

PROTECTION OF WOMEN MIGRANT WORKERS

Policies of Selected Sending and Receiving Countries

Paper prepared for
World Bank Office Jakarta

by

Patrick Sakdapolrak
Internship in IDF Grant
for Strengthening Institutional Capacity to Support
Indonesian Women Migrant Workers

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THE WORLD BANK

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EXECUTIVE SUMMARY

More and more Indonesian women migrant workers are migrating on their own to seek employment overseas. This is a change of the migration pattern – called feminization of migration – that Indonesia has experienced during the last decade. The main receiving countries of Indonesian women migrant workers are Hong Kong, Malaysia, Singapore, Saudi Arabia and UAE. Within these countries they are mainly employed as foreign domestic workers (FDWs). This paper reviews and compares the policies of these main receiving countries. The focus lays on policies that regulate the inflow and employment of migrants as well as existing support sources and networks. The objective is to identify how these policies protect migrant workers from abuse and exploitation and consequently how potential vulnerable women migrant workers are under the respective policy regimes. Lastly, the Philippines as one of the world's largest labour suppliers is used to show how its policy seeks to protect and reduce the vulnerability of migrant workers.

As a background, the paper identifies areas of abuse and exploitation women migrant workers are confronted with throughout the migration process. These include economic exploitation, social and psychological abuse, physical and sexual abuse and abuse resulting from the operation of the legal system. The paper makes comments on available data on the actual abuse and exploitation of Indonesian women migrant workers. The sources are embassies, NGOs, receiving countries authorities, collection of Jakarta Airport and surveys. A survey conducted by an NGO in Hong Kong illustrates the actual extent of abuse and exploitation of FDWs there. More important, from an Indonesian point of view, the survey indicates comparatively higher vulnerability of Indonesian migrant workers.

The paper reviews policies of receiving countries on the background of indicators of vulnerability of women migrant workers identified by the UN. The review focuses on 3 main areas: regulation of labour migration, regulation of labour relations and existence of sources of support. All countries examined have set up a regulatory framework for migrant workers. It is in all countries a sector specific admission of migrants from certain countries, into certain sectors. Only Singapore and Hong Kong are successful in enforcing their regulations, which is indicated by the relative low level of irregular migrants. The employment relation between foreign domestic workers and their employers is not regulated by the labour laws of the respective countries with the exception of Hong Kong. In Hong Kong foreign domestic workers are covered by the *Labour Ordinance* and are entitled to a standard employment contract issued by the government, which states the minimum terms and conditions of employment including minimum wages, day-offs, statutory holidays etc. In Singapore and Malaysia the government set forth guidelines for the employment contract of domestic workers. In Saudi Arabia and UAE there are no provisions at all. Sources of support for migrant workers also varies widely. In the best network of support for migrant workers – including NGOs, migrant worker groups, embassies – exists in Hong Kong. The specific conditions in Hong Kong even enable migrants to form formal networks such as migrant workers unions. Most isolated and deprived from any support networks are foreign domestic workers in the Middle East, as the local custom severely restricts their freedom of movement.

With the background of these conditions in the receiving countries, the paper briefly examines the policy of the Philippines as an example of how one of the largest labour sending countries protect its overseas workers. The focus lays on the *RA 8042*, commonly known as *Migrant Workers and Overseas Filipinos Act of 1995*. The paper identifies four crucial points for the protection of Filipino migrants: preparation, standards on the employment contract, bi-lateral agreements and *Labour Centres* in the embassies of the respective labour receiving countries.

INTRODUCTION AND BACKGROUND

Asian women are on the move.

The feminization of migration is one of the most significant changes of pattern in Asian labour migration of past decades. An increasing share of female workers are migrating on their own for overseas employment¹. In some major labour sending countries such as the Philippines, women migrant workers even outnumber their male counterparts.

This trend can also be observed in Indonesia. As can be seen in Table 1, the sex ratio of the total number of migrants seeking employment overseas between 1994 and 1999 was 43 males to 100 females. During this period three quarters of Indonesian migrants went to work in Malaysia and the Middle East, especially Saudi Arabia. In both nations women migrants outnumber their male counterparts. Women migrant workers from Indonesia are also overwhelmingly dominant in movements to Singapore and Hong Kong. Within all these countries the majority of women migrant workers are employed as domestic workers. The very nature of employment as a domestic worker – the individualized work situation, isolation, low likelihood of establishing networks of information and support, unregulated conditions of work² - make these group among migrant workers one of the groups most vulnerable to abuse and exploitation.

Table1
Destination of Overseas Workers in the Sixth Five-Year Plan Period, 1994-1999 (Hugo, 2001)

Destination	Number	Percent	Sex Ratio
Asia Pacific	848,543	58.1	79.9
Malaysia	556,575	38.1	96.1
Singapore	146,427	10.1	22.9
Taiwan	44,851	3.1	152.9
South Korea	37,288	2.6	524.7
Hong Kong	35,140	2.4	1.7
Brunei	14,040	1.0	28.3
Japan	12,274	0.8	4620.7
Other Asia	1,943	0.1	16,091.7
America	12,833	0.9	40,003.1
Europe	5,204	0.4	7,667.1
Middle East/Africa	594,656	40.6	8.3
Saudi Arabia	550,218	37.7	8.5
UAE	41,768	2.9	2.6
Other	2,670	0.2	74.2
Total	1,461,236	100.0	43.1

Source: DEPNAKER

¹ Wickramasekara, P. 2000: 69

² Tirtosudarmo, 1998: 7

OBJECTIVE

The objective of this paper is to review and compare the policies of the main receiving countries of Indonesian women migrant workers. These countries are Hong Kong, Malaysia, Singapore and the Gulf states (especially Saudi Arabia and UAE). The focus lays on policies that regulates the inflow and employment of migrants. Furthermore, support sources and networks within these countries are evaluated. The aim is to identify how these policies protect migrant workers from abuse and exploitation and consequently how potential vulnerable women migrant workers are under the respective policy regimes. Considered is the fact that most Indonesian women migrant workers are employed as foreign domestic workers (FDWs). Lastly the Philippines as one of world's largest labour supplier is used to show how it's policy seek to reduce vulnerability of migrant workers.

METHODOLOGY

The results of this paper are based on 4 main sources. Firstly, interviews with resource persons from the embassies of the respective countries – Malaysia, Philippines, Singapore, and the UAE – as well as NGOs based in Jakarta – Centre for Indonesian Migrant Workers, Solidaritas Perempuan – and Hong Kong – Asian Migration Centre – were conducted. Secondly, stakeholder of the migration process were interviewed in a field trip to Lampung. Thirdly, the actual laws and regulations, as far as they were available, were analysed. Lastly, secondary literature was reviewed.

AREAS OF ABUSE AGAINST WOMEN MIGRANT WORKERS³

Example of economic abuse of return migrants: Ibu Supra Umpu Bharti / Way Kanan

Ibu Supra – 37 years old, married and two children – went to work in Saudi Arabia as well as Malaysia as a domestic worker for several years. Before she left, her family possessed 2 ha land – the land allocated under the transmigration scheme. The land tenure of the family changed as a result of her overseas employment – but not positively. Despite or because of the money she send back, her husband sold part of the land every time she left. He used the money to finance his hobby: gambling; the remittance financed the family's day-to-day life. Today ¼ ha land is left in the ownership of the family. And Ibu Supra is in Saudi Arabia again. She wants to give her unemployed children a better education.

Areas of abuse and exploitation against women migrant workers can be categorized into four broad categories: a) economic abuse, b) social and psychological abuse, c) physical and sexual abuse and d) abuse resulting from the operation of the legal system.

Women migrant workers are confronted with abuse and exploitation throughout the process of migration. It starts during the recruitment and preparation process, continues in the time of employment abroad and doesn't end after their return to the home country and the home village.

Economic exploitation begins in the home village when *calos*, brokers or sponsors, recruit migrant workers and collect

³ United Nations, 1996

unauthorized payments for their services. Not rarely recruitment agencies charge the migrants over and above established governmental rates for documentation and processing. If the prospective migrants are not able to pay for travel and other expenses in advance, they have to pay excessive interest on loans they get from money lenders or sponsors. During the preparation period that mostly takes place in centres as Jakarta, migrant workers are not given the required training. Often they have to wait for the deployment longer than limit set by the government and are required to work for the agency, for instance as street vendors. Economic exploitation continues when women migrant workers return from overseas. They are charged excessive fees from agencies and officials for transport services. Back in the village, women migrant workers often realise that their remittances have been misused by husband or relatives.

In receiving countries, economic exploitations continues. Migrants' monthly wages due to the contract is often decreased, withheld, delayed or not paid at all. But economic exploitation is just one dimension of abuse. Women migrants workers are confronted with a range of social and psychological violence: living and working conditions substantially in breach of agreed standards, deprivation of access to medical and health facilities, social networks and social and religious facilities, and enforced isolation, subjection to harassment, threats, punishment, intimidation and verbal abuse. Physical and sexual abuse including rape and maltreatment is a not rare.

Violence against woman migrant workers also results from the operation of the legal system. This type of violence includes unreasonable imprisonment, confinement or deportation, unlawful or forced substitution of contracts, unlawful withholding of passports and other documentation, absence and/or breach of contract.

Underpayment in Hong Kong

A survey conducted by an NGO in 2000 uncovered that 48% of Indonesian female domestic workers (FDWs) employed in Hong Kong were underpaid. This is despite the fact that a minimum wage for FDWs is guaranteed by law and stated in every standard employment contract.

DATA ON ABUSE AND EXPLOITATION

There are different sources of data on abuse and exploitation of women migrant workers. Most data that is available comprises cases that are filed and reported to foreign authorities, such as police, courts etc., to embassies and to NGOs in the receiving as well as sending country (see Table 2 and 4). This data can only give an idea on types of exploitation that takes place. It doesn't allow a statement on the actual level of abuse by countries, nor can a comparison and identification of more urgent areas for protection be done. It must be assumed that these cases represents only a small share of the actual extent of abuse and exploitation that the migrants are confronted with. Several reasons support this assumption. Migrants must fear reprisals and deportation, are pressured by indebtness, are shamed and embarrassed such as in cases of sexual harassment. This has the result that they are reluctant to file a case, often they are not able to do so, and thus only more severe cases are reported. Furthermore, the support environment in the receiving countries differs significantly – a condition that has a major impact on the number of cases reported.

According to NGOs women migrant workers in every receiving country are confronted with same kinds of abuse, including economic, social/psychological, physical and sexual abuse.

Table 2
Abuse on the worksite / Cases advocate by Solidaritas Perempuan / Indonesia

Rape (resulted pregnancy)	8
Physical abuse	26
Disability as a result of physical abuse	2
Sexual harassment	6
Forced into prostitution	2
Sickness without medical treatment	5
Amnesia	1
Imprisonment	8
Sold to other employer	4
Death	6
Lost contact to family (more than 12 month)	21
Withhold and deduction of salary	57
Termination of contract	28
Working long hours	3
Work for more than one employer	2
Being forced to extend the work contract	3
Total	184

Source: LABMI-SP

Kong. 1% of the total population of foreign domestic workers were surveyed in a systematic sample. The survey reached a 95% confidence level. Based on this data a judgment can be made on the actual extent and types of abuse suffered by foreign domestic workers. It also indicates that, in the case of Hong Kong, Indonesian women migrant workers are significantly

Table 3

Types and extend of abuse of FDWs in Hong Kong by nationality (AMC et al, 2001)

Types of abuse	Indonesian	Filipino	Thai
Economic	(%)	(%)	(%)
Underpayment	47,61	0,44	3,35
Less than 4 day-offs per month	61,34	4,8	4,78
Less than 12 statutory holidays per year	63,6	11,09	18,27
Physical and psychological	57,6	31,3	35,3
Sexual abuse	10,1	5,6	9,3

The specific environment in the Gulf states, however, expose women migrant workers more severely to physical and sexual maltreatment, including rape.

Another source of data is Jakarta International Airport / Terminal 3, where arriving and departing Indonesian migrant workers are processed. Migrant workers with premature return are asked about the reasons of their return (problems, sickness, annual leave). This data is computerized and reported to the Ministry of Manpower. This source is different from the one before as migrants are actively asked about their problems overseas. Nevertheless they are pre-selected according to premature return. It is, however, certainly the biggest population of migrant workers where data on abuse is available. The usability has to be assessed.

Table 3 shows another source of data. It is the result of a survey conducted in Hong Kong. It is more vulnerable than their Filipino and Thai counterpart. This is a pattern that is repeated in other receiving countries as the following examples illustrate. In Singapore, according to one research, Filipina domestic worker have either one (34,4%) or two (29,1%) days off, Sri Lankan either one (34,4%) or none (45%), while most Indonesian have none (57,8%)⁴ days. The wage level in Malaysia also depends on nationality: Filipino domestic workers earn an average of 158\$ per month, Indonesians, on the

⁴ Yeoh, 1998

other hand, earn \$92⁵. The fact that migrant workers from different countries working in the same sector are faced with significantly different working conditions – especially in Hong Kong where the minimum terms are determined by the state – raises the question of the influence of the sending countries' policy on this outcome. Thus, in the last part of the paper the migrant workers policy of the Philippines is reviewed in order to illustrate how one of the world largest labour suppliers protect its workers overseas. But first the policy of labour receiving countries are reviewed on protection and potential vulnerability of migrants.

INDICATORS OF VULNERABILITY⁶

Under certain circumstances women migrant workers are potentially more vulnerable than the overall population of workers to abuse and exploitation. The following list covers those situations where higher vulnerability of women migrant workers is identified by a UN specialist group:

- Invalid documentation
- Recruitment of under-age women/girls
- Unauthorized agents
- Inadequate preparation
- Inadequate sources of support
- Inadequate reintegration services
- Inadequate regulations on work conditions

Governmental policies should tackle these areas in order to reduce the potential vulnerability of women migrant workers. These indicators of vulnerability are used as a background of the review of the receiving countries' policies. For this purpose the indicators are grouped into three main areas relevant to the receiving countries: Regulation of labour migration, regulation of employment relation and existing sources of support.

Firstly, regulation of labour migration flow is important as the status of regularity is one of the basic conditions of reduced vulnerability. In the case that migrants are irregular in a country, they aren't protected by law, are less able to seek help – they in every sense more vulnerable. Secondly, the regulation of employment relations, especially of domestic workers, is crucial as it determines the minimum terms and conditions of employment. Thirdly, the existence of sources of support for migrant workers is significant for their protection. This last point goes beyond a strict view on policies related to migrant workers, e.g. what kind of support

For example: Mela / West Java

Mela was 14 years old when she was recruited as an under aged girl, undocumented, without preparation by an un-licensed agency to work as a FDW in Palestine.

Three different employers fired her and sent her back to the agency as soon as she got sick and wasn't able to work. The employers as well as the agent punished her physically for that. Desperate and not knowing what to do when the fourth employer continued to abuse her, she decided to escape and jumped from the 3 floor of the house she was working. Since then she spend more than one year in several hospitals in Palestine as well as Indonesia.

Today Mela is 16 years old, disabled and tied to the bed. (Solidaritas Perempuan)

⁵ Migration News, April 2001, Vol. 8 No. 4.

⁶ United Nations, 1996

facilities are provided for the migrant workers, as question of how many groups of the civil society – religious groups, NGOs etc. – are advocating the migrants’ right or how are migrants themselves able to establish support networks are important.

RECEIVING COUNTRIES POLICIES

Singapore

The main regulatory instrument that exists in Singapore to control the employment of foreign workers is the *Employment of Foreign Workers Act (No. 21 of 1991)*⁷. The act prohibits the employment of foreign workers without valid work permits and creates penalties for employers who do so. It establishes under the jurisdiction of the *Controller of Work Permits* procedures for the granting and termination of work permits. It provides the possibility of a levy on employers who employ certain classes of foreign workers. It enumerates the powers of employment inspectors and list penalties and the jurisdiction of the courts to impose them. Singapore is relatively successful in regulating the inflow of migrant workers, as it is estimated that there are only about 7,500 irregular migrant workers compared with 530,000 regular ones⁸.

The act doesn’t make any stipulations on labour relations and minimum terms and conditions of employment. This is because those migrant workers who are legally employed in Singapore are entitled to the same legal protection as citizen workers: can join unions and are entitled to all the statutory fringe and other benefits, and have recourse to legal remedies against employer who mistreat them⁹. Domestic workers, however, aren’t covered by the Employment Act and other labour statutes.

Ministry of Manpower has issued the *Foreign Domestic Workers Scheme* to govern the employment of foreign domestic workers. This scheme lays down the requirements and procedures for the employment of FDWs. It allows the employment of FDWs from certain countries including Indonesia. It requires the payment of a security bond of S\$5,000 and a monthly levy of S\$375 for the employer. It stipulates that the foreign domestic worker has to undergo a six-monthly medical screening for VDRL, pregnancy and HIV, which if tested positive will lead to immediate repatriation. It sets the minimum age for the employment at 18. It states that the employer is responsible for the workers’ “upkeep, maintenance and welfare”¹⁰, for providing adequate housing and for the cost of workers’ repatriation. Furthermore the employer is required to take out a personal accident insurance policy with a minimum sum of S\$10,000 for the benefit of the domestic worker or her nearest kin. The *Ministry of Manpower* also bans employer who has abused their last FDWs from hiring another¹¹.

⁷ Laws of Singapore are available online: <http://statutes.agc.gov.sg>

⁸ AMC, 2000: 218

⁹ Stalker, 1994: 256

¹⁰ Ministry of Manpower, 2001

¹¹ Asian Migration News, December 2001

In *Employment of Foreign Domestic Workers: A Guide For Employers*¹² published by the *Ministry of Manpower*, the employer is recommended to draw up a employment contract with the foreign domestic worker. The actual content of the contract including minimum terms and conditions of employment, wages, day offs etc. are matters to be negotiated by foreign domestic worker or agency and the employer without government involvement¹³. The way of settling employment disputes is described. The *Ministry of Manpower* has established a free-of-charge conciliation service as well as a help line. This guide also enumerate a list of penalties for different kind of abuses of foreign domestic workers.

A bi-lateral agreement between Singapore and Indonesia on labour migration doesn't exists.

There are relatively few NGOs advocating the rights of migrant workers. Nevertheless, some non-political organisations such as religious groups, ethnical affiliated organisation and provider of welfare services exists¹⁴. The embassy is another source of support, although there is no labour attaché in the Indonesian mission. The FDWs who have day-off – according to the survey 57,8% of Indonesian FDWs don't have day-offs¹⁵ – normally gather together in certain public places depending on their nationality¹⁶. On these occasions the migrants have the possibility to build informal support networks, exchange information etc.

Malaysia

The *Employment (Restriction) Act of 1968 (Act 353) (Revised 1988)* and the *Immigration Act 1959/1963* are the instruments regulating the inflow, stay and outflow of migrant workers. The *Employment (Restriction) Act* stipulates that the employment permit issued for foreign workers is valid only in respect of the particular employment and the employer specified in the permit. It is non-transferable and kept by the person upon whom the permit is issued. Furthermore, the act restricts the source of foreign labour to certain countries and their employment to certain business activities. The *Immigration Act* regulates the entry into Malaysia. It set forth procedures, requirements for different category of persons, restriction of entry, penalties for non-compliance etc.

The *Passport Act of 1966 (Act 150)* is worth noting as it states beyond question that it is an offence for any person to hold the passport of another person. Nevertheless, agents and employers often withhold the passport of migrant workers. Not having documents is one of the most frequent causes of arrest and detention of migrant workers.

All legal migrant workers in Malaysia are entitled to the same legal protection as citizen workers. The only exemption is that they are excluded from the *Social Security Organisation Act 1969 (SOCISO)*. Apart from that, they are covered by the *Employment Act of 1955*, the *Workman's Compensation Act of 1952* as well as the *Occupational Safety and Health Act of*

¹² Ministry of Manpower, 2001

¹³ AMC, 2000: 224

¹⁴ AMC, 2000: 225

¹⁵ Yeoh, 1998

¹⁶ Yeoh, 1998

1994. These acts guarantee legal foreign workers minimum employment rights and benefits, including matters pertaining to payment of wages, termination of contract, hours of work, holidays and other conditions of service as well as provisions for securing the safety, health and welfare. But domestic workers are excluded from all these provisions. They can, however, resort to legal action under the Employment Act in the case of unpaid wages and wrongful dismissal.¹⁷

The Malaysian immigration regulation makes special stipulations on the employment of domestic workers. A apt employer has to be legally married, have children, has a set of household income and has to pay a certain levy for the employment of a domestic worker¹⁸. Foreign domestic workers can be recruited from certain countries and have to be at least 25. As every foreign worker, foreign domestic workers have to possess an employment contract in order to be considered legal. Contract signed overseas don't have to be necessary recognised by the Malaysian state¹⁹. According to a guideline agreed on in the 1996 bi-

lateral agreement with Indonesia the employer must provide accommodation, free electricity, water and one day off a week²⁰. A provision on minimum wage doesn't exist in Malaysia. The contract also makes requirements for a periodic HIV and pregnancy test, which if tested positive will lead to immediate repatriation. A termination of the contract also requires the immediate repatriation of the worker. Furthermore, many domestic workers have to sign a "Statement of Undertaking By A Foreign Domestic Servant", which restricts freedom of association and freedom of movement of workers. Even though this is not a government document, the government doesn't take action to prohibit such restrictive clauses²¹. A consistent system of monitoring and enforcing employment contracts for domestic workers in Malaysia doesn't exist²².

In the case of breach of termination of contract or non-payment of wages the worker may file a complaint to the *Labour Department*. There are a number of problems if a worker decides to do so. Firstly, they are often not able to go out to file such a complaint. Not rarely the employer retain the workers' passport so that worker

Table 4
Cases handled by Tenaganita
(Migrants Desk), 1998 / Malaysia

Type of complaints	
Arrest & detention	40
Unpaid wages	222
Wrongful dismissal	105
Passport withheld by employer	164
Fraud by employer	19
Fraud by agent	11
Accident & insurance	18
Repatriation	141
Assault by employer	48
Work permit not renewed	60
Wrongful deductions	26
Medical	16
Renewal of work permit	58
Total	572

¹⁷ Tenaganita, 1997: 88-90

¹⁸ Jones, 2000: 82

¹⁹ Perrenas, 2001

²⁰ Jones, 2000: 84

²¹ Jones, 2000: 75

²² WAO, 2000: 20

may be arrested as an illegal once they reach the authorities and wants to file their case. The labour department place the burden of proof to the worker. The workers mostly lack the necessary resources or support, making it difficult to prove the case. If they file a case it may take a considerable time until it is settled. During this time the employer can terminate the work permit and revoke their permission to stay. Furthermore, the immigration law doesn't allow the worker to work for another employer during this period. Thus, they are unable to earn their living and are dependent on the help of third parties²³.

Malaysia and Indonesia has entered into bi-lateral agreements regulating labour migration in 1984, 1994 and 1996. The main aim of these two former agreements were to regulate the migration flow into formal channels and certain sectors, and to diminish the extend of irregular migration. Malaysia launched several amnesty programmes for irregular migrants, who could register and obtain a work permit. Complement to the registering and amnesty programme, a programme called Nyah I and II, which sought to crack down on irregular migrants with detention and deportation, was launched. Additionally, recruitment agencies recruiting workers from Indonesia to Malaysia are registered at the Malaysian embassies. The embassy has established a blacklist and ban agencies that have been reported for irregularities and frauds. Despite these campaigns, the number of irregular migrants remain high in Malaysia. It is estimated that 450,000 migrant workers are irregular in Malaysia out of a total of 1,2 million²⁴.

Contrary to the former two bi-lateral agreements, which were not concerned with minimum provisions of employment²⁵, the 1996 bi-lateral agreement between Malaysia and Indonesia on the employment of FDWs makes stipulations on the cost of recruitment and deployment of domestic workers as well as lays down guidelines for the employment of foreign domestic workers²⁶.

There are relatively few NGOs in Malaysia working on migrant issues. The migrants themselves are also not very organised. The Indonesian embassy in Malaysia, however, has a Labour Attaché in charge of labour issue. The embassy can provide temporary shelter and advocate the worker on a bi-lateral level. According to NGO migrant workers are reluctant to seek help from the Embassy, especially if they are irregular.

Hong Kong Special Administrative Region (HKSAR)

Hong Kong has a strict immigration regime for migrant workers. Only a selected number of industries are allowed to import labour under strict quotas²⁷. The government is able to successfully monitor the migrant population. Thus, there is a very small percentage of irregular migrants in Hong Kong. The entry of migrant workers to work as foreign domestic workers is

²³ WAO, 2000: 20

²⁴ Migration News, Vol. 9, No. 3, March, 2002

²⁵ Krisnavati, 1997

²⁶ Jones, 2000: 84

²⁷ AMC et al, 2001a: 14

monitored by the *Immigration Department*. There is neither a quota nor a levy on the employment of domestic workers. The guideline for the employment as foreign domestic workers enumerates the requirements for such an employment²⁸: the employer has to be a resident of Hong Kong, without criminal records and capable to offer the terms and conditions of employment regulated by the law; the employee must be experienced (at least two years work experience), medically examined and without criminal records.

All migrant workers are entitled to the same rights and obligations as local employees²⁹. They are protected by the labour law and enjoy minimum wage provisions. No discrimination between domestic and foreign workers is allowed. Contrary to the policies of Singapore and Malaysia foreign domestic workers are covered by these provisions as well³⁰. The government strictly requires and is able to enforce a standard employment contract for the employment of foreign domestic workers, which is the same for all workers. It is the only contract that is accepted by the *Immigration Department* for an visa and work permit application and has to be notarised by the relevant Consulate in Hong Kong. This contract is covered by Hong Kong's laws, in particular, the *Employment Ordinance* (Cap. 57), the *Immigration Ordinance* (Cap. 115), and the *Employees Compensation Ordinance* (Cap. 282)³¹. The *Employment Ordinance*

defines not only the benefits and entitlements of workers it also provides maternity and trade union protection. The contract itself makes provisions on duties and wages (currently HK\$3,670 or US\$470), rest days, statutory holidays and annual leave, compensation for injury and sickness allowance, provision for basic amenities and conditions for termination of contract by either or both parties.

The *New Conditions of Stay* of 1987 enumerates the conditions under which the FDWs reside in Hong Kong. This includes restrictions on the shift of employer without approval of the *Immigration Department*, a general prohibition of shifting to other non-domestic work jobs, disqualification to gain permanent residency status and to

Indonesian Migrant Workers Union

Around 1,200 FDWs from Indonesia among the 50,000 working in Hong Kong are organised in the *Indonesian Migrant Workers Union*. The unions was registered in 1999 and also recognised by the Indonesian Embassy as the representatives of migrant workers interest.

Despite the isolated work situation, Indonesian FDWs could be organised through the fact that many FDWs gather together in public places like the Victoria Park on their day-offs. On these occasions NGOs could inform and organise migrant workers that led to the establishment of migrant workers union.

The union is completely run by Indonesian FDWs on a volunteered basis. Besides campaigning for their interest, the union conducts skill training, empowerment training and advisory service to its members.

²⁸ Website: <http://www.info.gov.hk/immd/english/welcome/index.htm>

²⁹ Fu-Wah, 2000: 131

³⁰ AMC, 2001: 170

³¹ Villalba, 1997: 144; laws of the HKSAR are online available: <http://www.justice.gov.hk/Home.htm>

bring family members. The regulations states that the employment contract can be arbitrary terminated by either party and upon the termination FDWs have only 2 weeks to legally stay. Furthermore, it prohibits FDWs with terminated contracts and pending cases to seek new employment during the entire period.³²

All migrant workers can access Hong Kong's legal system, e.g. for criminal, labour or any other cases. Migrant worker also have the right to seek assistance from government-funded organizations such as the *Legal Aid Department*. The *Home Affairs Bureau* has mass produced and distributed for free a handbook for domestic workers that outlines basic information about legal, labour and immigration policies, migrants basic rights, and NGO, consular, government services that are available to migrants. The text was translated into 6 languages. All in all, Hong Kong has a well institutionalised and develop legal system, service mechanism and effective bureaucracy which provide a well-defined channels for redress of FDW grievances³³.

There are many NGOs advocating the rights of migrant workers, providing temporary shelter, legal advice, welfare services etc. Additionally migrant workers including domestic workers are allowed to form migrant workers union that are protected by the Trade Union Ordinance. The Indonesian foreign mission doesn't have a labour attaché. According to a NGO activist working in Hong Kong, the mission is corporative and tries to work together with migrant worker groups. Despite the variety of support sources, most migrant workers first seek help from the employment agencies if they encounter problems.

Gulf states – Saudi Arabia, UAE

All Gulf countries have drawn up regulations and laws concerning the recruitment, employment and repatriation of migrant workers. The laws are aimed at a system of control over the in- and outflow of migrant workers as well as their activities during their stay in the country. According to Spaan³⁴ the legislation of the Gulf countries concerning these aspects of the migratory process are very similar. They make stipulations on visa and work permit, medical examination, duration of permits, repatriation upon finish of contract, restriction of the change of employer etc. (See e.g. The *Ministerial Degree No. 360* of UAE³⁵). In all Gulf countries the government set the legal framework for recruitment and employment of foreign workers. The day-to-day execution and control is, however, passed to immigrants' sponsor or agent, the *Kafeel*. Migrants normally deal with government agencies though these sponsors³⁶. The Gulfs states have considerable problems with irregular migrant workers. They tackle this problem with a amnesty programmes, prosecution, detention and deportation of the workers. In 1998 and 1999 Saudi Arabia has repatriated 1,658,831 irregular migrants. In the same

³² AMC et al, 2001: 16

³³ AMC, 2001 et al: 15

³⁴ Spaan, 1989: 77

³⁵ The law is available online: www.dnrd.gov.ae/english/articles_e.htm

³⁶ Migration News, April 2001 Vol. 8 No. 4

period 875,448 illegal aliens have been allowed to get their residence permits by transferring their sponsorship to companies and individuals they have been working with³⁷.

Labour laws are generally not applied to foreign domestic workers. The labour law of Saudi Arabia and the *Federal Law No. 8 of 1980* of UAE, for instance, exclude domestic workers from their provisions. Employment conditions for domestic workers are not regulated by the governments. There is no regulation on minimum wage³⁸. Thus foreign domestic workers are highly dependent on the goodwill of employers and recruitment agent. The bargaining power is further diminish as most employer request the travel documents of the migrant workers upon employment. The official ways of settling disputes, when negotiation between employer and employee had failed, is to refer the case to the local courts or Ministry of Labour and Social Affairs. According to Spaan³⁹, this way of settling dispute is mostly disadvantageous for the foreign workers because they are in less favourable position due to their ignorance of local procedures and language. Additionally, the procedures are often time consuming and expensive. Embassies can normally only assist by providing an interpreter.

Sources of support for migrant workers in general and for foreign domestic workers in particular is very limited. Especially foreign domestic workers live and work in a situation of severe isolation as the local custom broadly restrict their freedom of movement. There are not seldom locked in the house and can go out only in company of an employer. Thus, it is very difficult for these workers to establish any support network or gain access to support groups or embassies. Migrant workers generally can't join unions. Public meeting are prohibited and associations are only legal when they perform a social function⁴⁰. Consequently, there are hardly any independent NGOs advocating the right of migrant workers. The Indonesian embassy in Saudi Arabia is one of two missions that has a Labour Attaché. According to a member of Solidaritas Perempuan who visited Saudi Arabia in 1999 the Indonesian embassy is filled with up to 100 migrant workers who ran away from the employer. Some have been staying in the embassy as long as one year waiting for their cases. Persons with pending cases aren't allowed to leave the country. The difficulty of foreign mission operating in Saudi Arabia is highlighted through a case where a welfare center sponsored by the Philippine government was closed down because the Saudi Arabian government thought that providing shelter to runaway migrants constitutes foreign intervention in their internal affairs⁴¹.

There are no bi-lateral agreements between Indonesia and the Gulf states except with Kuwait.

³⁷ Asian Migration News, May 2000

³⁸ Stalker, 1994: 244.

³⁹ Spaan, 1989: 80

⁴⁰ Spaan, 1989: 75

⁴¹ Perrenas, 2001

SENDING COUNTRY

Philippines

The main legal instrument regulating the issue of migrant workers is the *Republic Act No. 8042 (RA 8042)* – commonly known as the *Migrant Workers and Overseas Filipinos Act of 1995*⁴². This act provides a wide range of measures for the protection of migrant workers. Section 2 of the act states that the state doesn't promote overseas employment as a mean to sustain economic growth and national development. It recognises the particular vulnerability of women migrant workers and the necessity of gender sensitive criteria in formulation and implementation of policies and programmes. It sees the possession of skill as the ultimate mean for the protection of migrant workers. Section 4 establishes that the state will only deploy workers to countries where their rights are endured through existing labour and social laws, bi-lateral agreements, international conventions etc. Part II defines and set forth penalties for illegal recruitment of migrant workers. Part III establishes government services to assist migrant workers, including *Emergency Repatriation Fund*, a *Re-placement and Monitoring Center* with the function of reintegrating returning Filipinos into the economy, a *Migrant Workers and other Overseas Filipinos Resource Center*, and a shared *Government Information System for Migration*. Part V creates a position within the Department of Foreign Affairs of a *Legal Assistant for Migrant Workers* and establishes a *Legal Assistance Fund*, both with the purpose of rendering aid to Filipinos on distress abroad.

The government agencies that are mainly involved in the provision of welfare and protection are: a) *Department of Foreign Affairs* through its foreign mission, b) the *Department of Employment and Labour* mainly through the *Philippine Overseas Employment Administration (POEA)* and the *Overseas Workers Welfare Administration (OWWA)*. The POEA is in charge of with: a) processing of employment contracts (the contract must conform with the set minimum standards), b) accreditation of principals, c) approval of job orders, d) licensing and regulation of agencies, e) adjudication, f) welfare services, g) issuance of Overseas Employment Clearance for all overseas contract workers⁴³. The OWWA provides social and welfare provisions for migrant workers, including insurance coverage, legal assistance, placement assistance, remittance service, reintegration programs.

A set of policies of *RA 8042* are geared toward the particular indicators of vulnerability discussed in the previous section.

Pre-departure preparation

Sec. 14 of *RA 8042* requires embassies and consular offices, through the POEA to issue travel advisories or disseminate information on labour and employment conditions, migration realities etc. This information should be published in a newspaper of general circulation three times every quarter.

⁴² The law is available online: http://www.poea.gov.ph/html/RA_8042.html

⁴³ Maria, 1997: 75

The POEA conducts *Pre-employment Orientation Seminars* (POES). These optional seminars give information on rules and procedures for overseas employment. This program is linked up with two groups of institutions. The first group includes church based organisation and the *Local Government Units* (LGUs). The second group is composed of schools and universities. These seminars are optional and have the aim to eliminate illegal recruitment and give the prospective migrants a better ground on which they can make the migration decision⁴⁴.

The obligatory *Pre-departure Orientation Seminar* (PDOS) are conducted by private agencies, NGOs as well as by the POEA and the regional offices of OWWA. These seminars deal with the right of migrant workers under their contract, receiving countries profile, obligation as workers, coping mechanism, survival tips and available support networks from the government and NGOs.⁴⁵

Illegal Recruitment

The *RA 8042* enumerates what is considered as illegal recruitment. Illegal recruitment can be conducted by licensed agencies as well as illegal recruiters. It includes basically every act that is not in accordance with the legal procedures. The act has raised the penalties and criminalized illegal recruitment. Under certain circumstances it can be considered as economic sabotage and is penalised with life imprisonment. The act seeks to tackle illegal recruitment through surveillance and prosecution, legal assistance of victims as well as information and educational campaigns. Additionally, the act establishes the *Migrant Workers Loan Guarantee Fund* that provides, among others, pre-departure loans. This fund has the aim to prevent sponsors, brokers or money lenders to take advantage of prospective migrants without the financial means of going overseas.

Recruitment agencies

Private recruitment agencies are licensed under the rule of the *Labour Code* of the Philippines. They are licensed, regulated and monitored by the POEA. The *RA 8042* establishes that recruitment agencies and their foreign principals, who are accredited by the respective foreign mission of the Philippines, are jointly and solidarily liable for claims and damages. This liability covers the entire period of an employment contract.

Recruitment of domestic workers

The POEA has established a separate administrative structure for deployment of domestic workers, as they are considered as a category of vulnerable workers. All domestic workers departing must be over 25 years old, trained and certified as domestic workers, proficient in English or the language of the host country. All domestic workers departing for overseas employment are processed by the *Central Processing Unit For Service Workers*. This unit is also responsible for the accreditation of foreign placement agencies and employers recruiting domestic workers. Only foreign placement agencies that are licensed by the labour office of

⁴⁴ AMC et al, 2001: 81

⁴⁵ Maria, 1997: 75

the host country are granted accreditation. The POEA sets minimum requirements for the employment contract that has to be registered and authenticated by the embassy.

Source of support

RA 8042 establishes the *Migrant Workers and other Overseas Filipinos Resource Centre or Labour Centre* in countries with more than 20,000 Filipino workers. These centres are staffed with a minimum of four personnel composed of a Labour Attaché, Foreign Service Personnel, Welfare Officer, Centre Coordinator and if necessary an interpreter. In countries that are categorised as highly problematic the centre is additionally staffed with a lawyer and a social worker. The centres provide among others the following services: counselling and legal service, welfare assistance including procurement of medical and hospitalisation services, information, advisory program to promote social integration, registration of undocumented workers, human resource development, gender sensitive programs, orientation program for returning migrants, monitoring of daily situation and conciliation in disputes. These centres according to the act should be operating on a 24-hours basis, including Saturdays, Sundays and holidays.

The act additionally establishes the *Legal Assistance Fund* to cover all cost that may arise in any disputes in which Filipino migrant workers are involved if they don't have sufficient means to cover the cost. Migrants have to pay back the loans but without interest. An *Emergency Repatriation Fund* is also established to cover the cost of repatriation of workers if necessary.

Re-integration

Labour Centres provide migrant workers with orientation seminars and skill development for migrant workers. The seminars seek to prepare workers for their return and develop skills that can be used to seek employment at home. The act also establishes a *Re-placement and Monitoring Centre*. The centre seeks to find mechanism through which migrants can be re-integrated into the society. It does so for example through the development of livelihood program and projects for returning migrant.

Bi-lateral agreements and Memorandum of Understandings

The Philippines has bi-lateral labour agreement with the following countries: Commonwealth of Northern Mariana Islands (1994), Papua New Guinea (1979), Kuwait (1997), Qatar, (1981, 1997), Jordan (1981, 1988), Iraq (1982), Libya (1979). It has also signed Memorandum of Understanding on Manpower, Economic, Commercial, Trade and Technical Cooperation / Joint Commission / Special Hiring with: Brunei (1999), Taiwan (1999), Malaysia (1993), Federal State of Micronesia (1989), Bahrain (1997), Israel (1997), Kuwait (1997), Oman (1997), Saudi

Wages of Filipino domestic workers in Singapore

Wages of FDWs in Singapore are not regulated by the state and no minimum level is set. The free-market produces a wage level in the range of US\$ 140-160. The Philippines, however, set the minimum wage for domestic workers bound for Singapore at US\$200. Realizing the problems arising from the conflicting laws, and unable to reach a bi-lateral agreement on governmental level, the *Philippines Overseas Employment Authority* (POEA) negotiated a deal with private employment sector of Singapore. An agreement had been reached and a minimum wage of S\$300 has been set for FDWs from the Philippines. (Wong, 1997)

Arabia (1994).⁴⁶ These agreements set down standards and minimum provisions for the employment of Filipino workers.

ANALYSIS AND CONCLUDING REMARKS

The analysis of the receiving countries policy is done according to the 3 specified areas.

Firstly, every country examined has set up regulation, restrictions and procedures to receive foreign migrant workers. These policies have been reviewed in the previous section. Hong Kong and Singapore are the countries that successfully enforce their regulation. This can be judged from the relatively small number of irregular migrant workers in both countries. The problem of irregularity is more severe in Malaysia as well as the Saudi Arabia and UAE. These three countries tackle the problem with a combination of regularisation, amnesty periods and detention and expulsion of migrant workers as well as high fines on employers and persons who shelter irregular migrants. Nevertheless, the repetition of amnesty and regularisation programmes, raids etc. and the remaining stock of irregular migrants indicate the unsuccessful attempt of these countries to curb the problem. Thus, the number of workers in a status of irregularity, which also means higher vulnerability, is higher in these countries.

The second area of concern are work-related regulations. The focal point here is the situation for foreign domestic workers. In all examined countries, with the exception of Hong Kong, the employer-domestic worker relation is not covered and thus unprotected by the provisions of labour laws. Consequently, the contract is the only means by which the employer is legally bound to the employee to certain terms and conditions. The terms and conditions of employment itself is widely a matter of 'negotiation' between employer and employee. Singapore and Malaysia issue guidelines for the contract. Only in Hong Kong does the state enforce a standard employment contract for all FDWs, where provisions on minimum wage, working hours, day offs etc. are stated. The unregulated environment in most countries exposes them to exploitative conditions, including low payment, long working hours, no rest days etc.

In the case that the terms and conditions in the contract are breached, foreign domestic workers can seek redress in all countries. But if they decided to do so, they are confronted with many obstacles. They may have difficulties to be able to go and file a case as their freedom of movement is restricted (e.g. Saudi Arabia). Once they file the case the employer is able to terminate the contract and thus terminate their permission of stay (e.g. Hong Kong, Malaysia). If their contract is terminated and they have a case pending they are not allowed to seek new employment (e.g. Hong Kong, Malaysia). Thus they will face the problem of financing the daily living not to mention the process cost and are so dependent on the help of third parties.

The third important area is the existence of support sources and networks. These also vary widely between the examined countries. The most favourable situation exists in Hong Kong, while the worst is in Saudi Arabia and UAE. In neither of the countries examined does the state

⁴⁶ AMC et al., 2001: 105-106

provides special sources of support, which could be migrant centres, subsidised language courses etc., for migrant workers. They have, however, access to the general public service, such as from the *Legal Aid Department* in Hong Kong. Support sources and networks are strongly dependent on groups of the civil society, who advocate migrants right and welfare, embassies of the sending countries and the ability of the migrants themselves to build support networks.

In Hong Kong there are many civil society groups advocating the right of the migrants and migrants are themselves organised. In cases where the government seeks to change regulations against the interest of FDWs, these groups are able to campaign against such changes. The favourable conditions in Hong Kong includes the guaranteed rights of FDWs by law, consequently the lesser extend of isolation (especially through day-offs), the possibility to group together in bigger number due to the small size of Hong Kong and relatively large number of FDWs. Under this circumstances the workers are not only able to form informal but also formal networks with fellow FDWs. Additionally, they can be better advocated by NGOs and can get access to services provided by the embassies. In Singapore and Malaysia this conditions are less favourable as FDWs have less rights, are more isolated and have less groups advocating their interests. Nevertheless, in Singapore their exist the same pattern of FDWs grouping together in certain public places on their day-off. This at least allow them to form networks and exchange information. The worst situation exist in the Saudi Arabia and UAE, where FDWs are severely isolated and there are practically no groups advocating rights and welfare of migrants, leaving embassies to be last support source.

From the analysis of these three factors it can be concluded that FDWs are least protected and thus more vulnerable in Saudi Arabia and UAE. Conditions are better in Malaysia and Singapore. The comparatively best situation exists in Hong Kong.

The survey of FDWs in Hong Kong indicates that migrant workers from different countries working in the same sector under the same policy regime are faced with substantially different conditions. One of the factors that contribute to this outcome is certainly the sending countries policy on the protection of their workers overseas. Migrants from the Philippines are comparatively better-off than their counterparts from other countries. The Philippines has enacted a law that seeks to comprehensively protect rights and welfare of migrant workers throughout the process of migration. The particular better conditions of Filipino foreign domestic workers in receiving countries can be addressed to 4 main points.

Firstly, the POEA set up certain requirements for women who want to work as a foreign domestic worker including restriction on age (25), requirements on qualification and language proficiency. They have to under go a pre-departure educational and preparation programmes similar to the foreign domestic workers from the Indonesia. The Filipinos, nevertheless, according to Hugo⁴⁷, get more substantial and detailed information, e.g. about their right under the employment contract etc., so that they are overall better prepared and empowered for employment overseas.

⁴⁷ Hugo, 2000: 29

Secondly, the review of receiving countries' policy has shown that the employment contract is the only mean by which the employer is legally bound to the domestic worker. The terms in the contract builds the base on which foreign domestic workers can make claims. Thus the POEA seeks to ensure certain standards for the contract of domestic workers. It does so by centrally process FDWs and by requiring the employer to register, sign and authenticate the employment contract with the foreign mission of the Philippines.

Thirdly, the Philippines seeks to ensure the protection of its workers overseas through bi-lateral agreements. It has done so with a large number of countries. In cases where the receiving countries is not willing to co-operate, it tries to find alternative arrangements such as has been done in the case of Singapore.

Lastly, the Filipino *Labour Centres* in major receiving countries are required by the *RA 8042* to assists their nationals. They do so not only by providing reactive help for migrants workers already in distress, including services such as legal assistance, dispute counselling, temporary shelter etc. Besides this the Labour Centres also provide proactive means including welfare and information services such as information for arriving migrants and returning migrants, human resource development, reintegration preparation, cultural and sport programmes. This service not only empowers the worker and enhance their skills, it also provides a possibility for workers build networks with fellow migrants. This is especially important in countries like Saudi Arabia where there are few possibility for the migrants to do so.

The review of the receiving countries policy has shown that the situation in the receiving countries are not very favourable, especially not for women migrant workers. Nevertheless, government policies and the enforcement of these policies can make a difference, as varying situation of migrants from different countries indicates. The policies of the Philippines – if not perfect – is certainly a useful guideline for policy makers of other countries to enhance the protection of their nationals.

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INTERVIEW

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Receiving countries policies on migrant worker

Policies	Singapore	Malaysia	Hong Kong	Gulf states (Saudi Arabia, UAE)
Regulation on labour migration	<ul style="list-style-type: none"> • <i>Employment of Foreign Workers Act</i>: regulation on work permit, employment levy, establishment of control organs and penalties on employment of irregular migrants. • The <i>Foreign domestic Workers Scheme</i> lays down procedures for employment of FDWs, set level of levy and security bond. • Requirements on periodical medical and pregnancy examination. • Low level of irregular migration 	<ul style="list-style-type: none"> • <i>Employment (Restriction) Act</i>: regulation on work permit (specific employment, employer, non-transferable), restriction on the sources of labour to certain countries and the employment of foreigners to in certain economic sectors. • <i>Immigration Act</i>: regulation on entry of foreigners; set forth requirements, procedures, restrictions, penalties. • Large number of irregular migrant workers. 	<ul style="list-style-type: none"> • Immigration Act: set guideline for the recruitment and employment of FDWs. • New Conditions of Stay 1987: list of conditions under that FDWs stays in Hong Kong (requirement for approval for shifting employer, prohibition of shifting job category, arbitrary termination of contract, exclusion from right for permanent residency). • Small number of irregular migrant workers. 	<ul style="list-style-type: none"> • <i>Ministerial Decree No. 360 / UAE</i>: regulation on entry of foreigners, procedures, issue of visa and work permit, medical examination, repatriation. • Large number of irregular migrants.
FDWs protection under the labour law	<ul style="list-style-type: none"> • Migrants are covered by the labour law. • Domestic workers, foreign as well as local, are excluded from these provisions. 	<ul style="list-style-type: none"> • Migrant workers are covered by labour laws: <i>Employment Act, Workman's Compensation Act, Occupational Health and Safety Act.</i> • Domestic workers, foreign as well as local, are excluded from the provisions. • Can file case under the Employment act in the case of unpaid wages and wrongful dismissal. 	<ul style="list-style-type: none"> • Migrant workers, including foreign domestic workers, are covered by labour laws. 	<ul style="list-style-type: none"> • Foreign domestic workers are not covered by the labour laws of both countries.
Employment contract for FDWs	<ul style="list-style-type: none"> • No standard employment contract, or minimum terms and condition of employment is stipulated by the state. • <i>Foreign domestic workers scheme</i> requires employer to issue a accident insurance. • MOM issues guideline for the employment of FDWs. 	<ul style="list-style-type: none"> • No standard employment contract, or minimum terms and condition of employment is stipulated by the state. • Under the <i>Immigration Act</i> special stipulations on the employment of FDWs. • Guideline for the employment contract. 	<ul style="list-style-type: none"> • Hong Kong issues a standard employment contract that makes stipulations on duties, minimum wage, day-offs, holidays annual leave, compensation for injuries, provision of basic amenities. 	<ul style="list-style-type: none"> • No regulation on contract
Sources of support	<ul style="list-style-type: none"> • Few NGOs • No Indonesian labour attaché • Free public conciliation service • Networking on day-offs 	<ul style="list-style-type: none"> • few NGOs • Indonesian Labour Attaché 	<ul style="list-style-type: none"> • Many NGOs • FDWs organised, e.g. Indonesian Migrant Workers Union • No Indonesian Labour Attaché 	<ul style="list-style-type: none"> • Very limited, few church groups. • Indonesian Labour Attaché
Bi-lateral agreement	<ul style="list-style-type: none"> • No bi-lateral agreement with Indonesia 	<ul style="list-style-type: none"> • Bi-lateral agreement in 1984, 1994 and 1996 	<ul style="list-style-type: none"> • No bi-lateral agreement with Indonesia 	<ul style="list-style-type: none"> • No bi-lateral agreement
Others	<ul style="list-style-type: none"> • Repatriation if pregnant or tested positive of HIV, VDRL 	<ul style="list-style-type: none"> • Repatriation if pregnant or tested positive for HIV • During a case not allow to seek new employment 	<ul style="list-style-type: none"> • During pending cases FDWs not allowed to seek new employment. 	<ul style="list-style-type: none"> • FDWs are highly isolated