See also the interesting article; International Lesbian, Gay, Bisexual, Trans And Intersex Association, (21 Oct 2010) *Indonesian Maids in Hong Kong Blur the Borders*. Available from <http://ilga.org/ilga/en/article/mFwsutf1b2>, accessed May 2011.

⁷² Exported and Exposed, p.3.

the opportunity for employers to conduct video interviews with candidates. Other agencies provide few amenities, operating through small offices where many independent agents share space.⁷³

There are illegal agencies, who may just take an initial payment from the women, but have no actual service at all or who smuggle the women into the country and force her to pay large sums for the service.⁷⁴ Many agencies also rely on sub-agents, who are located in or go into the towns and villages in order to recruit workers, they help to organise and transport these women to the cities to sign up with an agency. The sub-agents receive fees and payments from both the agency and the potential worker although they are usually unlicensed and unregulated.⁷⁵ Women from rural and small towns trust the sub-agent, who they often see or are a part of their community. However, the sub-agent may not give them accurate information as to what they are signing up for when they reach the recruitment agency, “Thus, even before the worker steps foot in her host country, the systems of exploitation are already in place.”⁷⁶

For Filipino and Indonesian women migrating to Taiwan or Hong Kong for work, most come through recruitment agencies, although the Philippines allows direct hiring. Licensed recruitment agency in the Philippines must have a counterpart agency in the destination country and all documentation is completed through these agencies. Workers from Indonesia are recruited by private agencies known as Perusahaan Jasa Tenaga Kerja Indonesia (PJTKI), which may or may not have counterparts in the destination country. Undertaking job and language training through these agencies or their affiliates is compulsory (even if they have worked as a domestic worker overseas before), adding to their costs, and they are usually held at the training or agency centre until their deployment. For those heading to Taiwan there is the extra complication of the broker, the brokers are placement agencies in Taiwan, agencies in the countries of origin have to go through these brokers to place migrant workers in employment. Some domestic workers have the fees and costs deducted from their wage by only the recruitment agency, while others commented that they have the broker fees deducted separately.

Migrating for domestic work was not always a situation of debt bondage, but it has increasingly become so. As there is more demand for foreign domestic workers in more developed countries, there have become more recruitment agencies that compete with each other over customers; the employers. Not only do these recruitment agencies overcharge workers, they also use techniques in order to hide this overcharging for various services and paperwork. In the Philippines there are set fees and charges, but this is not the case in Indonesia. Regardless, there remains ambiguity as to the standard rates that domestic workers are required to pay, and what costs should be paid for or reimbursed by the employer.

An article in a recent newsletter by APMM records a doctor in the Philippines who discussed the overcharging of agencies for pre-departure medical tests, “He said that only P500 of the P2,500-

⁷³ Human Rights Watch, (October 2010) *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System*, Report 1-56432-693-4, p.42.

⁷⁴ See the case of Tuti Prihatin, and the trafficking cases discussed below. *Maid to Order*, p.20.

⁷⁵ *Exported and Exposed*, p.25.

⁷⁶ *Contract Enslavement*, p.43.

P3,500 normally charged by recruitment agencies for a compulsory medical exam are actually received by the clinics, and the rest go to these agencies".⁷⁷

The illegal overcharging of workers is hidden or disguised in various other ways to circumvent the law;

Although both the Philippine and Taiwanese governments have set the maximum amount of placement fees collected from a migrant worker, labor brokers invent payment categories such as "mobilization fees," "entrance fees" and "service fees" to cover the actual charge of placement fees. Some agencies require workers to sign a receipt before their departure to Taiwan to disguise wage deductions as money the worker "borrowed"—for instance, a loan "for my family's immediate expenses while waiting for my salary here in Taiwan."⁷⁸

The domestic workers go into debt to pay off the cost of migration and the fees of the recruitment agency, although the agency is often not the holder of the debt. More often than not the debt is set up as a 'loan' by with a secondary loan agent, bank, finance or credit company. Under the Philippines Protection and Welfare Enhancement Reform Package, recruitment agencies are prohibited from collecting the placement fee through salary deductions of Filipino domestic workers, which is why the deductions are instead to pay off a 'loan'. The Fees and Salary Declaration of Taiwan-Bound Workers issued by the Council of Labor Affairs (CLA) has a provision for loan agreements for Taiwan bound workers and Hong Kong also allows employers to deduct up to 50% from wages per month to repay loans.

Sometimes, who the money goes through is controlled by the government, for example; Indonesian domestic workers in Taiwan make their repayments through the China Trust Bank, and this is stipulated to also be a loan.

If they don't pay any money in cash before coming to Taiwan... The workers have to take out a loan from the China Trust Indonesia Bank at a monthly interest rate of 19% and a monthly bank management fee of NT\$265 over a 15 month period. The bank administration fee is NT\$4,000.⁷⁹

Case Study:

Information collected by Hope Workers' Center from Indonesian household workers shows how workers end up paying more than the regulated amount of placement fee. Prior to leaving Indonesia, workers sign a "Salary, Fees and Declaration Form", which details all the expenses the worker agrees to pay while working in Taiwan. Those who pay NTD11,538 before leaving Indonesia end up paying a total of NTD67,803. Where does the extra NTD18,016 (NTD67,803 – NTD49,787) come from?

The remaining NTD38,249 (NTD49,787 – NTD11,538) is generally taken as a loan from the China Trust Indonesia bank. The bank administration fee is NTD4,000; on top of that, the workers pay 19% interest totalling NTD10,041. (NTD10,041 is 19% of NTD52,847 but where does this figure come from?) The workers

⁷⁷ Asia Pacific Mission for Migrants (APMM), (March 2011) *News Digest*, p7.

⁷⁸ Lan, Pei-Chia, (2007) "Legal Servitude, Free Illegality: Migrant "Guest" Workers in Taiwan." in *Asian Diasporas: New Conceptions, New Frameworks*, edited by Rhacel Parrenas and Lok Siu. Stanford: Stanford University Press, p9-10.

⁷⁹ O'Neill, Fr. Peter (March 2007) *Taiwan Migrants' Labor System*, "The Catholic Church in Asia Cares for Migrants in Taiwan" Hsinchu Diocese Taipei, Taiwan. Available from <http://www.catholic.org.tw/catholic/in-3.htm>, accessed June 2011.

also have to pay a bank management fee of NTD265 per month, which is deducted from their salary for 15 months to total NTD3,975. These three figures add up to NTD18,016.

The loan, the administration fee and the interest totalling NTD52,290 is deducted from the worker's salary at NTD3,486 per month for 15 months.

Those household workers who do not pay any placement fee before coming to Taiwan have NTD4,438 deducted from their salary for 15 months, totalling NTD66,570. The bank management fee of NTD265 per month is also deducted from their salary for 15 months. Altogether they are paying NTD70,545 for their placement fee, which is an extra NTD20,758 on top of the regulated placement fee. In actual fact, then, Indonesian household workers are paying NTD20,000 in Indonesia in addition to all the deductions in Taiwan... Moreover, even if workers have the financial ability, the Indonesian government does not permit them to pay their placement fee in full. They must take out a loan from the China Trust Indonesia bank.

Asian Migrant Centre, (2005) *Asian Migrant Yearbook 2005: Country Reports - Taiwan*, p.297-8.

The 'loan' with the bank or finance company is usually not organised by the worker themselves, but by the agency. The worker is given little choice but to accept the terms of the loan and the details of which are often known only to the agent and not the worker signing the paperwork. They never actually receive the money that they have been loaned, nor are they able to use it as they want. The repayments for the loan are also deducted straight from the workers wages and the worker has no say in the repayment schedule, how much is deducted or for how long.

The false loan documents were usually printed in English and our interviewees were not allowed to read or to keep a copy of the documents that they signed. None of the women interviewed for this study ever received any of the money that they had supposedly "borrowed". Yet their employers were instructed to repay the "loan" by sending a large portion of the monthly salary directly to the finance company for a period of several months.⁸⁰

The banks and finance companies are often complicit in that they keep a portion of the loan repayment as fees as part of their participation in the scheme (as with China Trust Bank above), because of the paperwork they may believe that the repayments are for a legitimate loan. Although some sources suggest that the agency and finance company are co-complicit in the arrangement:

Some of this money probably was sent to the Indonesian agency for its role in recruiting the MDW [migrant domestic worker]. However, the Hong Kong finance company and Hong Kong employment agency almost certainly kept a significant portion, as compensation for their participation in the scheme and assistance in collecting the excessive placement fee.⁸¹

When the employers pay the wages, they are most often paying them into a bank account set up by the agency; they also deduct money from that wage and pay it directly to finance companies or banks to pay off the workers loan. These loans are set up in the country of destination once the worker arrives and affect both Indonesian and Filipino migrant domestic workers:

⁸⁰ *Forced Labour and Debt Bondage in Hong Kong*, p.11-2

⁸¹ *Forced Labour and Debt Bondage in Hong Kong*, p.12.

IDWs [Indonesian Domestic Workers] are brought to Finance Companies in Hong Kong where they sign loan agreements although they receive no money from the Finance Company and they never will. After the loan agreements have been signed, the agency will instruct IDWs that their salary deductions would be paid directly to the Finance Company.⁸²

She came to Hong Kong in late February of this year. She paid her Philippine agency Php20,000. After their arrival, she and the others from the same Philippine agency were brought to a financing agency (FA) by the manager of her placement agency (PA) to sign some papers and later on they were informed by the manager that they now have a loan to be paid in four equal monthly payments of Php2,932.50. The total loan amount plus interest is Php11,730.⁸³

It is also typical for the employers to be instructed to make the deductions straight from the workers wages, either before or after deposited in the workers' account, to pay off the loan. The employers also ask the worker to sign off on the wages, and sometimes also the deductions. The paperwork in the appendix shows the instructions for paying off the loan are for the employers, not the worker.

It is not uncommon for recruitment agencies in Hong Kong to escort workers to local banks to sign for "loans" or open checking accounts." They never even see the money or have access to the bank account. The loan officers in Hong Kong are just the middlemen. We don't even know if these are real loans and the government won't look into it," says Peggy Lee, a volunteer at Bethune House. According to Lee, monthly payments to the agencies in the maids' home countries are either paid directly by the employer who deducts the amount from the worker's wages or they are directly taken out from the checking account, to which the maid has no access.⁸⁴

When employers are given these instructions by the agency they are hiring the domestic worker through, they would usually not question such an arrangement. "Employers may or may not be aware that they are participating in a debt bondage arrangement when they comply with these instructions; some may assume that the salary deductions are made with the MDW's consent, to repay a legitimate loan."⁸⁵ Under Hong Kong law only the employers are allowed to deduct from domestic workers wages, not a third party, the government is also aware of the problem of these loan agreements, as can be seen in the brochure in the appendix.

⁸² Asosiasi Tenaga Kerja Indonesia Hong Kong (ATKI-HK), (2007) *The Truth Behind Illegal Salary Deductions To Indonesian Migrant Workers (IMWs) In Hong Kong*, p.11.

⁸³ Mission for Migrant workers (MFMW Limited), (May 2011) 'FE: Finally Freed from the Lion's Den', in *Migrant Focus*, Issue 2K11-4, p.5.

⁸⁴ Li, Caroline, *Domestic Abuse*, The Standard, 2005.

⁸⁵ Forced Labour and Debt Bondage in Hong Kong: A Study of Indonesian and Filipina Migrant Domestic Workers Peggy W.Y. Lee and Carole J. Petersen Centre for Comparative and Public Law Occasional Paper No. 16, p.12..

Case example:

Dwi Sumarti is an Indonesian domestic worker interviewed by an APWLD field researcher while staying at a shelter in Southern Taiwan in Feb 2011. In her early twenties, she had only a junior high school education and had been working in a store before migrating to earn more money. She had been in Taiwan for 2-3 years working more than 14 hours a day with no days off, finally she went to the shelter after encountering physical abuse from her employer. Although in that time she learnt to speak the local language, she did not understand the local labour laws and did not have a copy of her contract, which she had seen only briefly when she signed it.

Dwi Sumarti was charged for her pre-departure skills training as part of the recruitment agency fees of NT\$10,000 (New Taiwan Dollars), but she also had NT\$9,664 x12 payments deducted from her wage by the bank in Taiwan to repay the loan. At the time of the interview she was not sure what she had been receiving as a monthly wage before she left her employer, and she was waiting to return home to Indonesia.

Such loans, even where they are set up by agencies, are seen as private arrangements by governments, “for foreign domestic workers [Singapore’s Ministry of Manpower] has argued that the charges imposed by employment agencies are not agency fees, but instead private loans that fall outside of the law’s parameters”,⁸⁶ but in reality they barely involve the worker at all, either in their initial arrangement or in the paying off.

In the 2011 survey by APWLD, an Indonesian woman domestic worker in Hong Kong was asked if the fees and charges were unexpected or more than expected, she answered that they were, and that “I don’t receive income for many months’, while another women commented, “I have no money after I give all to Agency”.⁸⁷ One Indonesian woman explained that, “In Hong Kong law the agency can not charge the worker for more than 10% per one month salary. So the recruitment agency forced me to sign the loan with credit company”.⁸⁸ A Filipino women in Taiwan similarly commented, “they did not tell in Philippines about this fees, when I arrive here in Taiwan my broker ask me to sign a side agreement to be deduct all the fees”.⁸⁹ It was also common that the women did not understand the break down in fees and charges being deducted from their wages.

These loans are used as a way for recruitment agencies to get around Hong Kong’s laws which caps commission at 10% of any workers first month of salary, as well as the maximum set by the countries of origin and the suggested limit of one months wage in Taiwan.

⁸⁶ Maid to Order p.27.

⁸⁷ Interviews with Indonesian migrant domestic workers Sringatin and Sulastri, in Causeway Bay, Hong Kong, on 10th April 2011.

⁸⁸ Interview with Indonesian migrant domestic worker Sri in Jorden, Hong Kong, on the 10th April 2011.

⁸⁹ Interview with Filipino migrant domestic worker Celeste, outside a Catholic Church in Taipei, Taiwan on the 7th Feb 2011.

Even though the loans are paid through deductions to a financial institution or bank, and may be organised by the employer on arrival in the country of destination, it is still the recruitment agency which is the debt bonder. It is their legal or illegal fees and charges which are being paid off through the loan, and they also determine the contract conditions, wages and carry out all the negotiations with the employer. The domestic workers visa and documentation - their legal status in the country of destination - is organised by the agency. The workers are returned to the agency by the employer when they are no longer wanted. It is also the agency which determines if the worker will be returned home, or if they will process the application for the worker to be employed in another household. Therefore, it is the recruitment agency that is the bonder as they control the debt, and they control the worker.

There have also been several reports that once domestic workers have paid off their fees and costs, the deductions have ended and the worker begins to receive their full salary, their employer suddenly ends their contract under the influence of the recruitment agencies.⁹⁰ On the flip side employers often complain of the same thing, that the agencies push the workers to quit and the employer is forced to pay more fees for a new worker. Either way, when the worker goes back to the agency to find another employer they will be forced to pay further fees - benefiting the agency - as is discussed in more detail below.

⁹⁰ *The Truth Behind Illegal Salary Deductions*, p.13-14

4. The Effects of Debt Bondage

Violations or Threats to the Workers' Human Rights

Debt bondage is more than credit or a loan, when it becomes a way for exploitation and human rights violation to occur and becomes a way for the bonder to control the woman in slave like servitude. Those in debt bondage are characterised by the Supplementary Convention on the Abolition of Slavery as having a 'servile status'. Domestic workers who owe a debt to recruitment agencies may find that they are treated as commodities, without choice of where or whom they work for and are dehumanized by their treatment.

The focus on women migrant domestic workers is most often on the abuse they receive, the deaths, suicides and abuse reported in the media, such as the horrific case of the Sri Lankan Domestic worker who had nails hammered into her body by her Saudi employers.⁹¹ Debt bondage may seem like it is a lesser or unimportant problem in relation to these cases of abuse, however the abuse most often occurs because of the situation of debt bondage. Debt bondage is the underlying cause which leaves women migrant domestic workers more vulnerable to violations of their human rights, and makes them less likely to report or pursue legal action when violations occur. As one worker commented, "Placement fees tie our arms from fighting."⁹² Fahmi Aris Innayah, the first secretary at the Indonesian Embassy in charge of domestic worker welfare, also agreed that debt bondage is the underlying problem:

According to him, 80 percent of the problems Indonesian maids faced while working in Singapore are related to lengthy periods of salary deductions to cover loans, not to whether they are given a day off.⁹³

Migrant domestic workers are often confined within the household by their employers for weeks at a time or even until their contract ends, this is encouraged by agencies to ensure that they pay off their debt. Even if their employer does not lock the worker inside the house, they may have their pay docked or face other consequences when they take time off, or they are offered more money to work seven days a week;

Said two Filipina domestic workers: "If I go out, I lose money. I need more money to pay the broker." "I didn't have even one single day off the whole year! But I didn't want to, either. How can I have my days off? I don't have money at all!" The overworked migrant workers also attempt to demonstrate their loyalty and diligence to their employers so to ensure the renewal of their second-year or third-year contract. One Filipina domestic worker explained

⁹¹ Human Rights Watch, (2 Dec 2010) Saudi Arabia: Domestic Worker Brutalized. Available from <http://www.hrw.org/news/2010/09/02/saudi-arabia-domestic-worker-brutalized>, accessed June 2011.

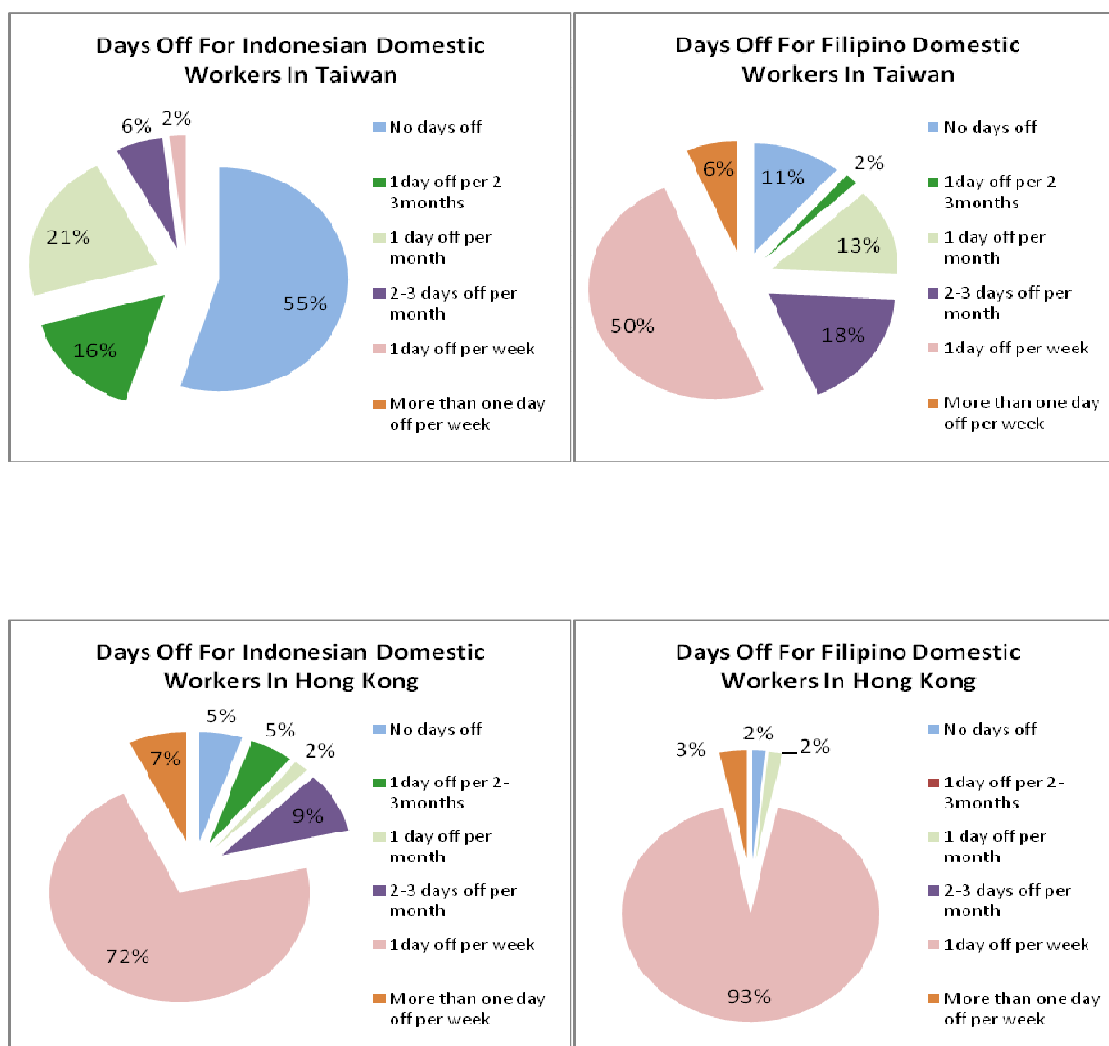
⁹² 'Legal servitude', p.12.

⁹³ Winarti, Agnes (4 Jan 2011) 'Days off do wonders for domestic workers' The Jakarta Post. Available from <http://www.thejakartapost.com/news/2011/04/01/days-do-wonders-domestic-workers.html> accessed June 2011.

to me why she voluntarily gave up her days off during her first eleven months in Taiwan: “I want to take the time to show my employers I will be good...I want to win their trust.”⁹⁴

These quotes are backed up by comments by migrant domestic workers at forums held in Hong Kong and Taiwan in 2011. Even in Hong Kong where they have a legislated day off, the women complained that even if they would rather have the day off than the money, they are unable to have a day off when they are the only caregiver for an elderly person, which they can not leave on their own. In a Hong Kong park, one domestic worker was having her first day off after working in a household for two months; she mentioned her employers now trusted her enough to let her out of the house.

Days off for migrant domestic workers:⁹⁵



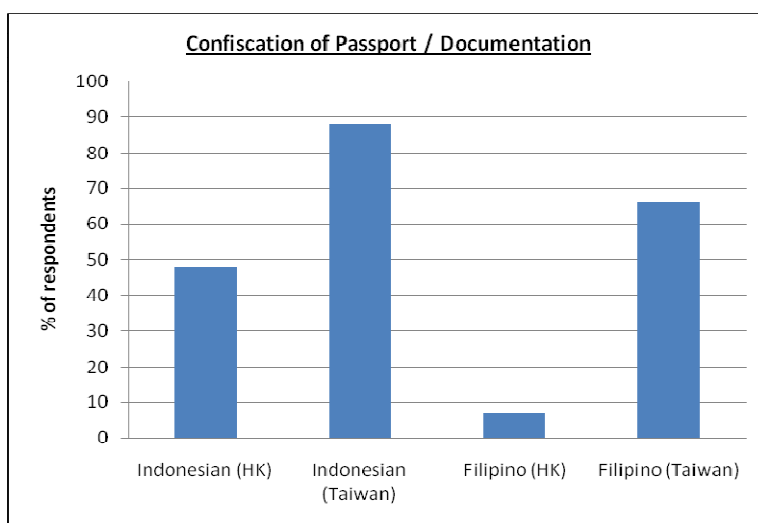
⁹⁴ 'Legal servitude', p.13.

⁹⁵ See Smales, Philippa and Hsiao-Chuan Hsia, (Forthcoming 2012) 'The Power to Organise and Engage: The use of ICT by Women Migrant Domestic Workers' Organisations', in *Gender and Citizenship in the Information Society, India: IT for Change*.

The confinement of workers is compounded when their documents are confiscated by either the agency or the employer and their entire wages are deducted for repayment of the debt or otherwise withheld (for 'safe keeping' or in an account the worker can not access until the end of their contract). It is a violation of their human rights to freedom of movement to be confined in the household weeks or even years, especially when the holding of documentation and wages means that they have no recourse to leave their employment and return home independently. However, the holding of documentation has become;

A normative practice, condoned even by foreign diplomats ... as well as human rights lawyers, priests, and the like. It is generally accepted that the initial investment of the employer justifies this until such time that trust has been established and there is a sense that the risk that the employee will abscond has been minimised.⁹⁶

In the 2011 APWLD survey; 88% of Indonesians and 66% of Filipino domestic workers in Taiwan complained of confiscation of their passport or documentation, compared to only 48% of Indonesian and 7% of Filipino domestic workers in Taiwan. Furthermore, during the forums in Taiwan some domestic workers also commented that they didn't mind that their employers held their documentation 'because the employers then trust them more'.



One of the major issues that stalled for two years the agreement of a new Memorandum of Understanding (MOU) between Indonesian and Malaysia, was the issue of whether domestic workers should be able to keep their documentation.⁹⁷ In 2005 a survey by ATKI – HK showed that out of the 2,777 Indonesian domestic workers surveyed in Hong Kong, 43% have their passports and employment contract held by their agency and 20% the employer.⁹⁸ However, “when an

⁹⁶ 'Contractual solutions', p.32.

⁹⁷ The final MOU signed in May 2011 allows domestic workers to keep their passports instead of having to surrender them to their employers. Human Rights Watch, (31 May 2011) *Indonesia/Malaysia: New Pact Shortchanges Domestic Workers*. Available from <http://www.hrw.org/news/2011/05/31/indonesiamalaysia-new-pact-shortchanges-domestic-workers>, accessed June 2011.

⁹⁸ Asosiasi Tenaga Kerja Indonesia Hong Kong (ATKI-HK), (August 2005) Survey for the Campaign to ensure the protection and promotion of the rights and wellbeing Indonesian Domestic Workers.

employment agent or employer confiscates the passport of a MDW, it gains an element of control and ownership that can turn an abusive employment situation into a form of slavery.”⁹⁹ In Article 21 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which states that “it shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits.” The new ILO Convention Concerning Decent Work for Domestic Workers, Art 9. states that; “Each Member shall take measures to ensure that domestic workers... (c) are entitled to keep in their possession their travel and identity documents.”

In countries such as Lebanon with *kafeel*, or a sponsorship system, the domestic worker is tied to her employers and can not change employers without express permission from the state authorities, if they leave their employment without returning home they are considered to be illegal and will be arrested and deported as ‘runaways’.¹⁰⁰

In other countries, the work visa may allow domestic workers to change employers, but if they are forced to leave their employment without their documentation they can face difficulties and lengthy delays in officially transferring to the new employer. Even when they are in a situation where they could physically and legally leave, women are more likely to ‘put up with’ abuse and violations of their human rights when they are in a situation of debt bondage. If they complain they can be sent back to the agency or deported. As reported by Human Rights Watch; “If you’re not happy, cancel the work permit and the maid goes home. The maid has paid a lot of money to come here. It prevents a lot of them from speaking up. They have large families to support.”¹⁰¹ If they are sent back to the agency they can end up having to pay extra fees and charges to the agency to be placed with a new employer or even to stay with the agency while a new employer is found. This increases their debt to the agency and decreases the amount they will earn during their time overseas.

I stayed one month in the employment agency [when I transferred employers]. They charged me S\$20 [U.S.\$12] per night and I owed them S\$600 [U.S.\$354]. Can you imagine, my monthly salary is S\$340 [U.S.\$201]. [I transferred employers twice. When my third employer made me clean two houses,] I ran away to this shelter. If I go again to my agency, they will charge S\$20 [U.S.\$12] again. More debts. I work so hard, and then the salary goes to the agency.¹⁰²

If they are deported by either the police or the agency, then they return to their home country without employment and without the ability to repay the debt with the recruitment agency, therefore, they are often forced to go into further debt to migrate again for work. Even if they report the situation to the police and seek help of a shelter or NGO, most countries will not allow them to work while awaiting the results of a case, especially in countries where visas are tied to the employers. If the case is against the recruitment agency, they may also find it difficult if not illegal to change agencies or to find a new employer without an agency. While they wait for case resolution they may be forced to work illegally so that they can support themselves and their families back

⁹⁹ Joint Migrant Domestic Worker Organizations of Hong Kong, (2006) *Committee on the Elimination of Discrimination against Women (CEDAW) Shadow Report*, p.6.

¹⁰⁰ ‘Female Sri Lankan Domestic Workers in Lebanon’, p.596.

¹⁰¹ *Maid to Order*, p.71.

¹⁰² Luz Padilla (not her real name), Filipina domestic worker, age twenty four, February 21, 2005, in *Maid to Order*, p.53.

home. Even if they win the case they may not receive enough compensation to pay their debts and to make the wait for resolution, which may take months, worth the effort.

21 out of our 22 interviewees filed complaints with the Labour Department for outstanding wages in arrears and termination payments. Settlements ranged from 6% to 80% of their claims, with most settling for about 50% of their legal entitlements. None of the women in our study received full settlement of their claims.¹⁰³

Case Example:

Lucy was interviewed by an APWLD field researcher in April of 2011 on Chater Road, Hong Kong. In her late thirties, she had been working in Hong Kong for over six years. She had been self employed before deciding to go to Hong Kong to earn more money. Her friends and other domestic workers had informed her about the labour laws, however she still worked 12-14 hours a day and only had one day off a month, preferring to take the extra money to work Sundays.

She paid an extra P1,000 (Philippine Peso) for the pre-departure skills training and P30,000 to the recruitment agency in the Philippines. An extra HK\$8,000 (Hong Kong Dollars) was paid to an agency in Hong Kong. Her debt was paid and she planned to continue her employment.

In comparison, Carren was in her late twenties and had only been in Hong Kong for just over a month. Interviewed at the MFMW Foundation office in April 2011, she had been working over 14 hours a day and suffering from verbal abuse from her employer before seeking help. In the Philippines, she had paid P100,000 in fees, in Hong Kong she was also paying HK\$2,943 x 4 months to an agency through salary deductions. At the time of the interview she was continuing her employment in order to pay off the fees, but was hoping MFMW Foundation could help her to change employers.

Those who have already been away from their family for months or years may simply want to return home to their families and will agree to being deported. Such as the case of Nur, who after asking to return home for five years, had to threaten to commit suicide before the employer finally took her to the agency to be deported with her wages of RM1,000 (US\$310) for five years work.¹⁰⁴

Women who know their rights, are educated and understand the labour laws in the destination country may still choose not to pursue legal action when they realise that it will not help them to achieve their original goal of working as a domestic worker; to earn money for their family or for some measure of economic independence.

¹⁰³ *Forced Labour and Debt Bondage in Hong Kong*, p.13.

¹⁰⁴ Case of Nur from communications with the Malaysian organisation Tenaganita, The details of her case were used as part of a 2011 APWLD email and online campaign, featuring on online petition site Change.org.

Human Rights Violations by Agencies

Not only does debt bondage increase the likelihood of abuse by the employers, it also increases the likelihood of abuse and violations of human rights by the debtor, the recruitment agencies themselves. If a worker leaves or 'runs away' from the employers' households and returns to the agency, agencies have been known to simply return the worker to the employer, even when the worker reports that abuse has occurred.¹⁰⁵

The agency may not want to go through the process of finding a new employer or may not want to 'upset' the current employer and therefore find it easier to simply return the domestic worker. However, if it is the employer who is unhappy, there is often a free replacement service during the first couple of months, "You get one replacement free, three months for a Filipina, six months for an Indonesian."¹⁰⁶ Whereas, if the domestic worker wants to change employers they have to pay the agent; "Another domestic worker said that a Sri Lankan agent in Abu Dhabi told her she had to pay a staggering 80,000 rupees penalty [US\$710] if she changed employers or returned to Sri Lanka before completing three months of work for an abusive employer."¹⁰⁷

Recruitment agencies have also abused or violated the workers rights in their country of origin while they are being housed or transported or during the pre-departure training. At this stage, the women are already in debt to the recruitment agency and are waiting to be sent overseas to their employers. The places they are kept in sound more like prisons; "The gate was always locked. The security guard had the key. If my friends ran away, the rest of the girls received punishments. They wouldn't give us food for a day, or we would have to do three or four hundred sit-ups."¹⁰⁸ Workers are confined so that they are unable to change their minds and abscond without repaying their fees. "Tensions between the trainees and their employers' surface when women ask to leave their gated facilities - often the companies will refuse or demand money to allow women to leave, afraid they will run away without paying their debts".¹⁰⁹ They are also confined so that they cannot change to an agency offering a better deal; particularly in Indonesia, where they are unable to be directly hired and competition is fierce between the agencies. However, the longer they wait to be transported - from six weeks to eight months - the more debt they accumulate for their pre-departure meals and accommodation. The debt accumulated during this 'training' period, is often hidden as loans to avoid illegal overcharging.

"One of these [loan] documents instructs the employer to deduct HK \$3,000 from the MDW's monthly salary for seven months, claiming that: "All Indonesian maid [sic] that arrived in Hong Kong carried with them an agent loan for training fee in Indonesia. This loan should be paid to [name of Hong Kong finance company deleted] and payment must be made punctually every month." One can only imagine what sort of 'training' the MDW

¹⁰⁵ See the quote from Muriyani Suharti, a domestic worker who had been raped repeatedly by her employer. *Maid to Order*, p.37.

¹⁰⁶ Employment agent explaining the packages available to prospective employers, Singapore, March 5, 2005. *Maid to Order*, p.37.

¹⁰⁷ *Exported and Exposed*, p.86-7.

¹⁰⁸ Dewi Hariyanti, newly-arrived Indonesian domestic worker, age twenty, Singapore, February 27, 2005, *Maid to Order*, p.17.

¹⁰⁹ Loy, Irwin (19 Mar 2011) *Cambodia Struggles to Stem Domestic Worker Abuse*, IPS News. Available from <http://www.ipsnews.net/news.asp?idnews=54909>, accessed May 2011.

received that would justify requiring her to pay almost her entire monthly salary for seven months, a total of HK \$21,000.¹¹⁰

Even when the domestic worker has been to the destination country and had many years working as a domestic worker, the agency may still charge her for training that she does not need.

Indah Soekesi worked in Hong Kong for eight years before she decided to go back to Indonesia. Five months later, she decided to apply to a recruitment agency in order to work in Hong Kong again. As she speaks fluent Chinese already, she was not required to undergo training with the recruitment agency and she stayed in her own house to wait for her new employer. However, when she arrived she was told that she needed to pay HK\$21,000 or her job will be cancelled. After five months of paying the fees (HK\$15,000 in total), she decided to stop paying. Since then she and her employer have been harassed by the agency and financing company. She approached the consulate for help but the staff said that they could not help because she signed a loan agreement.¹¹¹

After a worker returns to her country of origin, they may still face rights violations by the agencies, such as the case of Lia. Lia returned from Taiwan early due to abuse from her employer, but she was confined by the agency since she was still in debt;

She was told that she would not be allowed to go back home before paying back at least part of the money that the agency had invested in her and that had not been paid back yet because she had terminated her contract before the end of her employment term. She paid three million Indonesian Rupiah (US\$300) and was then allowed to go back to her village.¹¹²

Smuggling, Trafficking and Forced Prostitution

Migrant domestic work and debt bondage have a connection to trafficking and in many cases - such as in Taiwan - where labour laws do not cover the worker, prosecution is done through trafficking laws.¹¹³ Trafficking of human beings is defined in the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), as the:

Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹¹⁴

¹¹⁰ *Forced Labour and Debt Bondage in Hong Kong*, p.11.

¹¹¹ United Indonesian Against Overcharging (PILAR) (October 2010) *Protect migrant workers, not recruitment agencies*, Press Release.

¹¹² Killias, Olivia (2009) 'The Politics of Bondage in the Recruitment, Training and Placement of Indonesian Migrant Domestic Workers', in *Sociologus. Zeitschrift für empirische Ethnosoziologie und Ethnopsychologie*, (2): 145-172, p.158-9.

¹¹³ From conversations with organizations who work with migrant workers in Taiwan.

¹¹⁴ This definition is quite complex, but it emphasises the following key points: Activities: These include each phase of the trafficking cycle, namely recruitment, transportation, transfer, harbouring or receipt of a person; Means: This can include

Trafficking is characterized by the presence of force, coercion, or deception at any stage of the migration process, so any of the situations discussed in the earlier section, where there has been a trick or trap or fraud in terms of the debt or contract in order to exploit the worker, amounts to trafficking. There are other ways that the worker could end up in the situation of being trafficked, for example if they find that they are transported to a different country than they agreed to work in and they are forced to work in that country.

Trafficking Framework:¹¹⁵

PROCESS	+	MEANS	+	PURPOSE
Recruitment		Threat		Prostitution
or		or		or
Transportation		Coercion		Pornography
or		or		or
Transferring		Abduction		Violence / Sexual Exploitation
or		or		or
Harboring		Fraud		Forced Labour
or		or		or
Receiving		Deceit		Slavery / Similar Practices
		or		or
		Deception		Abuse of reproductive Organs
		or		
		The Abuse of Power		
		or		
		Debt Bondage		
1	+	1	+	1
Consent of victim is irrelevant.				

Under international law ‘people smuggling’ is distinct from human trafficking, specifically the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Art 3(a) gives a definition of the smuggling of migrants:

‘Smuggling of migrants’ shall mean the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.

It must also include an illegal entry into a country of which the person is not a national, in order to work (financial or material benefit). The differences between people smuggling and human trafficking is the tricky issue of consent - in that with smuggling, the person being smuggled generally

the threat or use of force, deception, abduction, coercion, fraud, threats, and abuse of power or of a position of vulnerability; and Purpose: This is exploitation, including forced labour, slavery and servitude. International Labour Office, (2008) *Combating Forced Labour: A Handbook for Employers & Business. Special Action Programme to Combat Forced Labour*. Geneva: International Labour Organisation, p.10.

¹¹⁵ Table from International Catholic Migration Commission (ICMC), (2011) *Bondaged Souls: Migration and Situation of Trafficking in Sabah, Malaysia*, p.27.

consents to illegally crossing a border. After crossing, smuggled migrants usually no longer have association with those that assisted them to enter the country, and there is usually no violence or threats associated with smuggling since the person consented to go.

Smuggling therefore occurs when the migrant domestic worker is transported by individuals or even through an agency, which organises for the worker to enter the country illegally, either through improper channels or by using fake documentation. For example, if a worker wants to work overseas as a domestic worker, but she is not yet 18 years of age or does not have the required education level, then she may pay the agent for false documentation in order for her to migrate. This is common in some countries, such as Taiwan, where the entrance of migrant workers is restricted, but the demand is high. However, if the worker is unaware that the documentation they paid for is false, and if they are threatened and forced to work, then they are being trafficked. It is also becoming increasingly common for a worker to begin their journey as a smuggled migrant, but they become trafficked when they are later forced or tricked into an exploitative working situation by the agency.

The definition of trafficking therefore includes incidences of forced labour, slavery-like practices and servitude. In 1994, the United Nations General Assembly resolution 49/166 condemned the:

Illicit and clandestine movement of persons across national and international borders, largely from developing countries... the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers... as well as other illegal activities related to trafficking, such as forced domestic labour...¹¹⁶

Migrant domestic work, smuggling and trafficking are also linked to the problem of forced prostitution. As up to 90% of migrant domestic workers are women, it is unsurprising that some end up being sold into prostitution by illegal recruiters.¹¹⁷ There are also situations where the women is agreeing to migrate for domestic work, but instead ends up being forced into prostitution in order to pay off their agency fees. Agencies have also been known to use the threat of prostituting the worker in order to force the worker into submission:

If the employer returns me to the agency and they can't find another employer, then they will send me to Batam. We would be given work in Batam, I don't know what type. I heard rumors, if sent to Batam, they would make prostitutes out of girls like me, but I don't know if it's true. That's what happens if we do not finish the contract. There is lots of pressure.¹¹⁸

Wider Effects of Debt Bondage

The effects of debt bondage do not begin and end with the transportation and return of the worker. The women often migrate for domestic work with the expectation that they will be able to send home remittances to care for their family. When that expectation does not come to fruition, then

¹¹⁶ Weissbrodt, David and Anti-Slavery International, (2002) *Abolishing Slavery and its Contemporary Forms*. Office of the United Nations High Commissioner for Human Rights, HR/PUB/02/4, p.21.

¹¹⁷ National Domestic Workers Movement (NDWM), (2010) 'About Domestic Workers' available from <http://www.ndwm.org/> viewed 24th March 2010.

¹¹⁸ Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005. *Maid to Order*, p.22.

the women is faced with the difficult decision to continue to continue work as a migrant worker to try to pay of the debts and send money home or to come back to her family who may be in financial difficulties. Some women choose to stay and work illegally rather than to return without repaying their debts, without being confined to one household and one employer, irregular workers can also be less vulnerable, can stay longer than those on a contract and are even able to negotiate to earn more money to send home.¹¹⁹

For those who try to abscond from paying the recruitment fees or their 'loans', the employers and even the family back in the country of origin can be harassed into repaying the debt;

Nurul Istikomah worked for three months before her contract was terminated and her last entitlements were taken by her agency. Despite her 14 days of visa, the agency just sent her back immediately to Indonesia and refused to help her find a new job. From the HK Airport, she run away and found her second agency where she was made to pay another four months (HK\$12,000) for her second job. However her first agency still chased her and forced her family to pay the outstanding fees equivalent to three months salary (HK\$9,000). Her father was hostaged by the recruitment agency in Indonesia when he refused to pay the money for his daughter.¹²⁰

Leaving aside the emotional cost on the family, the financial effects of debt bondage on the family at home is often not documented. Their mother / sister / wife / child who was previously contributing to the families income, is now no longer at home and is also not able to contribute for months or even years until their debt to the agency is repaid; this can have a large impact on their lives. Having to return to their family without the financial benefits they were expecting can fill migrants with a sense of failure in their responsibilities.

The lack of expected financial support does not only affect the family, but in areas of developing countries where many of their young women have migrated for domestic work, the whole community can be affected. There is no in-depth research into what happens after domestic workers return home still in debt with recruitment agencies. Although anecdotal evidence suggests that many of the women are forced to migrate again for domestic work, as they are unable to pay off the debt while working for wages in Indonesian or the Philippines.

¹¹⁹ See the comparison of regular and irregular workers in Taiwan in *Legal Servitude*.

¹²⁰ *Protect migrant workers, not recruitment agencies*.

5. Dealing with Debt Bondage

International Law

There are various laws at the international level that make the practice of debt bondage illegal. The 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the International Labour Organisation Forced Labour Convention of 1930 were mentioned earlier. The Forced Labour Convention Art 1(1) obliges governments to “suppress the use of forced or compulsory labour *within the shortest possible time*”,¹²¹ and the Supplementary Convention calls for the abolition of debt bondage as similar to slavery under Art 1(a) and makes the practice a criminal offence under Art 6. The Convention concerning Basic Aims and Standards of Social Policy, 1962 (No. 117) requires governments to take “all practicable measures” to prevent debt bondage and is concerned with forms of wage payments that may foster or compound indebtedness. The ILO Convention concerning the Protection of Wages, 1949, prohibits methods of payment that deprive workers of the genuine possibility of terminating their employment. There are also various international laws that deal with the problem of the low wages that make the debt more difficult to repay. For example, the Convention concerning Minimum Wage Fixing, encourages governments to set minimum wages and the Covenant on Economic, Social and Cultural Rights, includes the right of “remuneration which provides all workers, as a minimum, with... fair wages and equal remuneration for work of equal value without distinction of any kind”.¹²²

For migrants, in particular, there is the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, although it does not mention debt bondage specifically it may cover such a situation under its articles. For example, Art. 10, “No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”, Art. 11(1) “No migrant worker or member of his or her family shall be held in slavery or servitude”, and Art. 11(2), “No migrant worker or member of his or her family shall be required to perform forced or compulsory labor”.

In terms of recruitment and employment agencies, the ILO has The ILO’s Fee-Charging Employment Agencies Convention (Revised), 1949, of which Art. 3 (1) states that governments should abolish such fee charging employment agencies. There is also the more recent Private Employment Agencies Convention, 1997 (No. 181), which establishes under Art. 7(1) “that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”, however, it also states under Art 7(2) that;

In the interests of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to this principle in respect of certain categories of workers, as well as specific types of services provided by private employment agencies.

¹²¹ My emphasis.

¹²² Covenant on Economic, Social and Cultural Rights, Art 7(a).

The convention also encourages governments to place legislative controls on recruitment agencies under Art 8(1);

A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.

Table of Ratifications of Destination Countries in Asia:

	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	Forced Labour Convention	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Private Employment Agencies Convention no.181
China: Hong Kong (SAR) Macau (SAR) Taiwan (ROC))	British gov's ratification in 1957 extended to Hong Kong on 6 September 1957	-	-	-
India	23 Jun 1960	30 Nov 1954	-	-
Japan	-	21 Nov 1932	-	28 July 1999
Malaysia	18 Nov 1957 <i>Accession</i>	11 Nov 1957	-	-
Singapore	28 Mar 1972 <i>Succession</i>	25 Oct 1965	-	-
South Korea	-	-	-	-
Thailand	-	26 Feb 1969	-	-

In June 2011 a new international law on domestic work was adopted at the ILO's International Labour Conference; the Convention and Recommendation Concerning Domestic Work. Art. 15 deals with recruitment agencies in particular and will be given in full:

Article 15

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

- a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
 - (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
 - (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
 - (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
 - (e) **take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.**
2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

During the deliberations for the new instruments, the Worker Vice-Chairperson commented;

Although many countries had an efficient, robust and sustainable agency sector, many had fly-by-night agencies that were concerned only with making money. While all the issues covered in the proposed text were important, clause (d) [clause (e) in the final text highlighted above] was absolutely critical, as in some cases domestic workers had to work without pay for six months in almost slave-like conditions in order to cover agency fees.¹²³

The concern is however, that this will still not stop the agencies from recouping excessive fees through the practice of deducting money from wages for 'loans'. In the Recommendation Concerning Decent Work for Domestic Workers, Art. 15 (1) states "Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made." If such documentation becomes standard it may be easier for domestic workers to demonstrate that they have been underpaid or that there has been excessive deductions, and what those deductions were for. However, this will not however stop the practice of forcing domestic workers to sign blank or incorrect accounts.

The Recommendation also mentions agencies in Art. 23 with a reminder of other ILO instruments; "Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies

¹²³ International Labour Conference (99th Session, 2010), *Provisional Report 12: Fourth item on the agenda: Decent work for domestic workers*, Report of the Committee on Domestic Workers, Geneva: International Labour Organisation, p.90.

Recommendation, 1997 (No. 188).” This was included during the final drafting of the instrument in June 2011, shortly before adoption.

National Laws and Policies

In terms of national laws and policies on debt bondage some governments in Asia, as mentioned earlier, have a maximum amount for agencies fees and have legislation on and licensing of recruitment agencies. Some governments also set a minimum wage for migrant domestic workers, although in most countries these restrictions and laws are not complied with or enforced.

In general, governments under pressure in countries of origin have adopted a paternalistic approach to their policies on female migration. In Bangladesh there was an outright prohibition on female labour migration and even now women must be over 35 years of age to migrate, forcing many to resort to smugglers in order to seek employment opportunities.¹²⁴ Some governments, such as the Indonesian government, assume that the labour migration of women needs to be controlled through recruitment agencies and does not allow direct hiring. Migrant domestic workers are forced to go through the agencies, limiting their options and increasing their expenses. This can be seen in a report by the Mission for Migrant Workers (MFMW) on Filipino domestic worker in Hong Kong, which stated that, “those who went through RA [recruitment agencies] had a higher rate of debt, with 75% of those listed in debt coming from agencies”.¹²⁵ Furthermore;

The majority (46%) of the respondents who went via RAs paid between P60,000 – P100,000, three to four times the prescribed amount pre-POEA guidelines in 2007. Compare this with 40% and 49% of those passing through Direct-Hire mechanisms. They only shelled out between P10,000-P15,000.¹²⁶

Recently, the alliance of 23 Indonesian migrant organisations known as PILAR (United Indonesians against Overcharging), has been calling for the ability to be direct hired, have more control over who their employers are and pay less in terms of fees; “The agencies suck us dry. We have to sacrifice our wages for placement fees trapping us into debt bondage. What we want is direct hiring for all IDWs in Hong Kong.”¹²⁷ Even the undocumented domestic workers in some countries seem better off than those documented domestic workers controlled by the agencies and government policies;

Undocumented domestic workers are able to choose arrangements accommodating more privacy and autonomy, such as day work, part-time and live-out. Migrant part-timers, in particular, enjoy improved working conditions in many respects compared to the live-in documented [migrant workers]. They are paid by hours with an increased wage rate, and their working hours and tasks are clearly defined. The job content amounts to house cleaning and usually excludes laundry, ironing and dishwashing. Part-time cleaners have minimal interaction

¹²⁴ See Rukhsana Gazi et al., (2001) 'Trafficking of Women and Children in Bangladesh: An Overview', Bangladesh: ICDDR, B: Centre for Health and Population Research, and also, Asia Pacific Forum on Women, Law and Development (APWLD), (2008) *Political Economy of Violence Against Women in Asia Pacific*, Asia Pacific Forum on Women, Law and Development (APWLD) and Women's Legal Bureau (WLB), p.69.

¹²⁵ *Overcharging by Recruitment Agencies*, p.7.

¹²⁶ *Ibid*, p.5.

¹²⁷ United Indonesians Against Overcharging (PILAR) (May 2010) *Stop Forcing Indonesian Domestic Workers To Agency*, Press Release.

with their employers, a situation that allows domestic workers autonomy and flexibility in arranging the procedure and pace of work.¹²⁸

Governments in destination countries compound the problem of debt bondage through their policies that do not protect migrant domestic workers. Hong Kong, which covers domestic workers under its labour laws, has the detrimental “two week rule”. Should the worker leave their employment, under Hong Kong law, they subsequently have just two weeks before they must leave the country. This does not give the workers very long to find a new source of employment to pay their debt, often they are forced to stay and work illegally or to go back to the recruitment agency and pay more fees for a new employer. Only under ‘exceptional circumstances’ such as the death of the employer, will the domestic worker be able to change their employer before the contract expires and without having to return to their country of origin first.

Governments also do not restrict the number or licensing of recruitment agencies. In Singapore there are over six hundred agencies competing for employers and this leads them to reduce the employers’ fees, shifting the cost to the workers.¹²⁹ Furthermore, the government makes employers pay a monthly foreign worker levy to regulate the number of foreign workers in Singapore - SD\$270 for domestic workers - but this amount may be more than their workers wages per month.¹³⁰ It can be argued that if they enforced a high minimum wage for migrant domestic workers this would also limit the number that could be hired.

In destination countries, the consulates and embassies may deal with cases of outright abuse, but not cases of debt bondage; “they (Indonesian Consulate) have openly refused to assist victims’ cases of high agency fees and have continued to allow recruitment agencies to harass Indonesian migrants, their employers and families back home.”¹³¹ When countries of origin, such as the Philippines, put in place laws and policies to protect their migrating worker, this will have little effect unless the country of destination also respects these laws and accords with the memorandums of understandings or treaties.

To facilitate deployment, even law-abiding agencies in the Philippines produce documents to satisfy Philippine government regulations knowing very well that the provisions in those documents will be disregarded in the United Arab Emirates. As a Philippine industry insider puts it, “Papel papel lang yan” (*It’s all about paperwork*).¹³²

Governments can act swiftly when their greater interests are threatened. For example in 2009, the Bangladeshi government shut down nine recruiting agencies, canceled the licenses of 25, temporarily suspended seven, fined six others, and filed three cases against recruiting agencies for their involvement in fraudulent recruitment practices that “potentially facilitated human trafficking”.

¹²⁸ *Legal Servitude*, p.17.

¹²⁹ *Maid to Order*, p.4.

¹³⁰ Ministry of Manpower, (2010) *Work Permit (Foreign Worker) - Levy Payments*, Singapore Government. Available from <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fw/levy-payments/Pages/levy-payments.aspx>, accessed June 2011. Also see *Maid to Order*, p.5.

¹³¹ *Protect migrant workers, not recruitment agencies*.

¹³² Agunias, Dovelyn Rannveig, (2010) *Migration’s Middlemen: Regulating Recruitment Agencies in the Philippines – United Arab Emirates Corridor*. Washington DC: Migration Policy Institute, p.17.

All this occurred after the US government threatened to upgrade Bangladesh from tier 2 trafficking watch list to a tier three.¹³³

Complaints and cases

To stop the practice of debt bondage it is not just enough to have international and national legislation, the laws also need to be enforced through the prosecution of the offenders. Through field research and conversation with those working in shelters and missions, it is more often that a complaint or case is filed against the employer due to physical abuse, and the charge of underpayment or withholding of wages is also included. Common complaints and cases against recruitment agencies are usually in term of illegal recruitment, where the worker pays the fees but there is no job, or they are transported and there is no job, or there is a different job from what they signed up for (which often amounts to trafficking).

In the Philippines, it is the Philippine Overseas Employment Administration (POEA) which adjudicates cases against recruiters and recruitment agencies, either cases brought by workers or on POEAs own initiative. The POEA has a Prosecution Division, which conducts the preliminary work for the prosecution of criminal acts and the POEA also conducts surveillance of suspected illegal recruiters. Cases that are filed in the Philippines are often against sub-recruiters for illegal recruitment procedures, or recruitment agencies when the worker is waiting for deployment; however these cases are often dropped when the worker is deployed or because the worker is reluctant to testify.¹³⁴ The courts in the Philippines can also be inefficient and the time it takes for the case to be hear can also lead many workers to drop the case.

For incidents that occur while the worker is overseas, the labour debt, or the Philippine embassy or consulate will involve the POEA, who can charge both the employer and recruitment agency as jointly liable for fulfilment of the contract.¹³⁵ “When they return to the Philippines, they have the right to file a complaint with the National Labour Relations Commission (NLRC) to seek redress for any violation by their employer of their rights under their contract of employment.”¹³⁶ Also the agency may be held solely liable, under the joint and several liability principle, for the obligation of the employer under the employment contract.

There were 6,152 complaints filed on violation of recruitment in the Philippines in 2004. Almost half of the complainants were female and almost all of those would be domestic workers. The reasons included: excessive fees, misrepresentation and contract substitution in country of destination.¹³⁷

Philippines Department of Labour and Deployment Statistics.

¹³³ Rahaman, Mashiur (2 August 2009) *High cost of migration leads to debt bondage of Bangladeshi workers*, The Financial Express. Available from http://www.thefinancialexpress-bd.com/more.php?news_id=75060&date=2009-08-02, accessed Feb 2011.

¹³⁴ Kuptsch, Christiane ed., (2006) *Merchants of Labour*, Geneva: International Institute for Labour Studies, International Labour Organisation., p.17.

¹³⁵ *Merchants of Labour*, p.17.

¹³⁶ International Organization for Migration (IOM), (2005) *Labour Migration in Asia: Protection of Migrant Workers, Support Services and Enhancing Development Benefits*, Geneva: IOM, p.57.

¹³⁷ *Merchants of Labour*, p.39.

TABLE 36 - Deployed Overseas Filipino Workers, Overseas Filipinos Remittances and Illegal Recruitment Cases Handled, Philippines: 2008 - October 2010

INDICATOR	2008	2009					2010 ^P				
		Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	Oct
OVERSEAS EMPLOYMENT FACILITATION											
Deployed Overseas Filipino Workers	1,236,013	1,422,586	336,901	408,246	367,693	309,746	1,079,221	389,942	334,912	354,367	NA
Land-based	974,399	1,092,162	266,676	319,212	282,414	223,860	840,182	304,171	267,447	268,564	NA
Sea-based	261,614	330,424	70,225	89,034	85,279	85,886	239,039	85,771	67,465	85,803	NA
Remittances from Overseas Filipinos (US\$M)	16,426.9	17,348.1	4,057.0	4,422.7	4,310.0	4,558.3	15,456.1	4,339.4	4,722.8	4,720.2	1,673.7
Land-based	13,392.3	13,947.6	3,256.5	3,575.1	3,456.2	3,659.8	12,343.6	3,450.5	3,813.5	3,731.5	1,348.1
Sea-based	3,034.6	3,400.4	800.5	847.5	853.8	898.5	3,112.5	888.9	909.3	988.7	325.6
Overseas Filipinos Remittances as % of GNP	8.8	9.4	-	-	-	-	-	-	-	-	-
OVERSEAS EMPLOYMENT REGULATION											
Anti-Illegal Recruitment Campaign											
Cases, Pending Beginning	1,285	1,358	1,358	1,368	1,392	1,423	1,427	1,427	1,440	1,363	1,373
Cases Newly Filed	402	252	79	64	64	45	193	56	63	55	19
Cases Handled	1,687	1,610	1,437	1,432	1,456	1,468	1,620	1,483	1,503	1,418	1,392
Cases Disposed	329	183	69	40	33	41	242	43	140	45	14
Disposition Rate (%)	19.5	11.4	4.8	2.8	2.3	2.8	14.9	2.9	9.3	3.2	1.0
Victims Assisted/Counselled	857	469	158	116	125	70	412	111	187	89	25

Note: Details may not add up to totals due to rounding.

^p Preliminary.

NA Not available.

Sources of data: Philippine Overseas Employment Administration.
Bangko Sentral ng Pilipinas.

In the Philippines, the most common reaction of complaints is for the agency to reach an amicable settlement with the complainant. However, if the case goes further or if the POEA has brought the case itself, then agencies can receive a fine, or the licence of the agencies can be cancelled or suspended. The POEA lists the status of recruitment agencies on its website with 3,387 current records; almost 170 are listed as forever banned and many more canceled or delisted.¹³⁸

Indonesian domestic workers overseas are under the Placement and Protection of Indonesian Workers Overseas Law no. 39/2004, although it seems to be mostly about placement, rather than protection. This law is important for Indonesian workers who do not report their case until they are safely home; this happens regularly with domestic workers who are unsure who to report to or are unable to make a report while in the destination country.

The recruitment agencies are monitored by the government who will impose sanctions when they break this law, but workers are unable to get any compensation for breach of their contracts. If the case involves a non-criminal complaint against agencies the procedure is vague under Art. 85 of the Law and as of 2006 there had not been any cases heard.¹³⁹ Sanctions for agencies are set up in the Ministerial Regulation No. 5/2005 and include written warnings, suspensions, and withdrawal of the recruitment agency's permit. Under the regulation, withdrawal of the permit can occur where

¹³⁸ Philippine Overseas Employment Administration (POEA), (1 July 2011) *Status of Recruitment Agencies as of Jul 1, 2011 1:04:12 PM*. Available from <http://www.poea.gov.ph/cgi-bin/agList.asp?mode=all>, accessed July 2011.

¹³⁹ International Labour Organisation (ILO) (June 2006), *Using Indonesian Law to Protect and Empower Indonesian Migrant Workers: Some Lessons from the Philippines*, ILO Project on Mobilising Action for the Protection of Domestic Workers from Forced Labour and Trafficking in Southeast Asia. Geneva: International Labour Organisation.

agencies have charged excessive placement costs that are not in accordance with the regulations. At 2007, there had still not been any recruitment agency prosecuted for overcharging,¹⁴⁰ furthermore;

There have been reports that it is easy for recruitment agencies which have been sanctioned to establish a new company with a new name even though the owner and manager remain the same. The phenomenon of ‘piggybacking’ also exists; recruitment agencies without recruitment permits recruit labour migrants and the labour migrants who they have recruited are then processed by other recruitment agencies.¹⁴¹

It is also unclear how well the government monitors the agencies and their activities, “Bureaucratic hurdles and lack of meaningful oversight also contribute to a system that permits labor agents to freely exploit migrant workers without fear of sanction.”¹⁴² Although in April of this year the Indonesian government began an audit of the about 500 agencies and ‘froze’ the activities of 30 agencies, however the results of the audit have not yet been made public.¹⁴³

Suspensions and removal of permits or licenses seems to be the penalty for serious infringements by recruitment agencies, but even this happens rarely in either the Philippines, Indonesia, Hong Kong or Taiwan. Few agencies are ever taken to court for their actions in the first place. In most cases the law does not cover issues of debt bondage, or even overcharging or underpayment, especially if the domestic worker ‘agreed’ to it in their contract. Even in countries that do have specific laws, agencies are not prosecuted:

In South Asian countries such as India and Pakistan, there is very detailed legislation against “bonded labour”, together with regulations and procedural guidelines for detecting its incidence. But there appear to have been very few prosecutions, despite beliefs that the incidence of bonded labour may be quite widespread in different economic sectors.¹⁴⁴

In a 2007 case in Hong Kong, an Indonesian domestic worker was unfairly fired after being raped outside of the home, the court ruled that she had been illegally dismissed.¹⁴⁵ When the court heard that she received only a few hundred in wage per month they also decided that this was illegal and ordered the employer to pay back the worker HK\$17,000. The employers defense that she “deducted HK\$3,000 every month as an ‘employment fee’ to send to the employment agency who hired the worker from Indonesia” was not accepted by the court; however the agency itself was not charged or investigated.

¹⁴⁰ *The Truth Behind Illegal Salary Deductions*, p.12.

¹⁴¹ International Organization for Migration (IOM), (2010) *Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East*, Geneva: IOM, p.33-4. Also see Blokhuis, Ingrid, (December 2004) *Social Protection for Women Migrant Workers: A Comparative Study among Sending Countries*, Jakarta: World Bank Office Jakarta, p.15.

¹⁴² Verite, (June 2010) *Help Wanted: Hiring, Human Trafficking and Modern Day Slavery in the Global Economy, Regional Report – Migrant Workers in IT Manufacturing in Taiwan and Malaysia*. Available from <http://www.verite.org/helpwanted/resources>, accessed June 2011, p.55.

¹⁴³ ANTARA News, (13 April 2011) *Activities of 30 migrant workers recruitment agencies frozen*. Available from <http://www.antaranews.com/en/news/70247/activities-of-30-migrant-workers-recruitment-agencies-frozen>, accessed June 2011.

¹⁴⁴ *Forced Labour and Debt Bondage in Hong Kong*, p.36.

¹⁴⁵ Bethune House, (2007) *Migrant Women’s Refuge Bulletin* (Hong Kong) and also in Asian Monitor Resource Center, (26 Sept 2007) *HONG KONG - Raped Domestic Worker Dismissed*, Available from http://amrc.01power.net/alu_special/regional_roundup/hong_kong_raped_domestic_worker_dismissed, accessed June 2011.

The debt bondage of domestic workers, as discussed earlier, is usually a 'loan' through another company and therefore is seen by the courts as a private arrangement unconnected to the recruitment agency and its fees. The recruitment agencies are therefore able to slip through the loophole in the law, and the governments and courts have so far not acted on this loophole. Therefore there is a need to;

Clarify the difference between incontestably coercive arrangements which merit punishment by law, and systems of loans and wage advances which are based on consensus between both parties to an employment relationship.¹⁴⁶

While in destination countries:

Hong Kong is one of the few countries where domestic workers are included under the national laws, including migrant domestic workers. Cases and complaints are filed with the labour department for breach of contract, such as underpayment, usually against the employer and involving conciliation mediation where the parties can come to an agreement (usually for part of the wages and flights home).¹⁴⁷ Cases of excessive placement fees, and other complaints which are not a breach of contract, are heard at the Small Claims Court or the Labour Tribunal. However, filing cases and complaints in Hong Kong is not easy due to immigration policy:

Since her visa only lasts two weeks after termination, she must apply for a visa extension which costs HKD 160, and may only last two weeks to two months, depending on the discretion of the immigration officer. She is also not allowed to work while waiting for her claim to proceed. Thus, in order to pursue a legal claim, say for unpaid wages, she must pay for her own food and lodging, pay HKD 160 at frequent intervals, and wait indefinitely for her case to reach conclusion. Her family back home will be deprived of income for that period. The law thus seems intended to deter foreign domestic workers from pursuing justice, rather than intended to help them gain justice when they are mistreated.¹⁴⁸

This is also the case for Taiwan, but the worker must stay in the government or privately run shelters until the case with the employer or agent is resolved and they are constantly required to fill in paperwork and have trips to both the embassy and immigration to renew their visas. Since they are not earning any money during this time and the case can go for months while it is investigated, heard and a result is given, many workers are forced to give up the case and return home. Domestic workers may also be unable to pursue the case once they return home, for example, to file a legal claim against a Hong Kong agency, it must be filed in Hong Kong.

Under the Employment Services Act and the Regulations for Permission and Supervision of Private Employment Services Institutions in Taiwan, brokers are prohibited from various acts such as 'demanding, agreeing to be paid at a later stage, or accepting fees beyond the prescribed standard or any other unjust interest' and the penalty is a fine or a revoking of the permit for more serious acts. However, migrant domestic workers in Taiwan are excluded from the Labour Standards Law

¹⁴⁶ *Forced Labour and Debt Bondage in Hong Kong*, p.36.

¹⁴⁷ For more information see *The Culture of Indifference*, chapter 6.

¹⁴⁸ Lee, Doris (August 2009), 'Hong Kong's invisible quarter million' in *Ethics in Action*, Vol. 3 No. 4. Available from http://www.ethicsinaction.asia/archive/2009-ethics-in-action/vol.-3-no.-4-august-2009/hong-kongs-invisible-quarter-million#_ftn1 accessed June 2011.

and from most parts of the Employment Services Act,¹⁴⁹ meaning that their rights are subject to their employment contract.

Foreign workers enjoy the same protections under the labor laws as the local citizens According to Article 7 of the Universal Declaration of Human Rights that "All are equal before the law and are entitled without any discrimination to equal protection of the law"... however, for domestic helpers and caretakers, labor conditions and pertinent rights are subject to the individual employment contract agreed upon between the worker and the employer.¹⁵⁰

For breach of contract, the Bureau of Labour Affairs (BLA) holds a mediation session with workers who registered complaints and a settlement is normally reached allowing the worker to return home. For other complaints that are not a breach of contract, such as excessive fees, there seems to be no recourse under the Taiwanese law, unless it amounts to trafficking.

Other Organisations and Alternative Agencies

There are examples of governments who are trying to protect domestic workers and lessen the incidents of debt bondage, but as outlined above few are doing it effectively or are fully implementing the policies or laws. However, governments are not the only ones who can do something about debt bondage and there are ways that the recruitment of workers can be done differently.

Unions and informal workers associations can have an impact. In Hong Kong, where migrant domestic workers are allowed to join unions; they are able to organize large protests against recruitment agencies practices and government policy. This tactic has had some success in the past and certainly highlights the issue. In 2008, there was an intensive campaign by Indonesian domestic worker organisations that led to the withdrawal of the SE2258/2007 policy prohibiting domestic workers in Hong Kong to change employment agencies within the first two years of employment. In Malaysia, the MTUC held a major rally to protest against outsourcing policies and the forced labour conditions experienced by migrant workers and it continues to support migrant workers.¹⁵¹ In countries, where migrant domestic workers can not join unions and do not have a legislated day off, protests and rallies are unable to have the force of numbers that they do in Hong Kong, but even small events can lead to national and international media attention and therefore pressure on the governments.

The other important role that unions and associations, as well as shelters, missions, NGOs etc, can play is in the documentation of incidents of debt bondage. The information such as recorded earlier in this report is important to show governments the impact that debt bondage is having. Governments are often slow to act on anecdotal evidence as they prefer hard facts, numbers and

¹⁴⁹ Such as the right to set working hours, days off, holidays and leave.

¹⁵⁰ Taiwan Bureau of Employment and Vocational Training (2007) *Report On Protection Of Rights For Foreign Workers In Taiwan*, III. Substantial Measures 2(1). Available from http://www.evta.gov.tw/eng/content/content.asp?mfunc_id=99&func_id=99&type_id=0&cata_id=0&id=9211 accessed May 2011.

¹⁵¹ International Labour Office (2009) *The Cost of Coercion: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva: International Labour Organisation, p.61.

graphs. As the ILO states; “Solid research has proved an essential input into awareness raising and advocacy for policy change.”¹⁵² If it is possible to show governments in countries of origin how much of an impact debt bondage is having on migrant domestic workers, their families, their communities, the effect on their remittances, and the link between the increasing incidents of debt bondage and the increasing vulnerability of migrant domestic workers to violations of their rights, then the government may have to begin to moderate the ‘loans’ and other forms of debt bondage.

Regional and International bodies such as ASEAN and the ILO have also been working indirectly on the issue of debt bondage to recruitment agencies. In particular, the Recommended Guidelines for Migrant Recruitment Policy and Practice in the Greater Mekong Sub-Region, has some good recommendations. Drafted by the ILO and COMMIT; A government-led process involving the six countries of the Greater Mekong sub-region (Cambodia, China, the Lao People’s Democratic Republic, Myanmar, Thailand and Vietnam). Of concern in the guidelines, however, is the exception clause that allows deductions of fees from workers and the establishment of loans:

4.2. Fees for recruitment services should be borne by employers. Where this is not possible, governments should regulate the maximum fee for services that recruitment agencies are allowed to charge workers in consultation with employers’ and workers’ organisations...

4.4 Governments should regulate and monitor the way in which recruitment agencies are able to deduct fees from workers’ salaries...

4.7. Governments should promote the establishment by governments, financial institutions or other organisations of lending facilities to provide low interest loans to worker who cannot afford recruitment agency fees.¹⁵³

There are no further recommendations on these loans, their amount and the regulation of them, and therefore these guidelines still leave workers vulnerable to debt bondage.

In 2005, the governments of nine Asian countries; Bangladesh, Cambodia, Indonesia, Jordan (the only destination country), Lao, Nepal, Philippines and Sri Lanka, agreed the Covenant of Ethical Conduct and Good Practices. The Covenant included general clauses such as setting up binding MOUs, and national specific actions, for example Indonesia agreed to disseminate information on advantages/disadvantages of recruitment and placement overseas.¹⁵⁴ It is unclear how much of an impact this covenant has had and if there was any follow up, although these nine countries plus India are now part of the UN Women Asia-Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia.¹⁵⁵

In terms of the agencies, there is a Code of Practice for members of the International Confederation of Private Employment Agencies (Ciett); “Ciett consists of 46 national federations of private

¹⁵² *Forced Labour and Debt Bondage in Hong Kong*, p.66.

¹⁵³ The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), (2008) *The Recommended Guidelines for Migrant Recruitment Policy and Practice in the Greater Mekong Sub-Region.*, p.5.

¹⁵⁴ Available from; United Nations Development Fund for Women (UNIFEM), (Nov 2005) *Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers*, Regional Consultation of Overseas Employment Service Providers on Good Practices to Protect Women Migrant Workers Bangkok, Thailand. Available from http://www.unifem-eseasia.org/docs/Covenant_ethical_conduct.pdf, accessed June 2011.

¹⁵⁵ Asia Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia, (2010) *About Us*, UNWomen. Available from http://www.migration-unifem-apas.org/About_us.html, accessed Jan 2011.

employment agencies and seven of the largest staffing companies worldwide”.¹⁵⁶ The code expressly excludes the charging of fees to workers under Principle 4 – Respect for free-of-charge provision of services to jobseekers; “Members shall not charge directly or indirectly, in whole or in part, any fees or costs to jobseekers and workers, for the services directly related to temporary assignment or permanent placement.”

There are also zero or no fee recruitment agencies who are trying to set a good example or offer an alternative to migrant workers. FMW Human Resources International (FMWHRI) is a Philippines agency which charges no placement fees to workers and includes the Joint and Solidary Liability principle in every employment contract. The agency is “bent on illustrating that this is a feasible business plan: to charge employers who need workers, and not the other way around,” however, it does not seem to include recruitment of domestic workers.¹⁵⁷

In Singapore, there is a connection service for migrant domestic workers and employers called Fairmaid, it provides the platform for employers and helper to put up their profiles to be able to look for each other in a form of direct hiring.¹⁵⁸ However, they do not provide an agency service, so official and legal employment has to still be done through a recruitment agency. As well as giving information such as how to renew work permits, etc, the main benefit of the service is that all those using the platform give full profile details and are required to accept the respect commitment (workers) or the fairness commitment (employers);

Fairness Commitment:

- I will pay the FDW [foreign domestic worker] her salary monthly and on time.
- The salary is not below 300\$ for an inexperienced one and not below 350\$ for an experienced one.
- The salary will be paid by cash/crediting into FDW’s bank account. I do not deduct or withhold part of the salary without her agreement.
- I must provide my FDW with access to necessary medical treatment and bear her medical and hospitalisation expenses.
- I will provide the FDW a separate room or a place with a reasonable amount of privacy in the house with at least a mattress, blanket, fan, cupboard and bathroom amenities.
- I do not ask the FDW to work outside the above address and she only has to do household chores.
- I shall provide at least 3 meals a day to the FDW. If the FDW is not used to the food my family is eating, I shall buy the FDW her staple food like rice, noodles, bread, vegetable, fruit, milk, egg or provide her with approx. 100\$ extra money every month.
- I shall provide the FDW with at least 8 hours of continuous rest nightly.
- I shall provide the FDW with at least 1 hour of rest during the day.

¹⁵⁶ International Confederation of Private Employment Agencies (Ciett), (2011) *About Ciett*. Available from <http://www.ciett.org/index.php?id=1>, accessed June 2011.

¹⁵⁷ *Help Wanted: Hiring, Human Trafficking and Modern Day Slavery*, p.63. Also see Female Migrant Workers Human Resources International (FMWHRI), (2009) *Welcome to FMW Human Resources International*, Available from <http://www.fmwhri.net/index.php>, accessed June 2011.

¹⁵⁸ Through email communications and information on the website: Fairmaid.org, (2010) *How it Works*, Available from <http://fairmaid.org/fairmaid/index.zul>, accessed June 2011.

- The FDW shall be entitled to one off day a week, on a day mutually agreed. On this day she must be allowed to go out of house and meet with friends. If the FDW doesn't want off every week, I shall pay her 30\$ extra for every off day she is not taking.
- I shall have patience with the FDW in learning new things and do not abuse her verbally or physically at any time.
- Should both parties agree to extend this contract, the FDW shall be entitled to 15 days of paid home leave (inclusive of a return ticket to her city of origin). If the FDW does not wish to utilize her home paid leave, I shall pay her a lump sum equivalent to the return ticket to her city of origin.
- If the FDW wants to change employer, I shall give her the letter of release to allow a transfer to happen.
- Upon termination or expiry of the contract, I shall bear the cost of repatriating the FDW back to her city of origin
- External communications shall be made available for the FDW and I must allow the FDW to seek the advice/help of the relevant authorities such as MOM or a Helpline etc. at all times.
- I shall provide for safe working conditions at all times.

Fairmaid recommends the agency of Star Home Personnel, which was set up in February 2005, by Humanitarian Organization for Migration Economics (HOME) as Singapore's first non-profit domestic worker agency. It charges one month's salary as a fee; "We are trying to keep costs as low as possible, so that we don't exploit and profit from [FDWs'] poverty,".¹⁵⁹ It does not have an online presence, but it is located in Lucky Plaza and some of the domestic workers are women that went to HOME for assistance and are now looking for new employers.

¹⁵⁹ Seneviratne, Kalinga, (June 2005) *Maid to sweat in Singapore*, Asia Times Online. Available from http://www.atimes.com/atimes/Southeast_Asia/GF24Ae03.html, accessed June 2011.

6. Conclusions and General Recommendations

It is clear that there are a lot of problems which constitute the debt bondage of women migrant domestic workers. It begins with their decision to migrate overseas to work as domestic workers, but after this decision is made, then their choices and alternatives are limited by their bondage. Unless they are able to be direct hired, they are forced to go through agencies, and unless they have the ability to pay for their migration upfront, then they are forced to go into debt with the agency. With the overcharging of fees and costs, the underpayment of wages and other deductions such as tax, their labour is not sufficiently applied towards paying of the debt. With the work being undefined and rarely limited in hours or days, their work is not valued. Agencies use various traps and deceptions in order to bond the workers, such as the description of terms not in contracts, contract substitution, and confinement. They also avoid government laws and policies, where they exist, by charging both the employer and worker, hiding fees in migration costs, and setting up 'loans' which fall into a loophole in the law.

The acts which contribute to the bonding of the worker as often as many as the violations and abuses that workers suffer and tolerate because of the threat of the debt they owe. Unable to pay off the debt, but through continuing their contract as a migrant domestic worker and faced with being unable to support family back home without what wages they do receive, debt bondage forces women into a servile status. Understanding debt bondage and rectifying the causes will be a major factor in protecting the rights of migrant domestic workers and ending this contemporary form of slavery.

Recommendations

- Governments should conduct a strategic review of the role of agencies - as well as financial institutions and banks - in the recruitment process, to better assess what legislative and policy changes are required to protect migrant workers;
- Direct hiring should be legal and encouraged; there should be more services which enable potential employers and workers to connect with each other directly;
- Local brokers, sponsors and subagents should be banned or regulated and registered with particular recruitment agencies, who will be responsible for ensuring that they give accurate information;
- Employers should not have access to the workers' private bank account, other than to deposit their wages monthly;
- Both employers and workers need to be informed about the risk of debt bondage, there should be government websites which clearly lays out all the actual costs of migration in the local currencies,

the information should be posted in public places such as markets and bus stops, and it should be mandatory for agencies to clearly display the information on their websites and in their offices;

- Domestic workers should not be confined prior to departure or in the country of destination or upon their return, and they should be able to change employers and agencies at any stage during their employment contract;

- Migrant domestic workers should be able to live outside the household, receive overtime pay, limited hours, a weekly day off, and other basic labour rights and benefits;

- There should be standard contracts for migrant domestic worker and contracts must state all the particulars in terms of fees and costs for migration, working hours, remuneration, etc, the contract should be enforced by the governments of both countries, and side contracts or substitution should be illegal;

- Laws and policies regulating, or preferably banning loan agreements and wage deductions, need to be enacted; employers should pay for all and any migration costs as per the Private Employment Agencies Convention, 1997 (No. 181), which establishes under Art. 7(1) “that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”;

- Where they are not already in existence, governments need to pass laws and policies concerning recruitment agencies placement fees and standardise the costs of migration. They also need to include migrant domestic workers in minimum wage legislation regardless of their level of experience;

- Where governments have laws and policies concerning the above, these laws need to be strictly enforced. Agency licenses should be suspended pending investigations and more severe penalties are required, the joint and several principle should be applicable to cases of migrant workers. Not just agencies, but also the ‘official representative’ or the director of the agency should be permanently banned, and all countries should have a regularly updated website of banned, cancelled and suspended agencies;

- The agents or recruiters should also be registered or licensed, and this should be subject to the agents and recruiters passing a test on relevant national, destination country and international laws and policies, including any MOUs. Licences should be suspended pending investigation and severe penalties should be in place for breaches of the law;

- In cases where the financial institution or bank is also involved, such as where there is illegal overcharging through wage deductions in the form of a ‘loan’, then the institution or bank should also be investigated and charged;

- There should not be any policies which restrict the worker’s ability to report agencies or continue a case through the courts. Workers should be able to change employers, agencies and be able to work while awaiting results of a case, and workers should also be able to pursue the case with the agency after returning home;

- All existing MOUs and other agreements should be amended to ensure that they comply with the rights and protections laid out in the new Convention and Recommendations on domestic work;

- Governments should enact specific legislation which prohibits forced labour and all forms of slavery, keeping in mind the situation of women migrant domestic workers;
- Governments should ratify international laws such as the Convention on private employment agencies and the new Convention and Recommendation on domestic work, and ensure that their national laws and policies comply with the legislation.

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Appendix

POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers

RULE V FEES, COSTS AND CONTRIBUTIONS

Section 1. Service Fee. Agencies shall charge from their principals a service fee to cover services rendered in the recruitment, documentation and placement of workers. The Administration shall provide incentives to agencies and employers who are able to comply with this rule.

Section 2. Fees and Costs Chargeable to Principals. Unless otherwise provided, the principal shall be responsible for the payment of the following:

- a. visa fee;
- b. airfare
- c. POEA processing fee; and
- d. OWWA membership fee

Section 3. Fees/Costs Chargeable to the Workers. Except where the prevailing system in the country where the worker is to be deployed, either by law, policy or practice, do not allow the charging or collection of placement and recruitment fee, a landbased agency may charge and collect from its hired workers a placement fee in an amount equivalent to one month salary, exclusive of documentation costs.

Documentation costs to be paid by the worker shall include, but not limited to, expenses for the following:

- a. Passport
- b. NBI/Police/Barangay Clearance
- c. Authentication
- d. Birth Certificate
- e. Medicare
- f. Trade Test, if necessary
- g. Inoculation, when required by host country
- h. Medical Examination fees

In the event that the recruitment agency agrees to perform documentation services, the worker shall pay only the actual cost of the document which shall be covered by official receipts.

The above-mentioned placement and documentation costs are the only authorized payments that may be collected from a hired worker. No other charges in whatever form, manner or purpose, shall be imposed on and be paid by the worker without prior approval of the POEA. Such fees shall be collected from a hired worker only after he has obtained employment through the facilities of the recruitment agency.

Debt-Bondage Arrangements and Payment Receipts ¹⁶⁰

Identification information removed

Peraturan Pembayaran :
付款守則

HT765
MAID NAME [REDACTED]

1. Anda harus bayar tepat waktu, lewat tanggal anda akan didenda
僱工必須在指定期限內繳交款項，逾期者須繳交罰款。

2. Cara Pembayaran:
付款方法：

[REDACTED]

ii) Cicilan boleh dimasukkan di semua Bank of China Group
可到各中銀集團屬下之銀行存入款項。

1. Bank of China (Hong Kong) Limited
中國銀行(香港)有限公司

2. Nanyang Commercial Bank
南洋商業銀行

3. Chiyu Banking Corporation
集友銀行

3. Cara pembayaran apapun yang anda pilih, anda harus menyimpan semua bukti pembayaran.
閣下無論採取任何方式存款，請務必保留每期之存款收據。

Seandainya pembayaran terjadi kesalahan, misalnya kehilangan bukti pembayaran, dan lain lain, maka kantor berhak untuk menagih utang atau mendenda.
以上各存款方式若有人為失誤時，本公司將保留一切追討還款或罰款之權利。

	Jumlah 銀碼	Tgl Jatuh Tempo 到期日		Jumlah 銀碼	Tgl Jatuh Tempo 到期日
1 st	\$ 1,800.00	05-11 January X '05	5 th	\$ 1,800.00	05-11 December '05
2 nd	\$ 1,800.00	05-11 January X '05			
3 rd	\$ 1,800.00	05-11 January X '05			
4 th	\$ 1,800.00	05-11 November ✓ '05			

A/C NAME: [REDACTED]
A/C NO.: [REDACTED]
Trans Code: [REDACTED]
Ref. No.: [REDACTED]

Ingat untuk masukkan nomor reff anda saat membayar
請於入數時必須要求銀行輸入存款備查號 (Ref. No.)

¹⁶⁰ Forced Labour and Debt Bondage in Hong Kong: A Study of Indonesian and Filipina Migrant Domestic Workers Peggy W.Y. Lee and Carole J. Petersen Centre for Comparative and Public Law Occasional Paper No. 16, appendix two.

Finance Company Instructions to Employer¹⁶¹

Identification information removed

Name : _____ **Loan No.** _____
Monthly payment : HK\$ 3,000 x 7 months

FOR THE EMPLOYER INFORMATION ONLY

All Indonesian maid that arrived in Hong Kong carried with them an agent loan for training fee in Indonesia. This loan should be paid to _____ FINANCE and payment must be made punctually every month through :
(Please refer to your Loan Card for monthly amount & due date)

1. Bank of China.
_____ Finance and Credit Co. Ltd.
A/C no. _____

Please call to _____ to report the payment OR mark the maid's loan number in the receipt and fax to us at _____.

OR

2. Any branch of _____ Finance and Credit Co. Ltd.

繳費指示

僱傭到達香港後, 需履行在印尼所簽訂之合約, 每月繳予 _____ FINANCE 作為在印尼訓練營之所有費用, 請依以下方式, 準時繳交:
(月費及到期日, 請參照賬戶咭)

(1) 中國銀行
戶口名稱: _____ Finance and Credit Co. Ltd.
戶口號碼: _____

繳交後請報告:
1. 僱傭之賬戶號碼 (Loan No.)
2. 銀行之備查號碼

電話: _____ 或 傳真: _____

或

(2) 於辦公時間到任何一間分行繳交.

_____ Finance and Credit Co. Ltd.

Office Hour
Mon – Friday 9 am – 5 pm
Sat 9 am – 1 pm
Sunday 8:30 am – 5 pm

¹⁶¹ Forced Labour and Debt Bondage in Hong Kong: A Study of Indonesian and Filipina Migrant Domestic Workers Peggy W.Y. Lee and Carole J. Petersen Centre for Comparative and Public Law Occasional Paper No. 16, appendix two.

Extracts from *Important Notes for Foreign Domestic Helpers and their Employers When Using the Service of Employment Agencies in Hong Kong*, brochure by the Labour Department.

根據《僱傭條例》第十二部及《職業介紹所規例》的規定，職業介紹所向求職者收取的最高佣金額，不得超過其獲職業介紹所安排就業後第一個月工資的百分之十。

除訂明佣金外，職業介紹所如直接或間接向求職者收取任何與謀職有關的酬勞或費用，即屬違法。

一經定罪，可被罰款50,000元



According to Part XII of the Employment Ordinance and the Employment Agency Regulations, the **MAXIMUM COMMISSION** an employment agency may receive from each job seeker is an amount not exceeding 10% of his first month's wages received after he has been successfully placed.

It shall be an offence if an employment agency directly or indirectly receives any reward or payment other than the prescribed commission from a job seeker in connection with obtaining employment.

Penalty for Offence: Fine of \$50,000

外籍家庭傭工應：

- ✓ 確定職業介紹所持有勞工處處長發出的有效職業介紹所牌照
- ✓ 在收取第一個月工資後才支付訂明佣金
- ✓ 於付款後要求職業介紹所簽發收據
- ✓ 避免經由第三者付款給職業介紹所
- ✓ 保留護照及僱傭合約正本



Foreign Domestic Helpers SHOULD:

- ✓ Make sure the agency has a valid licence of employment agency issued by the Commissioner for Labour
- ✓ Pay the prescribed commission only **AFTER** you have received your first month salary
- ✓ Request a receipt for any payment made
- ✓ Avoid paying the agency through a third party
- ✓ Keep your own passport and original copy of employment contract

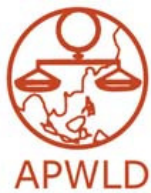
外籍家庭傭工不應：

- ✗ 支付任何訂明佣金以外的開支或費用，如登記費、訂金或影印費等
- ✗ 在職業介紹所要求下，向財務公司借貸以付款給職業介紹所
- ✗ 在不明白或不肯定的情況下，簽署任何文件、協議或合約
- ✗ 在收到工資前，簽署任何預先開發的糧單／收據



Foreign Domestic Helpers SHOULD NOT:

- ✗ Pay the agency any expenses or fees such as registration fees, reservation fees and photocopying fees, etc. other than the prescribed commission
- ✗ Pay the agency by borrowing money from any loan company upon request of the agency
- ✗ Sign any document, agreement or contract if you don't agree to the terms or if you are not sure what they mean
- ✗ Sign for any wages you have not received



Asia Pacific Forum on Women, Law and Development (APWLD)

APWLD is Asia Pacific's leading feminist, membership driven network. We hold consultative status with the Economic and Social Council of the United Nations. Our 180 members represent groups of diverse women from 25 countries in the region. For nearly 25 years APWLD has been empowering women to use law as an instrument of change for equality, justice, peace and development. We use research, training, advocacy and activism to claim and strengthen women's human rights.

www.apwld.org